Chapter Excerpt from the Award-Winning Book CAFO
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“CAFOs are in Everyone’s Backyard”
Much has been written about the deterioration of communities and degradation of the environment due to industrial animal agriculture. Less is said about how a highly centralized animal products industry directly tears away at the fabric of the democratic process. For years, the CAFO industry has been working in the courts and with elected officials and agencies to immunize itself from government regulation, from photographic documentation, and even from freedom of speech.

From the hunting and gathering !Kung Bushmen of the Kalahari Desert and intensive agricultural Maya and Aztec civilizations, to the plantations of the American South and feudal landholders of western Europe, to our contemporary industrialized hog factories in Canada and the United States, we can impart a basic anthropological lesson. The ways in which food is gathered, grown, and distributed fundamentally shape human societies. Throughout the prehistoric, historic, and contemporary record of human adaptation, a reasonably clear pattern is discernible—as the food system becomes more centralized, so too do political, economic, and even religious systems. Contrary to what we might hear about the role of agriculture, it can be argued that today’s rapid centralization of ownership and control over land and food does not necessarily free the remainder of society from tilling the soil to pursue affluence. Rather, it alienates and oppresses a society’s inhabitants. And the current global concentration of agri-
cultural production, processing, and distribution into fewer hands portends a future of increasing human struggle and conflict.

Just ask neighbors of an industrial hog operation in rural Saskatchewan or North Carolina about their experiences. In vivid detail they will describe their diminished quality of life; the impairment of surface and groundwater; the horrific odor, the social upheaval and divisions among neighbors, friends, and family members; and the displacement of family farmers and rural decay. They will tell you about the inequitable burden placed on impoverished rural neighborhoods and communities of color; concerns over health problems from airborne emissions; intimidation by local officials and industry representatives; and the collusion between industry, government, and research institutions. Each of these areas is in itself worthy of attention. Taken together, they paint a compelling picture of a fundamental pathology undermining the core infrastructure of society.

The proliferation of industrial hog production facilities and the concentration of swine ownership into fewer hands parallel technological changes. The most notable is the shift from pasture-based and open-lot production to total animal confinement, beginning in the early 1970s. Confinement production does supply an advantage to hog producers in temperate regions by providing an antidote to harsh weather conditions that impede growth rates and time to market. When hogs expend a larger proportion of their nutrients in the form of energy to protect themselves from the cold or to shed pounds in oppressive heat, their feed-to-meat conversion rates decline. Enclosed production units also allow for stricter control of feed rationing and reproduction. Yet these and other efficiencies do not come without dramatic consequences.

A wide variety of environmental and public health problems have emerged as a result of the industrialization of livestock production. Surface and groundwater contamination occurs from the huge volumes of manure produced. In contrast to the solid manure generated in open-air hog production, confined animal production brings the storage and management of manure in a liquid form that is much more concentrated and mobile. Swine produce over twice as much manure per day as humans do, and the biological oxygen demand (BOD) of undiluted hog waste is 160 times greater than that of raw
human municipal sewage. What’s more, huge volumes of antibiotics fed to livestock, primarily as growth promotants in feed, are largely excreted in the liquid manure. Consequently, antibiotics, as well as antibiotic-resistant bacteria, join the nitrogen, phosphorus, heavy metals, and other swine manure constituents that find their way into, and degrade, surface and ground waters. The problem has become so pronounced in the United States that the Environmental Protection Agency (EPA) is now legally required to develop new regulations to issue discharge permits for large-scale animal production facilities comparable to the types of permits typically issued to urban factories.

In revisions to the federal Clean Water Act originally promulgated in 1972, new rules concerning livestock operations were issued in December 2002. These rules specify the primary problem as coming from large livestock operations, in part because large operations are more likely than smaller operations to have an insufficient land base for utilizing manure nutrients. Solid manure that was once widely distributed as fertilizer for large numbers of sustainable farm systems in a given region has been transformed into an unmanageable liquid industrial pollutant contaminating the water and air.

