May 4, 2006 Cleveland, Ohio

THE PLAIN DEALER

Looking out for farmer Goliath

Some members of Congress want to build a legal moat around polluting mega-farms to protect them from big, bad cities that want to punish them.

More reasonable lawmakers should block this measure. The issue is particularly relevant to Ohio, because some factory farms are applying for expansions.

So far, at least 130 House members have signed on to exempt huge farms from tougher pollution controls, including Republican Reps. Ralph Regula of Navarre and Jean Schmidt of Cincinnati.

Supporters of the legislation argue that huge farms are not factories and thus not subject to stringent regulation under the Superfund, also known as the Comprehensive Environmental Response Compensation and Liability Act of 1980. Superfund makes companies pay to clean up environmental damage.

Cities raised the ire of industry recently by threatening to take companies to court under Superfund regulations if they did not clean up after themselves. The threat worked.

Now, agribusiness and its supporters are crying foul. They say Congress wrote the Superfund law to punish industrial polluters, not farmers.

That's missing the point.

Although it's true that farms contributed far less to pollution 25 years ago, the point of the Superfund regulations was to combat pollution, whether from smokestacks, swine or any other source.

The courts may have to decide whether the Superfund applies. But Congress should not rush to protect factory farms from the consequences of their actions. Cities seeking just compensation for environmental damages don't need a moat blocking their way.

September 4, 2006 Eugene, Oregon

The Register-Guard

Unlovely lagoons

In recent decades, livestock and poultry production in the United States has undergone a transformation that has serious environmental consequences.

Traditional farms increasingly have been replaced by commercial animal growing operations designed to maximize profits through economies of scale. The largest 5 percent of these farm factories are called "concentrated animal feeding operations," or CAFOs.

Each year, CAFOs generate an estimated 300 million tons of manure containing an array of contaminants that seep into waterways and groundwater in 29 states, including Oregon. At Threemile Canyon Farms in Boardman, decomposing manure at the industrial mega-dairy emits thousands of pounds of ammonia each day into the air, contributing to haze and acid rain in the Columbia River Gorge.

At many CAFOs, manure is stored in sprawling sludge lagoons and eventually sprayed or applied as fertilizer. In recent years, major lagoon spills have been reported in a dozen states, including Washington.

Federal regulation of CAFOs has been notoriously weak, and individual states, including Oregon, have attempted, with only modest success, to regulate the industry. CAFO owners often attempt to dodge legal responsibility for waste pollution by requiring that local farmers assume responsibility for the waste. Such agreements haven't shielded them, however, from the federal Superfund program, which attempts to trace pollution to its original sources and to hold accountable all parties involved.

Now, the CAFO industry wants Congress to permanently exempt it from the Superfund liability and oversight. An industry coalition, ironically named Farmers for Clean Air and Water, is lobbying lawmakers to pass a bill that would bar federal officials from listing manure as a hazardous substance under the Superfund law.

Industry officials argue that the Superfund law was intended to regulate industrial sites such as the Love Canal - or, in Oregon, the Willamette River's Portland Harbor - rather than agricultural operations. One industry press release notes that manure is "naturally occurring" and "not a Superfund material." It ominously warns that "everyone that uses the bathroom could be considered an open target for million-dollar lawsuits."

That's silly and manipulative. The Superfund law doesn't target manure production; in fact, it contains a provision exempting normal applications of fertilizer. However, the law does - and should - cover massive dumping of animal wastes that leads to the buildup of contaminants that meet the Superfund criteria of hazardous substances.

It's also misleading to suggest than manure should be exempted because it occurs naturally. Using that same reasoning, the EPA also should stop listing mercury and arsenic as hazardous substances.

Finally, the industry argues that CAFO pollution already is regulated under other federal regulations and environmental laws, such as the Clean Water Act. But most of those don't satisfactorily address CAFO pollution, are inadequately enforced or, as is the case with Clean Water Act, may soon be weakened by Bush administration rule changes.

Congress should dump the proposed Superfund exemption bill in the nearest waste lagoon. If anything, lawmakers should consider ways to strengthen existing laws to make certain CAFOs are held fully responsible for excessive dumping of animal wastes.

August 1, 2006 Boise, Idaho

The Idaho Statesman

Pollution exemption for dairies stinks

Big Livestock in Idaho just keeps getting bigger. Idaho dairies produced 923 million pounds of milk in June — up 7.7 percent in one year, and fourth among 23 major dairy states.

