

**Defending Agriculture** 

Legal, environmental hot button issues that impact U.S. farmers.

---

**More Attacks Against Animal Ag**

Posted on September 29, 2009 at 7:34 AM

[Click here](#) to view **recent posts**

Agriculture has a new attack being launched on it by the United States Humane Society, the Association of Irrigated Residents, Friends of the Earth, and other assorted environmental do-gooders. It is not as if we in agriculture do not have enough challenges with extraordinarily low prices for dairy, pork, and now even corn.

On September 21, a group of environmental organizations filed a 68-page petition with the U.S. Environmental Protection Agency which, if implemented, could achieve the environmental organizations' goal of shutting down concentrated animal feeding operations (CAFO) in the United States. If you think this assertion is a bit strong, I suggest you read the petition: <http://www.hsus.org/web-files/PDF/farm/hsus-et-al-v-epa-cafo-caa-petition-final.pdf>

The petition is too long and legally complicated to fully discuss in this column so I will be following up with more columns on the charges made in the 68 pages. In the petition the environmental groups want to control, among other things, the diet you feed to your animals, the pH of manure, and the time and temperature that animal waste is in storage. They also want you to switch from farm animal production systems that are reliant on grains to systems that use pasture-raised, organic or full cycle farming systems.

The petition declares that "mitigating the animal agriculture sectors' significant yet unappreciated role in climate change and other air pollution problems is vital for the health and the sustainability of the planet, the environment, and its human and nonhuman inhabitants."

**'Negative impacts'** The attack continues by claiming "the negative impacts from CAFO emissions are already occurring and will only worsen as the trend toward concentrated farm animal production continues to increase." Moreover, these environmental groups claim in their petition to EPA that EPA must issue new standards to regulate air emissions coming from CAFO facilities because the animal production sector "is the largest contributor of ammonia, and is a major contributor of hydrogen sulfide and VOCs (volatile organic chemicals), as well as being responsible for more GHG (greenhouse gas) emissions than the transportation sector."

I suspect most of you who read this column have no idea that you are a part of a group that is helping to ruin the planet, so say these environmental groups.

Most of us who participate in agriculture believe we are helping our families, producing food for our fellow man and woman, and protecting the environment. Some of our fellow citizens have a completely different idea of what we are doing and want to regulate us through the powers of the EPA.

The environmental groups will be using a legal device to request and possibly force EPA to regulate CAFO emissions under Section 111 of the Clean Air Act. Some of you may think this section only applies to new sources; however, it has a section that allows standards to be applied to existing sources.

The reason these groups are seeking regulations is that they believe CAFO operations are producing large amounts of air pollutants including the greenhouse gases methane and nitrous oxide, hydrogen sulfide, ammonia, particulate matter, and volatile organic compounds. Such emissions, according to these groups, "...endanger the health of even those humans, animals, and ecosystems far removed from these facilities."

**Successful lawsuits** The environmental groups have attempted to regulate CAFO emissions using two other environmental statutes that require reporting of emissions over 100 lbs. a day. Some CAFO operations have been sued successfully for allegedly not reporting their ammonia and hydrogen sulfide emissions to appropriate authorities.

Due to the efforts of USDA, this reporting has been modified to some extent, but the environmental groups did not achieve their goal of controlling emissions from animal production facilities.

This petition by the Humane Society is a much more dangerous legal tactic because the Clean Air Act does not require an absolute certainty of proof of actual harm when making an endangerment finding. The environmental groups claim the air pollutants being emitted by CAFOs are contributing "...significantly to several air pollution problems that endanger public health and welfare."

*Registered users can respond to this blog.*

[Add a Comment](#)

---

**Recent Posts**

[Back to Top](#)

[More Attacks Against Animal Ag](#)

Posted on September 29, 2009 at 7:34 AM

New Humane Society petition to EPA threatens to regulate and eventually shut down large-scale livestock operations.

Category: **Issues**