

Confronting CAFOs through Local Control

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This paper is a statement of *my truth* concerning large-scale, concentrated animal feeding operations, or CAFOs, and the actions people need to take to protect themselves from the CAFO invasion of rural areas. Your truth may be different from mine, and if so, that's okay with me. What's most important is that we each have sound reasons for believing what we believe to be true. And, ♦ because some so-called expert wrote it or said it, ♦ is not a sound reason for believing anything. I write and speak my truth with conviction because I know *why* I believe what I believe to be true.

My truth is based on conversations with rural people, all across the U.S. and Canada, who are increasingly concerned about the threat of CAFOs to the health of their ecological and social environment. ♦ I have met with organized groups of rural people concerned about CAFOs in more than a dozen states in the U.S. and three provinces of Canada. I have not just talked to rural people; I have also listened to rural people, including people with a wide range of opinions on this important issue.

My truth is also based on journal articles, books, and research reports related to CAFOs from a wide variety of sources. It is based on sociological research, such as the research summarized in a 2006 University of North Dakota report prepared for the North Dakota Attorney General's office documenting the negative impacts of industrial agriculture on rural communities.^[1] It is based on economic research, such as the research summarized in a paper posted by the Rocky Mountain Farmers Union documenting the negative economic impacts of CAFOs on American agriculture.^[2] And my truth is based on environmental and health related research, such as the research cited in testimony given by the Director of the Johns Hopkins School of Public Health before a U.S. congressional committee documenting the environmental and health risks associated with CAFOs.^[3]

♦ *My truth* is based on everything I have learned in more than twenty-years of reading, studying, thinking, and listening to real people who were confronting very real ecological, social, and economic problems associated with large-scale, concentrated animal feeding operations.

Obviously, each community I have visited over the years is different, but they all have several things in common. The advocates invariably promote CAFOs as a logical rural economic development strategy and as the only means of maintaining a viable agriculture sector in farming communities. The opponents of CAFOs invariably are concerned about odors and pollution of streams and groundwater ♦ which ultimately are concerns about health ♦ and about the impacts of CAFOs on the overall quality of life in their communities. And local public officials invariably are trying to determine whether any potential economic benefits are worth the potential environmental and social costs.

The promoters of CAFOs consistently tell local leaders that CAFOs will add to local employment and the local tax base. The effects of increased local spending for buildings, equipment, feed, and feeder livestock are supposed to multiply as they ripple through the community, resulting in additional expenditures for groceries, clothes, housing, automobiles, healthcare, and other consumer necessities. Increased income and property tax collections will help pay for better local schools, roads, and other public services, enhancing the overall quality of community life. The promoters of CAFOs tend to target rural communities that are desperate for economic development to improve their odds of acceptance.

The promoter's story is given credibility by the *agricultural establishment*, which includes the large agricultural colleges, federal and state departments of agriculture, corporate agribusinesses, large agri-cooperatives, major commodity associations, and the Farm Bureau Federation. Unfortunately, the people of rural areas, including farmers, are being systematically misled by those whom they most trust. Many academic, political, agribusiness professionals have built their reputations promoting the industrialization of agriculture and are unwilling to risk the loss of prestige, power, or profits by admitting that today's factory farms no longer benefits anyone other than themselves and a few large corporate investors. Or perhaps, they are simply resigned to corporatization of American agriculture and choose not to resist it.

Regardless, the truth concerning the economic impacts of CAFOs on rural communities is very different from the propaganda of the promoters and their supporters. The truth can be seen most clearly in communities where CAFOs have been embraced, or at least accepted, as a prominent strategy for rural economic development. After several decades of large-scale contract poultry and beef production, more than a decade of large-scale contract hog production, and the more recent proliferation of CAFOs into dairy, *not a single community where CAFOs represent a significant segment of the local economy is looked upon today as a model of rural economic success or prosperity*. Admittedly, corporations tend to locate CAFOs in areas that are economically depressed, but CAFOs have consistently failed to bring about significant improvements in either unemployment or overall economic well-being of local residents.

