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ANIMAL LAW  
CONFERENCE

26<sup>TH</sup> ANIMAL LAW CONFERENCE  
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CHICAGO, ILLINOIS

# Environmental Impacts of CAFOs

**Agriculture → Industry**

**Information → Regulation**





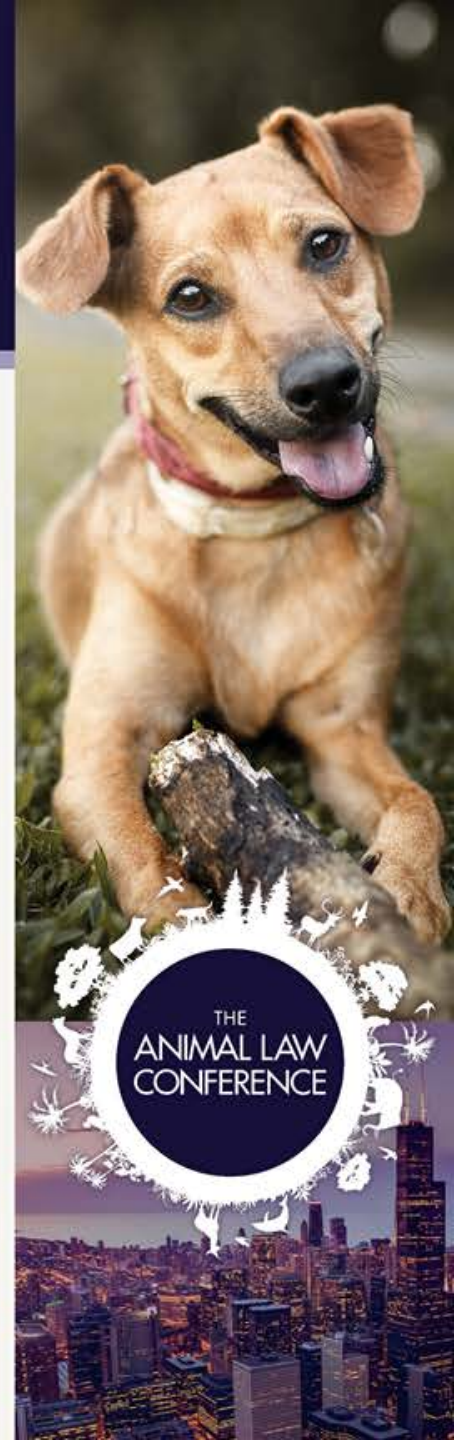
# Cumulative Environmental Impacts

## National Environmental Policy Act (NEPA)

42 U.S.C. § 4321 et seq.

Requires federal agencies to take a “hard look” at environmental effects of major federal actions before the action is taken.

- Consideration of impacts, mitigation measures, and alternatives.
- Public process and accountability.



# Cumulative Impacts

*Buffalo River Watershed Alliance v. U.S. Department of Agriculture*, No. 4:13-cv-450DPM, 2014 WL 6837005 (E.D. Ark. Dec. 2, 2014)

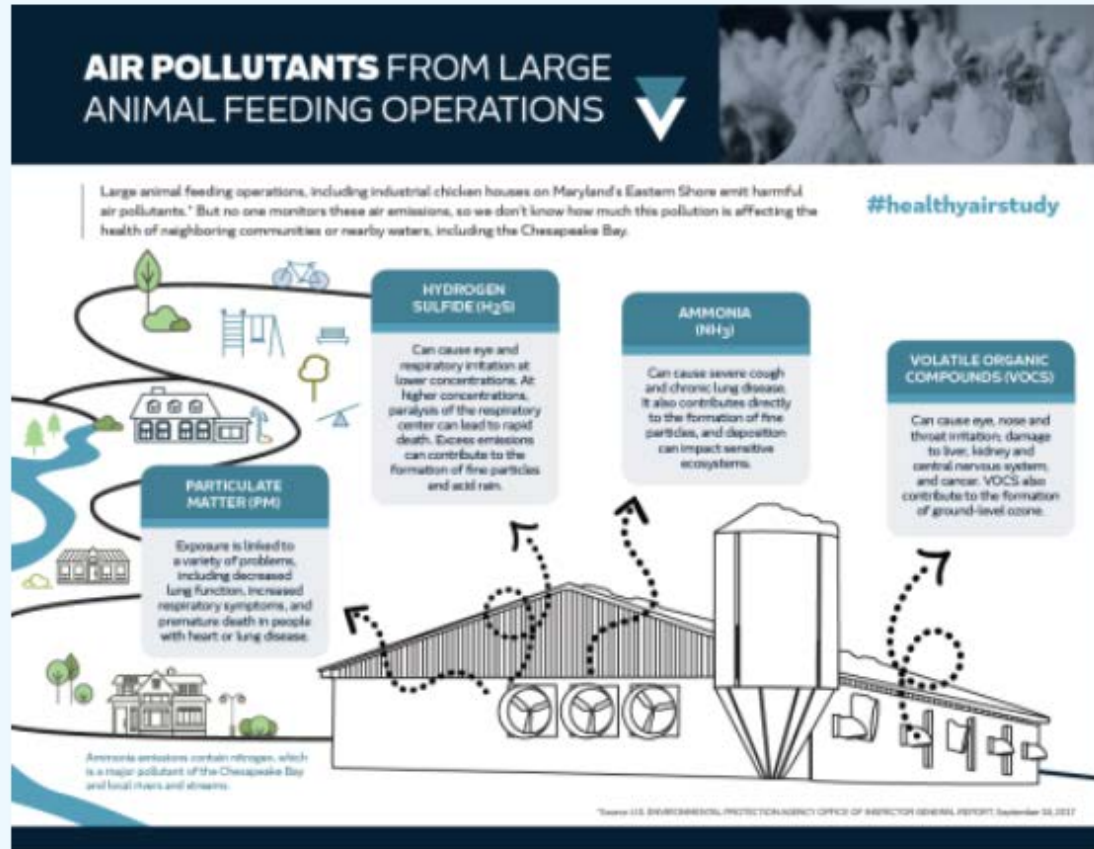
- Federal lending agencies must comply with NEPA in CAFO context.