As the industry gets bigger, so too do the dairies and the pollution problems attached.

So it is disappointing to see Idaho's two senators back a bill to give farmers and ranchers cover from federal environmental law.

If Sens. Larry Craig and Mike Crapo get their way, manure would no longer be defined, for purposes of Superfund law, as a "hazardous substance, pollutant or contaminant."

At the risk of bathroom humor, this idea flunks the smell test.

Large livestock operations — described by critics, accurately enough, as factory farms — can release tons of ammonia, among other pollutants.

Ammonia is not merely a malodorous nuisance; it can aggravate respiratory problems or lead to a burning in the eyes or throat. These health effects have nothing to do with legal definitions and everything to do with ammonia's physical characteristics.

"Public health doesn't distinguish between the source of the pollution," said Courtney Washburn of the Idaho Conservation League.

ICL and other critics rightly want ag operations covered by the Comprehensive Environmental Response, Compensation and Liability Act — better known as Superfund — and the Emergency Planning and Community Right-to-Know Act, which require large industries to report pollution to federal and local agencies.

Craig and Crapo say they are not trying to roll back the rules. They argue that they are merely trying to clarify the law — and instruct judges that Superfund was never written to regulate manure.

Why not? People living next to a dairy or feedlot — in small communities all across the state — should not have to settle for less protection than folks living near a Rust Belt industrial plant.

That's what this ill-founded protection of agribusiness would do, and it's counterintuitive to market reality.

The livestock industry has changed considerably since Superfund's passage in 1980. Dairies and feedlots are being built larger to compete in a more volatile global economy. In 1982, 178,082 head of cows were found on 4,199 Idaho dairy farms. Two decades later, the number of cows had more than doubled to 390,000, but the number of farms had shrunk to 950.

As the dairy industry continues to grow — the U.S. Department of Agriculture estimated the June dairy cow count at 486,000 — the larger operations should be required to report their environmental impacts.

Regrettably, too many members of Congress see it differently.

Craig in 2004 and 2005 tried to tack riders onto other bills, saying Superfund law and the right-to-know act do not apply to manure. A House bill, introduced in November, pushes the same exemption; Idaho Reps. Mike Simpson and C.L. "Butch" Otter are cosponsors. Sen. Pete Domenici, R-N.M., introduced his own identical bill last month. The powerful chairman of the Senate's Energy and Natural Resources Committee already has 25 Senate cosponsors, including rural Republicans such as Craig and Crapo.

Whatever the legislative vehicle, the net result still smells sour — especially to any Idahoan downwind of a large dairy or feedlot.

September 9, 2006

UTAH'S INDEPENDENT VOICE SINCE 1871
The Salt Lake Tribune

Politics stinks

Manure factories don't rate protection

When is the fecal matter produced by thousands of cows, pigs or chickens not an environmental hazard?

When Congress says it isn't. Which is exactly what will happen if the bill with the sickeningly sweet title of "The Agricultural Protection and Prosperity Act" becomes law.

While things like stopping nuclear waste storage facilities in Utah draw all the press, environmentally destructive nonsense like this cow-poop-is-good-for-you law move quietly forward.

In this case, they do so with the support of some of the same Utah politicians who are now basking in the green glow of having stopped the planned Private Fuel Storage nuclear waste plan for Utah's Skull Valley. Sen. Orrin Hatch is a recent addition to the list of the bill's co-sponsors in the Senate. Reps. Rob Bishop and Chris Cannon lent their names to the House version back in the spring.

It's a short bill that, despite its deceptive name, comes with a clear explanation of its intent: "To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant."

That 1980 law, also known as the Superfund Act, scares the owners of giant animal-feeding operations because it allows government to go after polluters after the fact and hold them responsible for the stinking messes they or their corporate ancestors have made.

Saying that manure is not a pollutant is part of the usual agribusiness scam, pretending that they are engaged in benign animal husbandry and shouldn't be micromanaged by government. But the stuff that isn't supposed to flow out of huge protein factories - but sometimes does - is not fertilizer for the garden.

It is an industrial-scale pollutant, reeking with ammonia, nitrogen and phosphorus, carrying antibiotics and synthetic hormones, fouling water supplies and creating giant dead zones in coastal waters.

It's not as sexy as one nuclear waste dump, but the proliferation of these manure factories actually threatens more communities with more imminent harm. The environmental credentials of anyone who would exempt them from environmental regulations are hardly credible.