First, corporate contractors buy very few of their building materials, equipment, feed, or feeder animals from suppliers in the local community. It's typically cheaper and easier to bring these items in from elsewhere. In addition, many of those who ultimately are employed in concentrated animal feeding operations, feed mills, and slaughter plants turn out to be immigrants to the communities, not local residents. They have no long-term commitment to the community. The jobs typically are low-paying jobs with few if any medical benefits. Most workers in hog and dairy CAFOs, for example, earn \$15,000-\$17,000 per year. While this may sound like decent jobs in some rural communities, such wages are barely higher than the new federal minimum, and certainly cannot provide an adequate foundation for healthy rural economies. In addition, new residents bring new needs for public services ♦ schools, health care, income assistance, and roads ♦ typically outweighing any contribution of CAFO employment to local tax collections.

Perhaps the most compelling arguments against promoting CAFOs as a strategy of rural economic development is that communities in which CAFOs become prominent typically are unable to attract any other type of economic development. Some communities, where CAFOs are few and are located well away from residential areas, may continue to grow. But people simply do not want to live and work in a community that other people consider to be ♦ polluted. ♦ By virtually every measure, the quality of life in a community declines after a community becomes identified as ♦ CAFO friendly. ♦

Even if community leaders doubt the overall economic benefits, they are told that CAFOs are essential to maintaining the agricultural sector of their local economy. If they place too many local restrictions on CAFOs, they will be denying local farmers their only realistic opportunity to continue farming. They will simply locate elsewhere, isolating local farmers from modern agriculture. They are told that being unfriendly to CAFOs, is being unfriendly to farming.

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Again, the truth is quite different from the hype. First, today's corporate CAFOs are a continuation of a long-term trend of industrialization in agriculture. Since the 1940s, U.S. farms have been becoming more specialized, mechanized, larger in size, and fewer in number. Today, corporate contract production is allowing agricultural operations to grow far larger than was previously possible for individual farmers or even family corporations. Continuing this trend toward industrialization obviously will result in even fewer people controlling agriculture and even fewer real farmers. If we keep doing what we have been doing, we will keep getting what we have been getting. CAFOs employ a few local *farm workers*, but the profits go to some distant corporate headquarters, not to local *farmers*.

The corporations that increasingly control agriculture are not people; they are financial entities created for the purpose of amassing large amounts of capital. A family corporation is no different from a family, as the social and ethical values of the family can still be reflected in the decisions of family corporations. Families can choose to accept or reject CAFOs. However, the large, publicly traded agribusiness corporations are fundamentally different; they are created for the sole purpose of maximizing economic returns to their stockholders. The people who work for corporations may be good people, but they have no choice but to maximize profits and growth of the corporation, regardless of the ecological and social consequences.

Local farmers are being used as unwitting front-men for corporate agriculture. By failing to distinguish between large-scale, industrial agriculture and conventional family farming, the future of American agriculture is being placed at risk. The American public simply will not tolerate the environmental and health risks inherent in concentrated animal feeding operations. The negative public image of agriculture associated with CAFOs is rapidly depleting the reservoir of public goodwill that has been built up by generations of responsible family farmers. The American public tends to paint agriculture with a very broad brush. Thus, the picture of public irresponsibility represented by CAFOs threatens the public acceptance of agriculture in general.

Most Americans don't seem to understand the link between farming and food security. They may well be willing to rely on foods imported from other countries, if they don't like the way food is produced at home. The multinational corporations that control our food system have no commitment to this country. They have no families, no communities, and increasingly, no single nationality. Eventually, agriculture may be forced to leave America, not only by growing public environmental and health concerns but also by costs of U.S. land and labor, which are far higher than in less-developed countries. Rural communities that welcome CAFOs may be left without any kind of agriculture, but they will still have the CAFO mess to be cleaned up.

Opponents of CAFOs are frequently labeled as overly emotional, if not outright radical. Are the environmental and social concerns real or

simply imaging? Obviously, CAFOs have not been determined to be *inherently* detrimental to public welfare, because they are still legal operations. However, the question of whether CAFOs present potential health risks to the public health and environment has been resolved; they do. In fact, a few states have imposed moratoriums on further construction of CAFOs and the American Public Health Association has called for a nationwide moratorium on CAFOs, citing more than 40 reports indicating health concerns related to CAFOs.^[4] The health risks include contamination of air, water, soil, and foods with toxic chemicals, infectious diseases, antibiotic resistant bacteria, and E. Coli 0157.