Anyone who has spent even a little time on farms clearly understands that some type of odor is inherent to the agricultural environment. However, concentrating hundreds of thousands of gallons of liquid manure in one area is anything but natural and can have a devastating effect on the quality of life for neighboring farmers and other rural residents. Some 160 volatile organic compounds are emitted from liquid hog manure, and their odiferous character can offend even the most seasoned farmer or rural resident. Industrial production facilities housing thousands of swine come with storage facilities holding hundreds of thousands, even millions, of gallons of liquid manure. Large exhaust fans dot the exterior walls of these facilities, testifying to the fact that the interior ambient environment is not particularly healthy, so particulates and gases are forced outside. Fully a third of the people working inside these facilities will develop one or more chronic respiratory problems in direct response to exposure to gas and dust mixtures. Compounds such as hydrogen sulfide and ammonia, blended with dusts and endotoxins, create problems for neighbors, particularly when large volumes of manure are stored in liquid form.
Suburban expansion in southern California has migrated into areas that had formerly been relegated to industrial food production, such as the dairy CAFO in this photograph. These folks literally have a CAFO in their backyard.
Neighbors of industrial swine production operations frequently share common views, values, expectations, and experiences concerning country living. Their lives revolve around centrally cherished values of family, friends, home, and faith. The ability to express these values through activities at their homes is centrally important to their quality of life. The encroachment of a factory livestock facility near their homes and properties strips them of the freedom and independence associated with outdoor living. Ultimately, that loss of freedom gives way to a sense of violation and infringement as even the most basic activities—backyard barbecues, visits by friends and family—are taken away. Children and grandchildren cannot experience the unfettered joy of outdoor life in the country—jumping on the trampoline, bicycling, playing in the pool, picking flowers and playing with bugs in the yard, and inviting friends over to play. Parents become upset when their children are affected by odors, which in turn has a ripple effect creating frustration, anger, and family tensions.

The homes of these families are no longer an extension of, nor a means for, enjoying the outdoors. Instead, their homes become a barrier against an outdoors that harbors an intrusive stench. The odors disrupt more than an itemized list of events on a calendar; they take away the most basic elements of their lives and offer them no control in return. This lack of control is the consequence of so-called state right-to-farm laws that originated in the 1960s and have now been enacted in all fifty states. These laws were originally intended to protect family farmers from urban encroachment and nuisance lawsuits from new neighbors who do not understand normal farm operations. In recent years, however, the industry has successfully staked claim to these laws by cloaking CAFOs in laws that prevent county government or zoning boards from developing siting restrictions. In short, local communities and neighborhoods that know most about their local environment are stripped of the power to make decisions about CAFOs. Recent public health research shows that neighbors of large-scale swine operations are at elevated risk for health problems. Neighbors appear to be experiencing elevated rates of health symptoms related to the upper respiratory tract. Symptoms such as excess coughing, wheezing, chest tightness, dizziness, and shortness of breath appear more frequently among neighbors of large-scale swine
operations as compared with other groups in rural areas. Results indicate that neighbors may be experiencing clusters of symptoms similar to the well-documented toxic or inflammatory respiratory effects among factory farm workers exposed to gases and related conditions.

With the mounting evidence of negative social, economic, environmental, and public health consequences of industrial scale livestock production, the natural question is, Why? Why not simply approach our government representatives, explain the problem by showing them the scientific research coupled with local experiences of neighbors, and have them make changes? After all, representative democratic free governments are supposed to exist to protect individual rights and ensure that the public interest is being served. This lack of effective government action in the face of the litany of problems associated with industrialized agriculture demonstrates that the most fundamental violation is not the air, water, or even the decay of rural communities. Most problematic is the erosion of freedom and democracy via the centralization of political power that follows from industry consolidation. How can we fix water quality, air quality, economic decay, rural community social upheaval, and rural health if we lose our freedom of speech and find a tightening noose around channels of access to government, scientific research, and the courts? Deeply disturbing efforts to thwart regulation, stymie independent agricultural research, muzzle public criticism of industrial livestock facilities, and force independent family farmers to pay the government for messages about their occupation that they do not agree with signal tendencies not of freedom and democracy, but of autocracy and authoritarianism.

In 1996, famed U.S. talk show host Oprah Winfrey invited vegetarian activist Howard Lyman on her show to discuss mad cow disease and the livestock industry. The show’s content suggested the possibility that mad cow disease could spread from cows to humans. To audience applause, an effervescent Oprah proclaimed: “It has just stopped me from eating another burger!” The show—what Oprah probably viewed as just another day at the office—turned out to be a major legal battle brought against her by the Texas cattle industry. The plaintiffs, Texas Beef Producers, contended that Oprah and her guests spoke disparagingly about beef, which had a significant effect
on consumer confidence resulting in considerable financial losses for the industry. No doubt Oprah was unaware that Texas, like twelve other U.S. states, had passed “veggie libel laws” that prohibit people from speaking disparagingly about agriculture. A representative example can be seen in South Dakota’s law, which defines disparagement as follows:

Disparagement: dissemination in any manner to the public of any information that the disseminator knows to be false and that states or implies that an agricultural food product is not safe for consumption by the public or that generally accepted agricultural and management practices make agricultural food products unsafe for consumption by the public.5

Oprah Winfrey ultimately prevailed in her case. But what may seem an innocuous and inconspicuous law actually represents a bold frontal attack on the fundamental core of the First Amendment of the U.S. Constitution: freedom of speech. U.S. citizens in these states are supposed to not talk publicly about food safety and to accept the state’s proposition that there are “generally accepted agricultural and management practices” that will protect them. Aside from the glaringly obvious constitutional affront, who ultimately gets to decide what constitutes “generally accepted agricultural and management practices”? I have a hunch that neighbors of industrial-scale livestock operations are not the first line of industry experts outlining what is “generally accepted.”

