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Dodge group joins 32 others in battling water rules with factory farms

By Rick Bussler, Publisher

A broad coalition of public interest and environmental justice organizations have filed a lawsuit against the Environmental Protection Agency alleging the EPA has failed to respond to a legal petition urging the agency to strengthen clean water rules governing factory farms.

Six national public interest advocacy organizations and 27 state and community-based organizations representing 15 states have joined in the lawsuit filed with the Ninth Circuit Court of Appeals Oct. 7. Among the organizations is Dodge County Concerned Citizens (DCCC).

The suit aims to force the EPA to finally issue a formal response to a rulemaking petition that had been filed more than five years ago by the organizations. The agency's complete failure to respond, the groups allege, violates the Administrative Procedure Act (APA), which requires agencies like the EPA to respond to petitions "within a reasonable time."

In the suit, the groups argue the current delay is unreasonable on its face, and that the EPA's inaction is unlawfully prolonging dangerous pollution and public health threats from factory farms. Most livestock in the U.S. is raised in concentrated animal feeding operations (CAFOs), which can confine thousands or even millions of animals and their waste.

"The vast quantities of manure generated from CAFOs are typically disposed of, untreated, on cropland where it can seep or run off to pollute waterways and drinking water sources," the suit claims.

The Clean Water Act defines CAFOs as "point sources" of pollution, which should require polluting CAFOs to follow discharge permits that restrict their pollution discharges into rivers and streams. But due to the EPA's weak regulations, only a small fraction of CAFOs have the required permits, the groups claim, adding the permits that do exist are weak and inadequately protective of water quality.

According to the lawsuit, the EPA's failed approach has led to widespread factory farm pollution in waterways and communities across the country. The petition, which was filed in May 2017, provided a roadmap for the EPA to close loopholes that have enables CAFOs to avoid regulation and to make permits stronger and more effective.

"The EPA's refusal to even answer simply confirms that it will not hold this industry accountable without legal and public pressure," said Tarah Heinzen, legal director for Food & Water Watch. "We will not let the EPA continue to delay while factory farms pollute with impunity, endangering public health and fouling our rivers and streams across the country."

Sonja Trom Eayrs of DCCC said her family's farm located northeast of Blooming Prairie is situated at the headwaters of the Cedar River, which flows south into Iowa and eventually the Mississippi River. She said although the Trom farm is surrounded by 12 hog operations confining an estimated 30,000 hogs in a 3-mile radius, the family has never applied manure from area CAFOs on the land.

"This influx of CAFOs and their waste has severely harmed the environment and quality of life in the local community," Trom Eayrs said. "CAFOs dispose of this waste on cropland in the immediate area, leading to degradation of local waterways.

Segments of the Cedar River are now on the Impaired Waters list, including the segment downstream from the Trom farm."

In addition to the local group organized by Trom Eayrs, other petitioners in the lawsuit include: Food & Water Watch, Center for Food Safety, Dakota Rural Action, the Environmental Integrity Project, Helping Others Maintain Environmental Standards, Institute for Agriculture and Trade Policy, Iowa Citizens for Community Improvement, Kewaunee CARES, Midwest Environmental Advocates, and North Carolina Environmental Justice Network.

The groups claim to represent millions of supporters across the country.