The only credible disagreements center not on whether public health risks exist, but rather how to deal with those risks. Individual states and communities do not have the right to outlaw CAFOs in their jurisdictions. However, state and local governments do have the authority to regulate the location and operations of CAFOs, through zoning and health ordinances. The U.S. Supreme Court has consistently ruled that states have the right to enact health regulations more stringent than federal health regulations, even when such laws interfere with interstate commerce. Public health interests take precedent over private economic interests.^[5] The Missouri Court of Appeals followed the precedent of the U.S. Supreme Court in upholding the rights of Missouri counties to regulate the location and operation of CAFOs, through local health ordinances.^[6]

In some states, state laws may seem to preempt the rights of county and local governments to implement health ordinances. In Iowa, for example, the Supreme Court considered local ordinances as veiled attempts to regulate agriculture, rather than legitimate means of protecting public health. CAFO proponents in several states are supporting legislation which would exempt CAFOs from local public health regulations. The court battles may go on for decades. But regardless of the rulings, the rights of rural residents to protect themselves from the health and environmental risks associated with CAFOs arise from our fundamental rights to self-defense and self-determination.

Current environmental and health regulations are inadequate to protect the health of rural people, as is made obvious by repeated and persistently negative health and environmental impacts suffered by rural residents where CAFOs currently operate under those regulations. Ultimately, air and water quality issues are health issues, as we are most concerned about pollutants in our air and water that threatens human health. Public health depends upon clean air and water, but most environmental agencies don't have enough personnel to enforce the relatively lax rules already in place. In addition, federal and state government officials are not going to restrict CAFOs to the extent necessary to ensure clean air and water because they are unwilling to defy the economic and political power of the agricultural establishment.

Regardless, federal and state laws, by necessity, can only establish minimum levels of health and environmental protection ♦ not maximum levels. Such risks are not uniform among localities because of differences in topography and climate and in soils and water resources. Any set of state regulations adequate to protect public health in all localities would be too complex to enforce, in addition to being unnecessarily restrictive on economic activity in localities less vulnerable to CAFO health risks. Thus, rural people must be allowed to decide for themselves, locally, what needs to be done to protect their health and environment.

A nationwide campaign to limit local control is currently being carried out by the agricultural establishment because it has far more political power at federal and state levels of government than at county or local community levels. Powerful corporate interests virtually dictate all policy

administered by USDA and essentially have veto power over agricultural legislation at the state level, through their influence on agricultural legislative committees. But, the agricultural establishment is losing its influence at the local level because rural people are now informing themselves on the negative health and environmental consequences of CAFOs.

Information is no longer limited to press releases from universities and government agencies or so-called farm publications, but all sorts of information are readily available today to anyone with a computer and a phone line. Rural people also are learning how to organize quickly and to mount effective opposition to CAFOs. And people who have fought CAFOs in one community willingly share their experiences and strategies with those currently fighting the battle in other communities. Rural people increasingly are demanding their basic rights to protect their health and environmental well-being.

If any good is to come out of the current CAFO controversies, it may well be that the future leadership of rural America is being developed among those who have become politically empowered through their experiences in opposing CAFOs. Once people proclaim their basic democratic rights of self-defense and self-determination, which is what local control is all about, they become less intimidated by those with economic and political power. Local control is a cornerstone of democracy.

One thing on which proponents and opponents agree is that CAFOs completely disrupt the community life of rural people. Some have labeled this the most divisive rural issue since the Civil War. In many communities, multigenerational family farmers are leading the opposition, often pitting neighbor against neighbors who have been their friends for years. In one community, I was once told that everyone in a specific county had been identified as being either for or against CAFOs. No conversation was said to take place on the county courthouse square that did not include a discussion of CAFOs. Communities that were once effective in working together on community and economic development efforts have been paralyzed by internal dissention. It's becomes difficult, if not impossible, to gain public support for schools, health care, roads, and other public services because anything proposed by those on one side of the CAFO issue is opposed by those on the other. The people of every CAFO community I have visited have validated this fact: CAFOs destroy the social fabric of rural communities.

