

PROTECTING AMERICAN
TAXPAYERS FROM IRS SEIZURES

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. McKEON. Mr. Speaker, I rise today to introduce important legislation to protect American taxpayers from wrongful and unnecessary IRS seizures.

My bill creates an independent panel of tax attorneys, certified public accountants, and enrolled agents to review all proposed IRS seizures. This panel would determine whether there are more appropriate means of collecting the unpaid taxes and will ensure that IRS agents have complied with the regulations related to seizures. Without approval of a majority of the panelists, IRS agents will not have the ability to place levies on taxpayers' homes, salaries, or assets.

In January, I held IRS forums in my district and was shocked to hear the horror stories in the testimonies of my own constituents. One after the other, stories of unwarranted pressure and direct intimidation of IRS agents were told, many of which included cases of seizures. In several situations, the agents also failed to adhere to established rules and regulations. Clearly, greater oversight of this abusive IRS practice is critical, and I have introduced this bill in response to the disturbing experiences many of my constituents have endured.

We have all witnessed the alarming stories of our fellow Americans before the Senate Finance Committee this fall. It was evident that in many cases levies and seizures have favored devices used to measure employee performance for status and promotion purposes, not for the interest of the taxpayer. More often than not, IRS agents have been pushed by their superiors to initiate more seizures to achieve promotions within the agency. As a result of new IRS procedures, the same superiors are now responsible for directly approving seizures for unpaid federal taxes.

Nearly 80% of Americans feel that the IRS has too much power. And while taxpayer rights are beneficial in many ways, they often do not go far enough. Without the means of enforcing these rights, the IRS will retain much of its power and American taxpayers will be forced to tolerate more abuses by the IRS.

Mr. Speaker, with this bill, Congress can respond to the problems the IRS has with seizures and levies that have ruined the lives of a great number of American taxpayers. The independent panel created in this bill will make the IRS accountable by stopping questionable seizures before they occur.

INTRODUCTION OF THE FARM SUSTAINABILITY AND ANIMAL FEEDLOT ENFORCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MILLER of California. Mr. Speaker, today I introduce legislation to address the most important source of water pollution facing our country—polluted runoff. A major compo-

nent of polluted runoff in many watersheds is surface and ground water pollution from concentrated animal feeding operations (CAFOs), such as large dairies, cattle feedlots, and hog and poultry farms. Under current Clean Water Act regulations, CAFOs are supposed to have no discharge of pollutants, but as a result of regulatory loopholes and lax enforcement at the state and federal levels, CAFOs are in reality major polluters in many watersheds. My bill, the Farm Sustainability and Animal Feedlot Enforcement (Farm SAFE) Act addresses these deficiencies. I hope my colleagues will join me in trying to address this significant threat to water quality and human health.

Included for the RECORD is an article from the San Francisco Chronicle describing water quality problems caused by dairies in the San Joaquin Valley of California. Contaminants associated with animal waste have also been linked to this summer's outbreak of Pfiesteria in Maryland and the death of more than 100 people from infection by cryptosporidium in Milwaukee. Although considered point sources of pollution under the Clean Water Act, little has been done at the federal or state levels to control water pollution from CAFOs.

In recent years, many family farms have been squeezed out by large, well capitalized factory farms. Even though there are far fewer livestock and poultry farms today than there were twenty years ago, animal production and the wastes that accompany it have increased dramatically during this period. And although farm animals annually produce 130 times more waste than human beings, its disposal goes virtually unregulated.

Farm SAFE will require large livestock operations to do their part to reduce water pollution. The bill will lower the size threshold for CAFOs, substantially increasing the number of facilities that will have to contain animal wastes. It will require all CAFOs to obtain and abide by a National Pollution Discharge Elimination System (NPDES) permit. The bill improves water quality monitoring, recordkeeping and reporting so that the public knows which CAFOs are polluting. Farm SAFE addresses loopholes in the current regulatory program by requiring CAFOs to adopt procedures to eliminate both surface and ground water pollution resulting from the storage and disposal of animal waste. The bill also directs EPA, working with USDA, to develop binding limits on the amount of animal waste that can be applied to land as fertilizer based on crop nutrient requirements.

This legislation will restore confidence that we can swim and fish in our streams and rivers without getting sick. It will do much to address our number one remaining water pollution problem—polluted runoff. I hope the House will join me in the effort to clean up factory farm pollution.

[From the San Francisco Chronicle, July 7, 1997]

PAGE ONE—IN CENTRAL VALLEY, DEFIANT DAIRIES FOUL THE WATER

(By Elliot Diringer, Chronicle Staff Writer)

Central Valley dairies routinely defy pollution laws—fouling rivers and groundwater with waste from their cows—and state regulators say there is little they can do about it.

California is now the nation's leading dairy state, and most of the cows are in the Central Valley, creating as much natural waste as a city of 21 million. Yet the state agency

that is supposed to make sure they don't pollute the water has just one man on the job.

There is no telling how many miles of creek are being ruined, or how much drinking water could be lost to contaminants spreading silently underground. Regulators themselves are the first to admit that the situation is going from bad to worse.

While dairy herds keep growing, officials at the Central Valley Regional Water Quality Control Board say that most of the valley's 1,600 dairies have never been inspected and that probably fewer than half follow the law.

"Individually and cumulatively, (dairies) pose a significant threat to surface and groundwater," concluded a 1995 report to the board urging a sixfold increase in regulatory staff.

"We were barely scratching the surface," said Larry Glandon, a dairy inspector who has since retired, leaving just one. "We knew it. Everybody knew it."

The unchecked pollution attests to the considerable muscle of California's leading agribusiness.

Statewide, a million-plus cows churn out \$3 billion worth of milk and cream a year, nearly twice the earnings of the state's No. 2 crop, grapes. In the past six years, dairy groups have contributed more than \$700,000 to state election campaigns, most of it to incumbents in the Legislature.

"Dairies have been rather untouchable," said Glandon, who was with the board for 16 years. "They have a lot of political significance in Sacramento. It's kind of understood."

Some dairies do their best to contain their wastewater—a rich brine of manure, urine and water that is supposed to be stored in a leak-resistant lagoon, then used to irrigate crops.

The idea is to recycle the wastes right on the farm. As long as there is enough cropland, and not too many cows, potentially harmful nutrients in the wastewater can be captured by the plants. In the right quantities, the nutrients don't harm the crops, but help them grow.

But all too often, regulators say, there are too many cows or not enough crops. Then, dairies simply let their wastes overflow—onto neighbors' fields, into roadside ditches, into creeks that feed rivers already degraded by other pollutants.

Perhaps a greater worry, they say, are findings not yet released suggesting a steady but invisible poisoning of water underground.

Industry spokesmen deny that violations are widespread.

"If they're saying they don't have the staff to go out and monitor, how can they make the statement that half are not in compliance? I question the accuracy of that statement," said Gary Conover of Western United Dairymen, the state's biggest dairy lobby.

"Over the last 20 years, the industry has come a long way to meeting its obligations under the law," Conover said. "I think all in all, the dairy has done a very good job of controlling their wastes."

Yet some dairy owners readily concede that in the grueling seven-day-a-week business of raising and milking cows, what's coming off the back end of the dairy is often little more than an afterthought.

"There's no way with the price of milk we get that we can afford to meet these rules," said one. "If they made all dairymen in California do that, I think milk prices would skyrocket."

The real problem, insist regulators, is power and money.

In 1988, when the Legislature set annual waste fees for factories, sewage plants and other dischargers, dairies were granted an