In and of themselves, veggie libel laws are reason for concern. Unfortunately, they are not isolated events, but rather part of an emerging pattern of attempts to preemptively curtail free speech over problems of industrialized agriculture. For example, in 2002, agricultural industry lobbyists in Illinois tried to get the state legislature to make illegal any attempt to photograph confined animal production facilities. This was a direct response to images produced by animal welfare groups showing deplorable living conditions for livestock. In 2003, Texas lawmakers proposed that bringing a camera into a slaughterhouse should be a Class B misdemeanor, while Missouri legislators sought felony charges for photographing or videotaping “any aspect of an animal facility.”6 Although both of these efforts ulti-
Citizens attempt to fight back against the expansion of hog and poultry CAFOs. Unfortunately, many communities have lost local control over the ability to accept or refuse a proposed animal factory operation, as those decisions have been ceded to state regulators.
mately failed, the CAFO industry has continually pressed for similar protections ultimately designed to keep citizens in the dark about what goes on behind the closed doors of industrial animal production and slaughter operations.

Examples abound of political interference with attempts to environmentally regulate CAFOs. In 2003, the U.S. General Accounting Office (GAO) issued a report assessing the EPA's handling of its regulatory program for CAFOs. After reviewing all regional EPA offices, the report concluded that large CAFOs were escaping oversight via regulatory exemptions. Consequently, many of the CAFOs that the EPA itself believed were polluting the nation's waterways were going unchecked. The GAO recommended increased oversight of the EPA program for CAFOs. In fact, just the opposite has occurred. The potentially effective regulations for CAFOs promulgated under the Clinton administration were summarily gutted by an industry-allied Bush regime. High-ranking EPA enforcement officials (who later resigned in protest) pointed out that Vice President Dick Cheney ordered the EPA director of civil enforcement to halt enforcement action against certain CAFOs. Again in 2004, the EPA buckled to industry pressure when it proposed and eventually enacted a “Safe Harbor Agreement” for CAFOs that emit known pollutants into the air. Rather than regulate known emissions such as hydrogen sulfide, ammonia, volatile organic compounds, and dust particulate matter, the EPA granted amnesty to any CAFO operator who signed up to help it develop an emissions monitoring method. When it comes to toxic air emissions, CAFOs were essentially given a get-out-of-jail-free card. And the EPA, charged with protecting the citizen health, became little more than an enabler for polluters.

Problems of suppression also extend to scientific research, both in government-funded programs and in land grant universities. Since science is supposed to provide the foundation for public policy decisions, agency action, and legal adjudication, it is critically important that researchers be allowed the unfettered freedom to conduct their work and freely present their results. But not even research institutions have survived the reach of the industrial food cartel. Suppression of research studies unfavorable to agribusiness has been underway for decades. In the early 1940s, the anthropologist Walter
Goldschmidt began examining the effects of industrialized agriculture in the Central Valley of California. His work was sponsored by the Bureau of Agricultural Economics in the U.S. Department of Agriculture. Professor Goldschmidt painstakingly compared two similar towns that differed in the extent to which they were surrounded by smaller independent farms versus larger corporate-owned operations. Goldschmidt found that the town surrounded by smaller independent farms had less poverty, more churches, more civic activity, a better standard of living, more schools, more public recreation facilities, and more democratic governance. Thirty years later, in 1972, he provided congressional testimony to a Senate subcommittee on the role of giant corporations in the American and world economies:

I was ordered [in early 1940s] by my bureau chief in Washington not to undertake the second phase of the study. He did so in response to a buildup of pressure from politically powerful circles. These same sources of influence would have, as a matter of fact, prevented the publication of the report itself, had it not been for...the actions of the late Senator Murray of Montana. I was told, Mr. Senator and gentlemen, that the official manuscript of the study was literally in the file drawer of the desk occupied by Clinton Anderson, then the Secretary of Agriculture, and that it was released to Senator Murray only upon his agreement that there would be no mention anywhere in the published report of the Department of Agriculture. I could regale this committee beyond its endurance with stories about this public pressure—as, for instance, our small research team being vilified on the radio each noon, as we ate our lunch...by the newscaster sponsored by the Associated Farmers of California.

The bureau sponsoring Goldschmidt’s work was dismantled.