I have never experienced any other issue that is so divisive in more than 35 years of working with farmers and others in rural communities. I eventually concluded, *my truth*, the CAFO controversy violates an important rural ethic. Rural people accept the fact that some members of their communities succeed, while others do not. So the resentment is not of some people making money while others don't. People may be a bit jealous, but if their lives are not made worse by someone else's success, they accept it. However, the CAFO issue is different. The people who live downwind or downstream from a CAFO know first-hand that their health and overall quality of life is being threatened by their neighbor's desire to make money. People also know that property located near CAFOs will be devalued, even if no one lives there. They understand that economic opportunities for their community are limited because they live in a CAFO friendly community. Apparently, it is a violation of an important rural ethic for one person to benefit at the expense of his or her neighbors' well-being. Rural people take such violations very seriously.

So what should community leaders do? The proponents argue that CAFOs obviously are profitable, at least for the corporate contractors, and if something is profitable, someone is going to do it, regardless of what local people may think. The element of truth in this argument is that if

something is profitable then someone will *want* to do it. However, *wanting* to do something is different from being *allowed* to do something. Contrary to popular belief, society does not have to allow something just because someone thinks it would be profitable. For example, robbery would obviously be profitable, if there wasn't a law against it. But there is a law against robbery because it is detrimental to the common good. There are also laws against dumping raw sewage in streams, even though it might be economical. A civilized society doesn't allow things that are detrimental to the well-being of society, even if those things might be profitable for individuals.

Proponents argue that local attempts to regulate or restrict the location or operation of CAFOs violate private property rights. They are accused of *takings*, meaning reducing the economic value of private property without compensation. However, something cannot be *taken* away if it never existed in the first place. The right to private property has never included the right to use property in a way that devalues the properties of one's neighbors or diminishes the overall quality of life in the community. All private property owners have a right to the peaceful enjoyment of their property and no one has a right to use his or her property in a way that deprives his or her neighbors of that right. This principle was established in English Common Law, long before the U.S. was a nation. CAFOs clearly have the capability of denying the rights of their neighbors, as was validated by a recent court judgment awarding more than \$4 million in damages to neighbors of Premium Standard's CAFOs Missouri. People in rural areas have every right to prevent CAFO from *taking* the economic and aesthetic value of their property.



Zoning laws obviously are constitutional, and zoning laws restrict the use of private property. I own three acres in a residential subdivision outside of Columbia, MO. I can't subdivide my lot into three one-acre lots, can't start a business on my property, and can't let my sewage run into the creek behind my property, no matter how profitable it might be for me to do so. Restrictive zoning and covenants restrict my land use, and I wouldn't have it any other way. Those same zoning rules and covenants prevent my neighbors from doing anything that diminishes my property value or my quality of life. Such laws are not only constitutional they are also both reasonable and necessary in a civilized society where people live in close proximity. In earlier times, farmers could use their land any way they choose when they lived on a sparsely populated frontier because there was no one else around to be adversely affected. Farmers still have the same property rights but they no longer live on the frontier.


Those who claim an absolute *right to farm* are misinterpreting their rights in much the same way as those who claim absolute private property rights. The *right to farm* logically refers to farming as it existed at the time such rights were granted, with allowances for reasonable changes in farming methods and practices over time. However, the *right to farm* was never intended to include the right to operate an *animal factory*. The Iowa Supreme Court recently ruled that the right to farm does not include the right to allow odors from CAFOs to trespass onto neighbors' property. It's time to make a legal distinction between family farms and industrial agriculture; the two are fundamentally different in philosophy, purpose, scope and have fundamentally different impacts on the natural environment and local communities. All farms create wastes that can cause odors and pollute streams, but large CAFOs can fill the air with stench for miles downwind and generate more biological waste than do small cities. Family farms help build rural communities; CAFOs pit farmer against farmer and neighbor against neighbor. Rights to farm were never intended to include animal factories.

The agricultural economy is very still important to many rural communities. So what can communities do to maintain a viable agricultural economy without polluting the environment and threatening public health? First, they can support modest-scale, independently owned, family

operated farms. The advocates of CAFOs argue that a corporate agriculture is necessary to feed a growing global population. However, with the exception of poultry, the shift from family farms to corporate CAFOs has not resulted in increased productivity. Contract poultry production was accompanied by major changes in production technology, which could have been made available to family farmers, but weren't. For beef and pork production, CAFO technologies are much the same as those used by family farms, just carried on a much larger scale. And, chronic surpluses of milk and dairy products have plagued family dairy farmers for decades.

