

Midwest Environmental ADVOCATES

pro bono publico

Expert Report Addresses Problems of Industrial Livestock Agriculture

FOR IMMEDIATE RELEASE

May 1, 2008

Contact: Jamie Saul, Staff Attorney, (608) 251-5047 ext 1

Madison, WI -- On Tuesday, the Pew Commission on Industrial Farm Animal Production issued its final report, entitled *Putting Meat on the Table: Industrial Farm Animal Production in America*. The culmination of over two years of scientific and public policy research, the report represents the consensus views of the highly-regarded members of the Commission, and proposes recommendations to address the unintended consequences of industrial livestock agriculture on the environment, public health, animal welfare, and rural communities.

The report addresses the myriad of problems that have accompanied the rapid expansion, industrialization, and integration of livestock agriculture in the last half century, fueled by cheap grain and an ever-increasing drive to maximize efficiency. As Commission Executive Director Robert P. Martin explains in his preface to the report, "Over the last 50 years, the method of producing food animals in the United States has changed from the extensive system of small and medium-sized farms owned by a single family to a system of large, intensive operations where the animals are housed in large numbers in enclosed structures that resemble industrial buildings more than they do a traditional barn. That change has happened primarily out of view of consumers but has come at a cost to the environment and a negative impact on public health, rural communities, and the health and well-being of the animals themselves."

The report's conclusions are directly relevant to decision-makers and the public here in Wisconsin, where the livestock industry is seeing rapid and controversial expansion in all corners of the state. Many of the Commission's recommendations call into question current state and federal environmental policy.

"This report represents the most comprehensive and scientifically-sound critique of the modern industrial livestock industry to date," says Jamie Saul, Staff Attorney with Midwest Environmental Advocates. "It addresses a broad range of issues, from antibiotic resistance to water pollution, and presents sound recommendations that will keep the industry thriving while protecting the environment and public health."

The Commission, which was chaired by John Carlin, former Governor of Kansas, included noted experts in the fields of veterinary medicine, public health, and public policy. The Commission's work was funded by a grant from the Pew Charitable Trusts to the Johns Hopkins Bloomberg School of Public Health.

Please see attached for a comparison between the report's recommendations and current Wisconsin state policies.

The Final Report of the Pew Commission on Industrial Farm Animal Production¹ highlights problems, and makes recommendations, on a number of environmental issues directly related to Wisconsin's industrial livestock industry. A brief comparison of some of the report's recommendations with existing or pending Wisconsin and federal environmental law is provided below.

For more information, please contact Jamie Saul, Staff Attorney with Midwest Environmental Advocates
jsaul@midwestadvocates.org / 608.251.5047

Pew Commission Recommendation	Related Wisconsin or Federal Environmental Law or Policy
<p>“Improve enforcement of existing federal, state, and local . . . regulations to improve the siting of [industrial livestock] facilities and protect the health of those who live near and downstream from them.” (Report at page 75)</p>	<p>State law is currently fairly strong concerning the permitting requirements for CAFOs (1,000 Animal Units or greater), but inspection is spotty at best and enforcement of violations rarely occurs. In addition, the Wisconsin Department of Natural Resources (DNR) has never denied a Clean Water Act discharge permit to a CAFO. Now, the DNR wants to weaken the permitting requirements by switching from an “Individual Permit” to a “General Permit” scheme for CAFOs, which would likely reduce public participation and hinder thorough, case-by-case environmental review by the DNR.</p>
<p>“Fully enforce current federal and state environmental exposure regulations . . . and increase monitoring of the possible public health effects of [industrial farm animal production] on people who live and work in or near these operations.” (Report at page 68)</p>	<p>The DNR proposed, and the Natural Resources Board recently approved, a rule that would exempt sources of hazardous air pollution associated with animal waste (such as ammonia and hydrogen sulfide) from the emissions limits required of all other Wisconsin industries, despite the fact that a number of proven, cost-effective Best Management Practices are available to reduce these toxic emissions. Under DNR's rule, livestock facilities would not have to meet state hazardous air emissions requirements until 2011.</p>
<p>“[D]evelop criteria for allowable levels of animal density and appropriate waste management methods that are compatible with protecting watershed, airshed, soil, and aquifers by adjusting for relevant hydrologic and geologic factors. States should use these criteria to permit and site [livestock] operations.” (Report at page 75)</p>	<p>Wisconsin's Livestock Facility Siting Law has reduced the ability of local communities to have a say in where new or expanding operations are located. The Siting Law leaves virtually no room to take regional or local variables, such as fractured bedrock or high-value watersheds, into consideration when making livestock siting decisions. Through the use of “uniform state standards” the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has paved the way for rapid expansion of the industrial livestock industry, but has failed to account for the very non-uniform nature of Wisconsin's communities and ecosystems.</p>