Many independent family farmers in the United States are also discovering the very real consequences of oppression by a centralized agricultural system. Farmers throughout the country are forced to pay “tribute” to a centralized commodity organization when they market their products. In the pork industry, hog producers are required under the federal Pork Production, Research, and Consumer Education Act
In addition to living with the unpredictable presence of stench, residents living around CAFOs must often endure insect infestations, such as swarms of flies, which can at times make them prisoners in their own homes.
of 1985 to pay 40 cents out of every $100 of value when hogs are sold, known as the pork checkoff. Among the ostensible purposes of the money is the promotion of pork to U.S. consumers. Many family hog farmers in the United States, however, disagree with the advertising and public ideology created by these moneys. For example, they oppose the promotion of pork as the “other white meat” because it may discourage the sale of bacon and ham. Or they contend that family farmers end up paying for messages that promote the sale of brand name meats by large-scale integrators as opposed to their own family farm–produced meats. Each year, in fact, hog producers are essentially taxed some $50–$60 million in checkoff funds that are used to created and promote messages that may serve the interests of one segment of the industry over the other.

A legal challenge to this system was brought in 2001 by the Campaign for Family Farms (CFF), an advocacy organization consisting of four subgroups, including a substantial number of family hog farmers. CFF sought an end to the checkoff program on the grounds that it was unconstitutional under the First Amendment, as it essentially forced family hog producers to pay for messages they did not believe in or agree with. The case involved the CFF on one side against an opposition of both the Michigan Pork Producers (a state commodity organization funded, in part, by pork checkoff funds) and the U.S. Department of Agriculture. In other words, a branch of the federal government, the USDA, purposefully blurred the distinction between private industry and public governance by allying itself with the pork checkoff program. The federal government intentionally forced farmers to contribute to a state-run campaign that promoted messages to the general public that were counter to family farm interests. In October 2002, a U.S. district court judge ruled as follows:

In days of low return on agricultural [sic], the decision of an individual farmer to devote funds to uses other than generic advertising is very important. Indeed, the frustration of some farmers is likely to only mount when those funds are used to pay for competitors’ advertising, thereby depriving the farmer of the ability to pay for either niche advertising or non-advertising essentials (such as feed for 29 livestock). This is true regardless of whether objecting farmers are correct in their economic
analysis that the assessments and speech do not sufficiently
further their own particular interests. In short, whether this
speech is considered on either philosophical, political or com-
cmercial grounds, it involves a kind of outrage which Jefferson
loathed. The government has been made tyrannical by forc-
ing men and women to pay for messages they detest. Such a
system is at the bottom unconstitutional and rotten. For these
reasons, the Court concludes that the mandated system of Pork
Act assessments is unconstitutional since it violates the Cross-
Plaintiffs’ rights of free speech and association.  

In an alarming reversal, the U.S. Supreme Court overturned this
decision in 2005 by ruling that advertisements supported by checkoff
funds were actually government speech and therefore not susceptible
to First Amendment challenges. In other words, the government can
require family farmers to pay taxes on their hogs and use that money
to speak against their interests. And there’s nothing they can do
about it.

The general public needs to know about the larger contexts of
these local and regional struggles, if only to grasp a basic civic real-
ity. Maintaining an equitable and sustainable food system is funda-
mental to ensuring a democratic society. Fixing the problem in any
one neighborhood’s backyard should not mean chasing large-scale
agricultural interests away to another neighborhood, another region,
another province, or another part of the world. Rather, addressing
the litany of problems brought about by facilities such as inten-
sive livestock operations requires courageous and constant vigilance
across the political landscape. Without it, we all become subservient
to the political tyranny and wasteland created by industrial-scale
agriculture.

But there is something greater at work here that is alarming and
mobilizing citizens across the country and into Canada. Citizen groups
and coalitions to fight CAFO injustices have formed from California
to North Carolina, from rural Manitoba to the Texas ranges. For
example, the Concerned Citizens of Tillery (CCT), a community-
based organization formed in 1978 in rural North Carolina, led the
state’s first local intensive livestock ordinance and successfully helped
champion the implementation of a statewide moratorium on the con-
struction of new CAFOs in 1997. A statewide coalition of CAFO neighbors in Illinois proclaimed themselves the Illinois Citizens for Clean Air and Water (ICCAW). In spring 2008, ICCAW began taking back the rights assured them under the Clean Water Act by filing a formal petition with the U.S. EPA. The petition, similar to others filed through the Midwest, asked that the state's authority to issue permits and monitor CAFOs be removed because the Illinois EPA didn't even know where CAFOs were located, let alone monitor them as required under federal law. Similar promising stories are sprouting up across the country as residents increasingly recognize that these injustices are not just a rural problem. This erosion of freedoms and basic rights is not limited to rural Kentucky, Arkansas, North Carolina, Iowa, and other places with high concentrations of industrial animal agriculture. It is a degradation of rights and protections for all citizens. CAFOs are in everyone's backyard.

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