Most of the negative environmental consequences of animal agriculture are due to the concentration of animal production into large confinement units, not the total numbers of animals or the total amount of products produced. Well-managed family farms have been widely documented as being capable of greater efficiency and productivity than large-scale CAFO operations, with far fewer health and environmental risks. They can compete with corporate agriculture in terms of productivity, but not in terms of market power. Given a chance, well-managed modest-scale family farms are clearly capable of meeting the needs of today's society.

As we look to the future, a major challenge confronting society is the absolute dependence of *industrial agriculture* on non-renewable fossil energy. We have perhaps a 50-year window of opportunity to create a new  sustainable agriculture,  and CAFOs will have no place in this new agriculture of the future. A sustainable agriculture must be ecologically sound and socially responsible in order to be economically viable. New economic opportunities for sustainable farmers are generally dismissed by the agricultural establishment as small niche markets, holding promise for only a few small specialty farmers. However, the reality again is quite different. The growing demand for sustainably produced foods is creating a new agricultural mainstream.

The market for organic foods, for example, has been growing at a rate of more than 20% per year over the past 15 years, doubling every three to four years. This growing preference for organic is far more than a reflection of consumers trying to avoid pesticide and agrichemical residues in their foods. Consumers are concerned about genetically modified foods, hormones and antibiotics, e-coli, obesity, and a wide range of social and ethical issues, including the impacts of their food choices on farmers, farm workers, and stewardship of land and water resources. Recent surveys indicate that around three-fourths of American consumers have a strong preference for locally grown foods, preferably grown on small family farms. Many Americans have simply lost confidence in the integrity of the corporations and the government agencies with whom the integrity of the food system has been entrusted. Increasingly, they are buying as much of their food as possible from people they know and trust. 

Among the most profitable of the new sustainable/local alternatives are grass-based, free-range, and pastured livestock and poultry operations. Such operations first became popular because of quality differences in products from animals grown in confinement and those grown under more-natural conditions. However, evidence of important health benefits in grass-based products compared with products from animals fed in confinement has fueled continued market growth. Pastured and free-range livestock and poultry production also allows producers to avoid the growth hormones and routine antibiotic feeding used by CAFOs and to meet the humane standards of production demanded by an increasing number of consumers.

Producing hogs on deep bedding in hoop houses provides another viable alternative to the slatted floors, cramped crates, and manure lagoons

of CAFOs. Studies at Iowa State University have shown that hogs can be produced in hoop houses just as efficiently as in CAFOs; they just require better management and more hog farmers. Studies at various universities have shown grass-based dairy farms to be more profitable than confinement dairy operations, in fact, among the most profitable of all farming operations. When farmers take the initiative to process and market their own meat, milk, and cheese directly to discriminating consumers, their profits are often multiplied.

The markets for sustainable/local meats and milk are growing far faster than are the numbers of farmers willing to produce for these new markets. The number of farmers markets ♦ where meat, cheese, and eggs are taking their place along side local produce ♦ has more than doubled in the past ten years. Increasingly, food buying clubs are offering their subscribers animal products along with vegetables and berries. Sustainable livestock, dairy, and poultry producers also have opportunities to market through national organizations such as Organic Valley (<http://organicvalley.coop/>) and Niman Ranch (<http://www.nimanranch.com/>) or to form their own cooperative organizations, such as Country Natural Beef of Oregon (<http://www.oregoncountrybeef.com/index.html>) and Good Natured Family Farms of Kansas (<http://www.goodnatured.net/>). ♦ There are a growing number of profitable and sustainable alternatives for farmers. CAFOs represent the agriculture of the past, not the agriculture of the future.

I am convinced, based on a variety of sources, that those who are dissatisfied with today's industrial food system and are searching for alternatives make up at least a quarter and possibly a third of American consumers, and their numbers are growing. Over the long run, the potential for this new food market is unlimited. This new organic/sustainable/local food movement, not CAFOs, is the American farmer's best hope for the future and the best hope for viable rural agricultural economies.