Arkansas Rights Koalition citizen petition (Jan. 2017)

- Federal lending agencies should consider cumulative impacts of CAFO funding.



# Air Emissions





# Air Emissions

## Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11004

- Requires emergency notification if a “reportable quantity” of a hazardous substance is released.

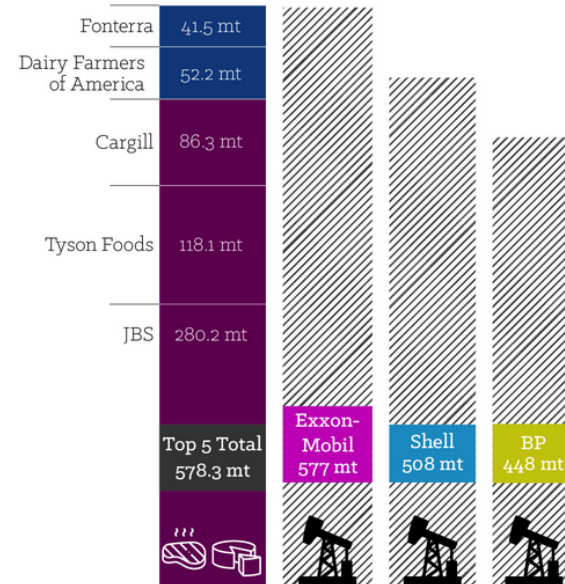
## *Rural Empowerment Association for Community Help v. EPA*, No. 1:18-cv-02260 (D.D.C. filed Sept. 28, 2018)

- EPA cannot exempt CAFOs from EPCRA reporting (again!).



# Air Emissions: Climate Change

**FIGURE 4:** The top 5 meat and dairy companies combined emit more greenhouse gases than ExxonMobil, Shell or BP



Sources: GRAIN and IATP, "Livestock products - corporate emissions B," 2018, <http://bit.ly/livestock-products-corporate-emissions-B>; Griffin, Dr. Paul, "The Carbon Majors Database: CDP Carbon Majors Report 2017," CDP, 2017, <http://bit.ly/carbon-majors-report>.



# Air Emissions: Climate Change

## California air emissions regulation & reduction

- AB 32
- E.O. S-3-05
- SB 605
- Mandatory Reporting Regulation
- Cap & trade

## ALDF citizen petition (Mar. 2014)

- California Air Resources Board cannot exempt industrial agriculture from climate change regulations.





# Water Pollution

## The Huge Flow of Animal Waste

Much of U.S. livestock is raised in industrial operations that produce many times their animals' weight in manure. Immense lagoons used to store waste can degrade the surrounding air and water.



U.S. livestock produces perhaps 900 million tons of waste annually, about

**3 tons of manure**

for each American.



Weight equivalent of that manure as measured in Toyota Priuses: 2 cars.



A 1,100-pound beef cow can produce manure at a clip of about

**14.6 tons annually.**



That's the weight equivalent of 10 cars.



Iowa's hogs produce at least 50 million tons of waste annually, about

**16.7 tons of manure**

for each of the 2,988,000 residents of the state.



That's the weight equivalent of 11.4 cars.

Sources: David Pimentel, Cornell Univ.; Ohio State Univ.; Iowa State Univ.

BILL MARSH/THE NEW YORK TIMES



# Water Pollution

Resource Conservation and Recovery Act (RCRA)  
42 U.S.C. § 6901 et seq.

- Prohibits open dumping of solid or hazardous waste.

*Community Association for Restoration of the Environment (CARE) v. Cow Palace*, 80 F.Supp.3d 1180 (E.D. Wash. 2015)

- Manure stored in commercial dairy lagoons is “solid waste” under RCRA.





# Water Use

## Sources of authority to regulate water use in California

- Reasonable use doctrine
- Public trust doctrine

## ALDF citizen petition (Nov. 2016)

- California Water Resources Control Board should limit unreasonable use of water by CAFOs.

