

MINNESOTA COURT OF APPEALS CLEARS WAYS FOR NATIONAL GROUPS TO PARTICIPATE IN APPEAL AGAINST FACTORY FARM

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The Minnesota Court of Appeals granted the request by a coalition of the nation's leading public health, animal welfare and environmental groups to join a lifelong family farmer's legal efforts to address the negative impacts associated with factory farms. In so doing, the Minnesota Court of Appeals denied a request by the respondent swine operator to limit the scope of participation by these groups.

Professionals at the Center for a Livable Future at Johns Hopkins University, the Humane Society of the United States, Animal Legal Defense Fund, Minnesota Center for Environmental Advocacy ("MCEA"), Environment Minnesota, and Food & Water Watch on July 25 filed formal requests in the Minnesota Court of Appeals to participate in an appeal filed by Lowell and Evelyn Trom of rural Dodge County, Minnesota against a large corporate factory farm and Dodge County. The Troms sued Dodge County and a large corporate factory farm operator, Masching Swine Farms, LLC, following approval of the 11th swine factory farm, or feedlot, within a three-mile radius of their home.

Given the public nature of the Trom's lawsuit, these groups, representing millions of members throughout the United States, filed requests for amicus with the Minnesota Court of Appeals, where the Troms' case is currently being reviewed. A request for amicus (or friend of the court) is filed by individuals or organizations who, while not a party to a lawsuit, have a strong public interest in or knowledge in the subject matter. The intent is to provide the Court with information regarding the effects of a decision beyond the parties involved in the case. The Court of Appeals must approve the requests.

According to the request filed by Johns Hopkins University professionals, "The Dodge County Ordinances at issue in this case required compliance with U.S. and state environmental laws, and the permit at issue in this appeal has broad implications for Dodge County, other counties in Minnesota and rural areas across the U.S." The Center for a Livable Future at Johns Hopkins will "provide interpretation of relevant scientific evidence regarding the public health and community impacts of industrial-scale swine production, " including the spread of infectious diseases to communities; groundwater and surface water pollution, and associated health impacts on communities; and air pollution, odors, and associated health and social impacts on communities.

The Humane Society of the United States and Animal Legal Defense Fund will discuss "the burgeoning threat of antibiotic-resistant bacteria to animal welfare and public health, exacerbated by antibiotic overuse and confinement conditions at concentrated animal feeding operations."

MCEA, Environment Minnesota and Food & Water Watch filed a third request, noting their "particular expertise and experience in animal feedlot regulation that is distinct from the experience of any other party in this appeal." MCEA has participated in administrative rulemaking proceedings concerning the regulation of pollutants discharged to surface and ground water from Concentrated Animal Feeding Operations. MCEA has a distinct interest in ensuring that local regulations preserve and respect procedural rights in order to protect the natural resources of this state. Environment Minnesota, with its commitment to protect our rivers, lakes streams and water resources, is "deeply concerned by the

water pollution impacts of industrial livestock operations.” Food & Water Watch (“FWW”), which champions healthy food and clean water, advocates for safe, wholesome food produced in a humane and sustainable manner. FWW is also concerned about the cumulative harmful impacts of the many feedlots already in the immediate vicinity including by contaminating surface waters with nitrogen, phosphorus, bacteria and pharmaceuticals.

Appellant Lowell Trom stated that “We have known for a long time that our lawsuit is not just about our family. If our family loses, we all lose.”

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Copies of the requests for leave to file amicus briefs are posted online at the website for Dodge County Concerned Citizens. www.dodgecc.org.

Descriptions of the groups:

The Johns Hopkins Center for a Livable Future (“CLF”), with its global expertise, works with students, educators, researchers, policymakers, advocacy organizations and communities to build a healthier, more equitable and resilient food system. CLF’s work is driven by the concept that public health, diet, food production and the environment are deeply interrelated and that understanding these relationships is crucial in pursuing a livable future. Factory farming (or industrial food animal production) is an area of high-priority. www.jhsph.edu. This is the largest school of public health in the world. Ranked #1 by U.S. News and World Report since 1994. First institution of its kind worldwide.

The Humane Society of the United States is the nation’s largest animal protection organization, rated *most effective* by its peers. For 60 years, HSUS has celebrated the protection of all animals and confronted all forms of cruelty. HSUS is the nation’s largest provider of *hand-on services* for animals, caring for more than 100,000 animals each year, and preventing cruelty to millions more through *advocacy campaigns*. Read more about 60 years of *transformational change* for animals and people at www.humanesociety.org.

The Animal Legal Defense Fund’s (“ALDF”) was founded in 1979 to protect the lives and advance the interests of animals through the legal system. To accomplish this mission, the Animal Legal Defense Fund files high-impact lawsuits to protect animals from harm; provides free legal assistance and training to prosecutors to assure that animal abusers are punished for their crimes; supports tough animal protection legislation and fights harmful legislation; and provides resources and opportunities to law students and professionals to advance the emerging field of animal law. For more information, please visit aldf.org.

Minnesota Center for Environmental Advocacy (“MCEA”) uses law, science and research to protect Minnesota’s environment, its natural resources and the health of its people. MCEA is the leading legal voice protecting Minnesota’s environment, with deep organizational expertise that includes some of the foremost environmental law and policy professionals in the state. www.mncenter.org.

Environment Minnesota is a citizen-supported environmental organization dedicated to protecting our clean water, clean air and open spaces. Environment Minnesota has spearheaded efforts to protect thousands of streams and other waterways in our state. www.environmentminnesota.org.

Food and Water Watch champions healthy food and clean water for all. They stand up to corporations that put profits before people, and advocate for a democracy that improves people's lives and protects our environment. www.foodandwaterwatch.org.