¹ Pew Commission on Industrial Farm Animal Production, *Putting Meat on The Table: Industrial Farm Animal Production in America* (2008), available at http://www.ncifap.org/_images/PCIFAP%20FINAL%20REPORT.pdf.

Pew Commission Recommendation	Related Wisconsin or Federal Environmental Law or Policy
<p>“[F]ederal and state governments should increase the number of [industrial livestock] operations . . . regulated under federal and state law . . . and provide robust financial and technical support to smaller producers included in the expanded . . . CAFO definition to help them comply with these regulations.” (Report at page 75)</p>	<p>Currently, only those large livestock facilities defined as Concentrated Animal Feeding Operations (CAFOs) are regulated by DNR under the Clean Water Act (for example, facilities defined as CAFOs typically have 700 or more milking cows or 10,000 pigs up to 55 lbs.) Smaller operations, which account for much more water pollution, are essentially unregulated under state law.</p> <p>While Nutrient Management Plans (NMPs) are required for all operations that apply manure to cropland, this requirement cannot be enforced unless a 70% cost share is provided by the government. State funds available for development of NMPs through cost sharing are not nearly sufficient to get the job done.</p>
<p>“[F]ederal, state, and local governments should begin collecting data on air emissions, ground and surface water emissions, soil emissions, and health outcomes . . . for people who live near [industrial livestock] facilities and for [industrial livestock facility] workers. These data should be tabulated and combined with existing data . . . that will enable the EPA and other agencies to keep track of air, water, and land emissions from . . . facilities and evaluate the public health implications of these emissions.” (Report at page 73)</p>	<p>The EPA has an ongoing research study intended to quantify air emissions from livestock operations (and DATCP is conducting its own similar study). But when it initiated the study in 2006 the EPA forgave over two thousand livestock operations for past and current violations of the federal Clean Air Act and other environmental laws.</p> <p>Now, the EPA is proposing to exempt livestock operations from the reporting requirements of the Emergency Planning and Community Right to Know Act (EPCRA) and the Superfund Law (also known as CERCLA), making it harder for local and state agencies and the public to learn about and respond to toxic air emissions from livestock facilities.</p>
<p>“Require operations that do not obtain a permit to prove they are not discharging waste into the environment . . . and require surface water monitoring for those who wish to opt out of obtaining a permit. . . . Claiming no discharge exempts [industrial livestock] facilities from federal regulation, although they are often still subject to state laws, which vary greatly from state to state (as noted in the National Conference of State Legislatures study [NCSL, 2008]).” (Report at page 77)</p>	<p>The EPA has recently proposed to replace the Clean Water Act permitting program for CAFOs with a “no discharge certification” scheme, which would allow CAFOs to avoid many of the Clean Water Act’s most important requirements, such as the need to obtain a permit and comply with restrictions on the discharge of wastewater.</p> <p>While the Wisconsin DNR currently requires permits for all CAFOs based on state law, if the EPA proposal is finalized, industry lobbyists are expected to push for weakening the corresponding state standards.</p>