

exemption. Instead, they pay a one-time fee of no more than \$2,000. As a result, there is little in the budget for regulating them.

In the years since, the volume of waste has kept growing as dairies relocate from fast urbanizing Southern California or try to boost profits with bigger herds. Last year, there were 891,000 milk cows and heifers in the valley, up 42 percent from a decade before. A cow typically produces as much waste as 24 people.

Pollution authorities have concerns about other "confined animal facilities" raising beef, poultry and swine, but in the Central Valley they are far outnumbered by dairies.

Bill Crooks, former executive officer of the regional water board, said the agency has appealed regularly to its parent agency, the State Water Resources Control Board, for more money to monitor dairies.

"We've continually raised the issue on a number of fronts," Crooks said. "But at the same time, we could see the handwriting on the wall. We could see it wasn't very popular, so we didn't push it very hard."

A bill before the Legislature would authorize 18 new enforcement positions statewide, and the three or four going to the Central Valley could be assigned to dairies, said Craig Wilson, assistant chief counsel at the state board. But, he said, there are many other pressing needs.

"The dairy industry prevailed upon the Legislature to give them an exemption where they pay this one-shot deal," Wilson said. "I don't think it's equitable. But we're stuck with the hand we're dealt."

Day in and day out, the man trying to play that hand is Louis Pratt. All too often, he says, it's a loser.

Since Glandon's retirement, Pratt has been the one man in the field.

He is a pollution detective, tracking dairy wastes, in some cases many miles, to their source. Sometimes, particularly when winter rains overflow lagoons, he finds huge quantities have been deliberately released. Usually, it's just a small, steady overflow from a dairy that doesn't seem to care.

Pratt's is an exasperating routine. The violation notices he writes up are frequently ignored. Even in cases where he manages to win stiff fines, some dairies go on polluting.

One dairy he has hounded for 10 years was finally hauled into court by the San Joaquin County district attorney's office—the only one in the valley that seems inclined to prosecute dairies. The owners admitted illegal releases, paid nearly \$10,000 in penalties and costs, and were ordered by the court to clean up.

Last winter, their waste ponds were overflowing again. Deputy District Attorney David Irely said that this time he will insist on tougher measures. "But this case is the tip of the iceberg," said Irely. "We think there could be hundreds of violations each winter."

Cruising two-lane roads on the valley's east side one spring day, Pratt pointed to one dairy after another, casually noting violations and reciting his history of run-ins.

At one dairy near Elk Grove, a few dozen Holstein lazed in puddles of watery waste, which seeped from the muddy corral. "They just arrogantly let it go, flood the neighbors, and tell the neighbors to go to hell," said Pratt.

At the next, the waste lagoon was too small for the number of cows. To keep it from spilling, the dairy had over-applied wastewater to a field, which in turn drained to a roadside ditch. "Eventually, it ends up in the Cosumnes River," he said. "I've talked to them, and they've done nothing."

Farther south, near Escalon, Pratt pulled to the side of the road. With a long-handled scoop, he plucked a sample of a brownish liq-

uid from a shallow canal, part of the vast grid of drainage ditches dug all across the valley floor to carry off used irrigation water.

Pratt poured the solution into a small meter that measures electrical conductivity, a crude indication of salts and solids. The needle jumped to 520, twice what it should be.

"I can come out here just about any day of the year and find dairy wastes going into that drain," he said dejectedly. "All these little creeks and drains would support fish if there was no dairy waste going into them. But there's no fish, because they can't survive."

Pratt used to get more help from the state Department of Fish and Game, which has suffered cuts of its own. Dennis DeAnda, a patrol lieutenant in Merced, said that as a field warden, he investigated several big dairy spills that left fish floating dead. But the subtler efforts of smaller, chronic releases, he said, are harder to gauge.

"We're dealing with probably several hundred dairies on the San Joaquin River alone," DeAnda said. "Those impacts certainly are going to affect fish farther downstream."

In the long run, the bigger worry may be what is happening underground, where no one can see.

When stored in a leaky lagoon, over-applied to crops or simply piled too deep in a corral, dairy wastes stand a good chance of seeping down into the ground. Eventually, the groundwater below can load up with nitrates, a form of nitrogen that in sufficient quantities can sicken or kill an infant.

Wells used by public water systems are periodically checked, and from 1984 to 1996, the number in the Central Valley with nitrates above the drinking water standard jumped fourfold. Private wells serving individual homes tend to be shallower—and more vulnerable to contamination—but there is no requirement they be routinely tested.

There are other obvious sources of nitrates—leaking septic systems and overuse of chemical fertilizers. Without sophisticated testing, it is usually impossible to trace contamination to any single source.

"Is it dairy X or is it dairy Y? Or is it the farmer who's using ammonia fertilizer between the two?" said Cindy Forbes, Central Valley drinking water chief for the state Department of Health Services. "That's the problem. There's no smoking gun."