To sustain a desirable quality of rural life, community leaders must be willing to limit the ability of agricultural corporations, and their local investors, to maximize profits at the expense of local family farmers and other residents of their communities. I have been called a communist and accused of being undemocratic for supporting government restrictions of CAFOs. Local leaders must be prepared to endure similar comments. However, there is nothing undemocratic about affording everyone an equal voice in shaping local public policies to protect public health and the environment, regardless of the economic consequences. One of the fundamental principles of the democratic belief system is that *everyone* has an *equal* right to participate in making the rules by which all in that society are to abide. One of the most fundamental responsibilities of citizenship is to work collectively, through government, for protection of the common good, including the public health and environmental well-being. Individuals who participate in the processes of self-governance at the local level are exercising their basic democratic rights and accepting their democratic responsibilities.

We are at a critical point in time for the future of rural America. Many rural communities today are being asked to sacrifice their future so a few local investors and agribusiness corporations can maximize their profits and growth. The most valuable assets many rural communities possess today are a clean natural environment and a strong sense of community. However, rural residents today are being bribed to turn their communities into dumping grounds for the rest of society ♦ not just for CAFOs, but also for landfills, toxic waste incinerators, and prisons. Once rural communities become polluted and degraded by exploitation, they invariably lose their most precious rural resource, the next generation, as their children leave for better opportunities in the cities. In fact, many rural parents advise their children to go away to college and get a good

education so they won't have to return to the rural community or farm for a living.

However, many rural communities are still good places to live and raise families. They are still places with clean air, clean water, open spaces, scenic landscapes, and opportunities for peace, quiet, and privacy. They are still places where people have a sense of belonging, friendly places where people know and care about each other, where crime rates are low and a strong sense of safety and security still exists. Such attributes are becoming increasingly scarce in America, and thus are becoming increasingly valuable. It would take a six-figure salary for a city dweller to buy the quality of life that comes with living in a healthy rural community.

Once rural people have reclaimed their right to maintain or restore a clean and healthy environment, they can begin the task of rebuilding an economic, social, and ecological foundation needed for sustainable community development. The future of rural America is in the land and the imagination, creativity, work ethic, and honesty of the people of rural communities, not in the cunning and conniving of outside corporate investors. Rural people must find the courage to reclaim their communities from corporate, industrial agriculture. Rural people must be willing invest their time, their energy, their intellect, their money, and their integrity in restoring and maintaining the health and productivity of their land and their environment. Now is the time for the people of rural communities to demand their democratic rights of self-defense and self-determination and to regain control over their destiny.

End Notes:

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[1] Curtis Stofferahn, ♦ *Industrialized Farming and Its Relationship to Community Well-Being: an Update of the 2000 Report by Linda Labao*, ♦ special report prepared for the North Dakota Office of Attorney General, <http://www.und.edu/org/ndrural/Lobao%20&%20Stofferahn.pdf> (accessed December 2006).

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[3] Robert Lawrence, MD, Johns Hopkins Bloomberg School of Public Health, ♦ *Superfund Laws and Animal Agriculture*, ♦ Subcommittee on Environment and Hazardous Materials, November 16, 2005. <http://energycommerce.house.gov/reparchives/108/Hearings/11162005hearing1714/Lawrence.pdf>

[4] American Public Health Association, *Association News*, 2003 Policy Statements, <http://www.apha.org/legislative>.

[5] Wendy E. Parmet, ♦ *After September 11: Rethinking Public Health Federalism*, ♦ *Journal of Law, Medicine and Ethics*, 201, 202-204 (Summer, 2002), <http://academic.udayton.edu/health/syllabi/Bioterrorism/5DiseaseReport/PHealthLaw00a.htm>

[6] The ♦ slip opinion ♦ of the Missouri Court of Appeals, Western District on this website has been confirmed, and several Missouri counties have passed health ordinances similar to Linn County's without further court challenges. However, persistent attempts have since been made to pass state legislation to prevent such health ordinances. <http://www.courts.mo.gov/courts/pubopinions.nsf/ccd96539c3fb13ce8625661f004bc7da/77622665a691a1ad862568310070e743?OpenDocument&Highlight=0,borron%20>.