

Small Town People Plead with Madison Lawmakers Not to Roll Back Local Protections

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People from western Wisconsin travelled to Madison last week to testify against Senate Bill 349, a bill that rolls back locals' ability to protect their citizens. Many local elected officials also came to testify against the bill and expressed serious concerns about the chipping away of local control.

MADISON - "Our aim when drafting the ordinance was not to stop mining in the Town of Cooks Valley but to protect the health, safety and welfare of the citizens of our town," said Town Clerk Victoria Trinko.

She recently testified at a public hearing about Senate Bill 349, a bill to roll back locals' ability to protect citizens.

The bill, introduced by Senator Tiffany, would overturn a unanimous 2012 Supreme Court decision supporting a local ordinance to protect the health and safety of residents residing in the Town of Cooks Valley in Chippewa County.

Specifically at issue is the ability of local government to pass an ordinance to protect citizens from frac sand mining. Cooks Valley is an unzoned township. The town followed the law and adopted local police powers that gave them authority to enact a frac sand mine ordinance. Senator Tiffany's bill would take this power away.

But SB 349 goes much farther. It takes away any ability of counties, towns, cities or villages to protect health and safety with regard to water, air and blasting unless this authority is expressly given to locals in another part of the law. The bill strikes down part of the law granting police powers and home rule as authority for sand mine ordinances. If the bill becomes law, it would prohibit local rules related to not only protecting but even monitoring air or water.

It became clear during the hearing that eliminating local power to protect health and safety was the intention of the bill.

Wisconsin Manufacturers and Commerce (WMC) testified in favor of the bill. The group said local rules to protect the environment, health or community “simply add confusion and stifle responsible growth and business.” WMC’s lobbyist testified local standards were “based on political not health” concerns.

In sharp contrast, Ms Trinko from Cooks Valley listed by date the environmental problems with the Chippewa Sands mine located a half-mile away from her home. She spoke of dust billowing from the mine. Over a year period she was diagnosed with asthma and installed expensive home air filtration. She said she must “wear a protective mask when I am outside for any length of time.” While on vacation her symptoms completely disappeared only to reappear when she returned home.

Health and safety is also a worry of residents near Arcadia in Trempealeau County. Representative Danou joined me to testify about concerns we’ve heard from many constituents. The residents, including many children, living in two subdivisions are surrounded by five sand mines within five miles of their homes. These residents expressed so much anxiety to the Trempealeau County Board that supervisors unanimously passed a one-year moratorium against further sand mines and ordered air monitoring to be done near the mines and the subdivisions.

In my discussions with legislative attorneys, I learned if SB 349 becomes law, it is likely the Trempealeau Country moratorium could be overturned and monitoring could be stopped.

The state should not tell locals to stick their heads in the sand when the life-long health of children is at stake.

Over 100 citizens got up at dawn to travel from western Wisconsin to testify at the hearing. They listened all day as lobbyists- none who lived near the mines- spoke about the benefits of the bill. Many locals testifying against the bill were forced to wait until late to testify - by that time folks riding the bus had to leave.

One traveler was Nan Horton from Ettrick. She was prepared to tell the committee the bill “ignores the need for citizens to have a voice in decisions affecting their own health, safety, property values and general welfare.”

Similarly, Heather Anderson from Chippewa County wanted to ask, “Who has spoken to the parent who set a birthday party picnic table only to find the plates were dusted with sand in a short period and had to bring the picnic inside?”

Shortly after the hearing, Senator Dale Schultz released a statement declaring, “After hearing from constituents and listening to local elected officials in my district I cannot support Senate Bill 349.”

I urge more lawmakers to listen to their constituents and do the same!

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