



Raising Animals in Confinement: Is it a Sin?

Posted on January 13, 2010 at 8:42 AM

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

Last week I read an article which claimed that the Humane Society of the United States, along with other environmental groups, wants to convince consumers that it is immoral to raise animals in Confined Animal Feeding Operations (CAFO).

I cannot comment on the religious aspect of confined feeding operations, but I can warn you that lawyers are targeting dairy, poultry and swine farms. A number of cases are being filed in Indiana by neighbors who want to make Randolph and Wayne Counties "ground zero" for ending CAFOs, according to the Muncie Star Press.

The Muncie paper claims that trial lawyers from around the country will be filing numerous lawsuits which will challenge Gov. Mitch Daniel's Department of Agriculture's granting of permits to construct and operate CAFOs.

The claim, according to the paper, is that such operations generate "highly aggressive flies, harmful odors, stacks of dead animals and mismanagement of millions of gallons of manure..." I have seen these complaints before in other legal actions.

Operators of animal feeding operations should read a recent study published by the U.S. Congressional Research Service (CRS) on October 14, 2009. It is titled "Air Quality Issues and Animal Agriculture: A Primer" (www.crs.gov) RL32948.

The report declares animal agriculture generates over \$100 billion annually in the United States. It is also points out that livestock and poultry are raised on an estimated 1.3 million farms and approximately 238,000 of these farms are considered animal operating operations housing 300 or more animals. EPA estimates out of this number there are approximately 20,700 operations that will need to be permitted under its rules.

The lawsuits described above most likely will allege common law violations such as private and public nuisance, negligence, trespass, and gross negligence.

The CRS report is still helpful to CAFO operators and their attorneys because the common law actions will still involve odor issues created by ammonia (NH3), hydrogen sulfide (H2S), methane, and nitrous oxide. Some cases also will involve particulate matter which is airborne dust and is commonly referred to as PM10 or PM2.5. Ammonia comes from the surface of liquid manure storage structures, and it adheres easily to particles in the air. It is estimated that ammonia from animal waste equals about 1/2 of the total natural and manmade ammonia emitted in the U.S. The report indicates ammonia is generally a minor pollutant at most property lines. Hydrogen sulfide, which people complain about, has the rotten egg odor and is developed by the decomposition of sulfur-containing matter in manure. H2S is generally what causes local concern as it relates to odor. It can be significant at the property line but generally dissipates very quickly.

The CRS report provides a good summary regarding the Clean Water Act's regulation of agricultural activities and specifically the livestock industry. It does state that animal feeding operations are a subset of the agricultural industry and that in 2000, EPA's National Water Quality Inventory did identify agriculture as a leading contributor to water quality impairments in rivers and lakes. The EPA report claimed 29 states specifically identified animal feeding operations as contributing to water quality impairment. This seems strange since CAFOs are not allowed to discharge waste except when there is an exceptional 25-year, 24-hour rainfall event.

CRS also provides a good description of how the Clean Air Act can be applied to emissions from CAFOs. The most important point made by CRS is on page 11 where it declares, "Most agricultural operations are believed to be minor sources of air pollution, and few have been required to comply with the act's permit requirements." CRS also states that federal and state officials have not placed a high priority on regulating agricultural sources. Therefore it is easy to see why the plaintiffs' lawyers are attempting to bring lawsuits against CAFO operators.

The report presents a good summary of how states are beginning to regulate air quality from CAFOs. For example, Minnesota is now requiring feedlots and manure storage areas to acquire construction and operating permits. The state also has adopted an air quality standard for hydrogen sulfide which applies to CAFO emissions. In Illinois, there is a statute that requires setback distances in order to control emissions. This is true in Missouri, as well.

This report should answer and help CAFO operators defend themselves in cases such as those being filed in Indiana and Missouri. It should not be overlooked, however, that the plaintiffs' lawyers will also read the CRS report. It will be up to jurors to determine whether the CAFOs are immoral or sinful.

[Add a Comment](#)

<p>Comments</p> <hr/>
<p>Recent Posts</p> <p>Back to Top</p> <p>Raising Animals in Confinement: Is it a Sin?</p> <p><small>Posted on January 13, 2010 at 8:42 AM</small></p>

[Environmental groups claim it is immoral to raise animals in confined animal feeding operations.](#)

Category: [Issues](#)