There is evidence suggesting that collectively, dairies pose a long-term threat to Central Valley groundwater—but the regional board has yet to release it.

In 1993, the agency dug 44 shallow monitoring wells at five dairies thought to be doing a reasonable job controlling their wastes. Groundwater samples taken over the next two years showed average nitrate levels five times the drinking water limit.

"The five dairies . . . share site characteristics and follow management practices common to hundreds of Central Valley dairies," notes a draft of the study, still under review three years later.

The "standard approach," the report says, would be to stop the pollution and order cleanups. "Despite the fact that significant pollution is apparently occurring, the standard response is not feasible . . . Current staffing levels are not adequate."

No one can predict when the contaminants might reach the deeper aquifers that supply much of the valley with its tap water.

But with farmers perennially crying for more water, and some underground supplies already lost to pesticides, any drinkable reserves are certain to become more precious if the Central Valley keeps growing as projected.

"I expect there are plumes of high-salt, high-nitrate water under dozens, if not hundreds, of these sites . . . The nitrate is eventually going to get into the deeper stuff. It is just a matter of time," said Rudy Schnagl, who oversaw dairy regulation for 10 years as chief of the regional board's agricultural unit.

"What concerns me is there are a lot of rural residences that still have old wells that don't go down so deep," Schnagl said, "I suspect a lot of those people are drinking water exceeding the nitrate standard."

Some experts say the Central Valley need only look south, to the Chino basin east of Los Angeles, to see what it ultimately risks. With the highest concentration of dairies in the world, the Chino basin years ago was forced to write off vast quantities of tainted groundwater. But with subdivisions now displacing the dairies, water is in high demand. There is talk of building exorbitant desalination plants so cities can tap the dirty underground cache.

"It's so heavily loaded now with nitrates from dairy cows, it's just useless," said Bill Fairbank, an agricultural waste engineer who spent 30 years at the University of California. "The Central Valley's headed in that direction, too, if they don't get their act together."

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. PELOSI. Mr. Speaker, the legislation before us rightly acknowledges the importance of parents who are fortunate enough to stay at home with their children. But this is only part of the story. Had this resolution actually gone through committee, we would also have addressed the importance of working parents who do not have the choice to stay at home.

All parents must be supported in their child care choices. While we all want to support parents who want to stay at home, we must acknowledge that many parents must work to keep their families out of poverty. More parents work than have ever before, and more families rely on the mother's income to make ends meet. Many mothers are essential in helping support their families financially. A national study found that 55% of employed women provide half or more of their household income.

In California, the average earning of a two-parent family with both parents working full time at the minimum wage is about \$21,000. This is hardly enough to put food on the table, let alone afford quality child care.

Child care is a universal need. No parent must be discriminated against in our efforts to provide safe, quality child care for families who need it most. But we must work together to achieve this, not pit families with different needs against each other. I urge all my colleagues to work together on crafting a comprehensive child care proposal that addresses the needs of all families for safe, quality, affordable care for our most precious hope for the future—our children.

PROMISES VS. PERFORMANCE:
THE 1996 TELECOM ACT REVISITED

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HASTERT. Mr. Speaker, two years ago, on February 8, 1996, virtually the entire bipartisan leadership of Congress and the Administration gathered to celebrate the passage of the Telecommunications Act of 1996. It was supposed to reduce regulation, foster competition, create new jobs, and expand customer choice.

But today, it is becoming increasingly clear that the Federal Government has not delivered on that commitment. Of course, everyone has someone else to blame. However, the fact remains that we have more regulatory roadblocks than ever. At every juncture, the FCC's approach has been to adopt more rules and regulations. Almost all of those actions have been overturned by the courts.

Why should this matter to consumers? Because it means that they aren't getting the benefits of lower prices and more choices.

Mr. Speaker, it's time for someone to get a handle on these runaway regulations, so I'm looking forward to the new commissioners stepping up to the task. My message to the FCC is simple—Congress is still looking for competition and more choice—let's allow the communications marketplace to work for the American people, not the lawyers of the regulatory bureaucracy.

TRIBUTE TO LOUIS R. MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. YATES. Mr. Speaker, a year ago Monday, on February 9, 1997, Mr. Louis R. Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man on the anniversary of his death.

I was acquainted with Lou Marchese through his son Steven, my Legislative Director for Foreign Operations Appropriations. Lou was a prominent lawyer in Illinois, nationally recognized for his work in the wholesale-distribution industry. More importantly, he was a man of integrity and high moral character.

Lou was the consummate self made man. His beginnings were humble; his parents were first generation Italians. He worked hard to rise above the trappings of poverty, and was the first in his family to attend college.

Education was a priority for Lou, and only took a backseat when he served in the Army during the Korean War. He later used the GI bill to attend law school at DePaul University in Chicago. He began his legal career at the Chicago Association of Commerce and Industry and it was there that he developed a lifelong affinity for the needs of the American businessman.

He was active in a number of industries, and was a leader among his peers. He served on the board of directors for many organizations and was instrumental in forming national, regional, and local trade associations to champion the rights of small, family-owned businesses.

During his long and distinguished career, he helped to build the law firm that would later bear his name, Halfpenny, Hahn, Roche & Marchese. Lou's expertise was sought in the areas of antitrust, trade regulation, and interstate taxation. He was well-published and the author of several books on the legal aspects of distribution.

He loved representing entrepreneurial firms, as he knew they were the backbone of a successful national economy. To achieve this end, he created the Distribution Research and Education Foundation, an organization dedicated to promoting wholesale-distribution.

Lou won recognition as a leading legal authority in the automotive industry, receiving the industry's leadership award in 1983. He also is one of only two individuals outside of the automotive field to be elected to the Automotive Hall of Fame.

Mr. Speaker, despite all of Lou's many accomplishments, he was proudest of all of his family. He is survived by his wife of 36 years, Marge, and his five children, Anne, Mary Ellen, John, Meg, and of course Steve. It is within these fine individuals that his legacy continues today.

I am honored to have known such an outstanding gentleman as Lou Marchese. His sense of humor and commanding presence will be sorely missed by all those whose lives he touched. Lou's death was a great loss to the legal community and to all whom had the pleasure to meet him. I consider myself lucky to have been one of them.

UNFULFILLED PROMISES: THE 1996
TELECOMMUNICATIONS ACT

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BAESLER. Mr. Speaker, the etymology of the phrase "buying a pig in the poke" has a rich linguistic history that can be traced back to the 16th century. In those days, as in ours, it refers to "something offered in such a way as to obscure its real nature or worth." The phrase is used these days to describe the growing sentiment regarding the Telecommunications Act of 1996.

When we voted on this legislation two years ago, we were promised a new era on the telecommunications frontier. We were promised better values for our consumers, greater competition, a higher level of local competition, and increased investments in local service facilities.

When this chamber passed the bill, we expected prompt and effective action from the Federal Communications Commission. We expected the FCC to give all consumers more long distance options and a greater array of services, in terms of local telephone and video service choices.

In my view, it seems that the FCC is moving in the wrong direction in allowing companies to compete for long distance services. This has been done at the expense of consumers and the regional Bell companies.

Although this is a tad tedious, the record speaks for itself. The FCC has attempted to subordinate state agencies through mandatory pricing "guidelines" and other requirements. Regrettably, the FCC has been joined by the

U.S. Justice Department's Antitrust Division in expanding the scope of long distance "check-list" items.

Sadly, all Bell company applications to compete in long distance have been denied. This not only hurts the regional Bell companies, it also harms middle income and lower-income consumers in my Congressional District and across my home state. In Kentucky, for example, more than 60 agreements have been signed between BellSouth and competitors seeking to provide local telephone service to "re-sell" local service. In contrast to federal regulators, those closest to the ground know the value of fostering competition. In other words, state commissions continue to foster local exchange competition.

Across Kentucky we are seeing examples of competitors operating in Lexington and Louisville, where they can capture the more profitable business markets. Yet, we don't see a rush to introduce competitive services for residential customers.

In my view, it appears that there is a flaw either in the statute itself or with the manner in which the FCC is choosing to carry out its mandate. There's no doubt in my mind that we sorely need a collaborative approach by the FCC on this matter. This is what Congress expected when it voted on the Telecommunications Act. We still have this expectation.

In summary, we need an approach that is reasonable, balanced, specific and consistent with the clear intent of Congress. To do so, allows the Telecommunications Act of 1996 to achieve its intended worth and promised value to consumers and telecommunications companies. To do otherwise is to delay, or deny, the once-in-a-generation opportunity for consumers to benefit from a competitive and rapidly changing telecommunications market.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KIND. Mr. Speaker, the American people are looking to us to pass meaningful campaign finance reform in order to restore their faith in the political process. The President of the United States has called for bipartisan campaign finance reform to restore fairness and structure to a system plagued by abuses and unfair advantage. Now, leaders of corporate America have spoken out demanding campaign finance reform to ensure that businesses do not feel obliged to make large campaign contributions. The House still fails to set a date for debate and ultimately, a vote. What group needs to speak out to get the attention of House leadership?

I will continue to deliver daily statements. Individuals and public and private interests will continue to speak out. The Senate will continue to do its job by voting on reform by March 6, 1998. Will the House continue to turn a deaf ear to a growing voice calling for reform? My constituents demand to be heard, they will not take "no" for an answer.