

July 19, 2022

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail code 1101A
Washington, DC 20460

Dear Administrator Regan:

On behalf of the undersigned organizations and our millions of U.S. members and supporters, we are writing to urge the Environmental Protection Agency to exercise its existing statutory authority to protect communities from the harmful impacts of concentrated animal feeding operations (CAFOs), also known as factory farms.

In January 2021, President Biden signed Executive Orders on Tackling the Climate Crisis at Home and Abroad¹ and on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,² which establish environmental justice and racial equity as Administration priorities. In EPA's 2022-2026 Strategic Plan, the agency confirmed its commitment to "follow the science, follow the law, and be transparent" and added "a fourth foundational principle: advance justice and equity" as the basis for the Agency's culture and approach to its operations and decision-making.³ We commend these commitments but contend that the EPA is failing to uphold them by abdicating its responsibility to protect rural communities living near CAFOs.

Multinational agribusiness has been vertically and horizontally integrating the meat production supply chain for the past several decades, leading to massive growth of CAFOs.⁴ These heavily polluting operations produce immense quantities of waste and pollutants that degrade community air and water resources and destroy the quality of life for the communities where they are deliberately located,⁵ which are disproportionately low-wealth and/or communities of color.⁶ CAFOs represent an environmental justice crisis that has gone unaddressed by – and has even been exacerbated by – EPA for decades.

In the U.S., CAFOs generate as much as one billion tons of manure each year, more than three times as much waste as humans.⁷ The waste, which is often stored in giant manure pits and periodically applied to spray fields, can contain pathogens, antibiotic-resistant bacteria, and heavy metals,⁸ leading to death, and poor general health.⁹

Odor plumes from CAFOs, which often pervade nearby communities, contain respiratory and eye irritants including hydrogen sulfide and ammonia.¹⁰ Both substances are associated with a variety of respiratory issues at certain levels, and studies have found consistent correlations between communities' proximity to CAFOs and asthma, chronic obstructive pulmonary disease, and other serious health issues.¹¹ One study published in 2021 found approximately 12,700 deaths per year from air pollution in the U.S. are attributable to industrial livestock production.¹² That is more deaths than occur from pollution from coal plants, yet EPA has largely shielded industrial livestock integrators and their web of CAFOs from oversight.

Through its AgSTAR program, EPA has supported CAFOs with installing methane digesters, which have failed to curb or, in some cases, exacerbated these air and water co-pollutants and associated adverse public health impacts for communities.¹³ Methane digesters only serve to further entrench the destructive factory farming model and marry it with the fossil fuel industry. If EPA were to implement an electrification pathway for factory farmed methane gas produced by CAFOs under the Renewable Fuel Standard, this new subsidy would compound the suffering of rural communities from both CAFOs and fossil fuel infrastructure.

In addition to being a leading cause of water and air pollution, animal agriculture is a major contributor to greenhouse gas (GHG) emissions.¹⁴ Animal agriculture is the top source of U.S. methane emissions, according to EPA's own data.¹⁵ Climate change disproportionately affects communities of color, low-income communities, and other vulnerable populations, which are more likely to live in isolated rural areas, floodplains, coastlines, and other at-risk locations, making them at risk of exposure to adverse climate change impacts.¹⁶ Sadly, these same communities continue to be saturated with hazardous pollution discharged and emitted from industrial livestock operations, compounding the harm inflicted.

Not only do CAFOs lack resilience in the face of extreme weather, but they also present a major public health and environmental hazard during increasing extreme weather events because of the amount of waste they produce.¹⁷ When there is an infrastructure failure or heavy rain storm, manure lagoons can spill decades' worth of accumulated waste onto local properties, causing crop destruction, soil degradation, water contamination, and other adverse impacts.¹⁸ Communities of color are disproportionately exposed to the harmful pathogens, contaminated drinking water, and antibiotic-resistance bacteria associated with CAFOs and have fewer resources to overcome the damage.

Your home state of North Carolina is perhaps the most poignant example of the environmental racism associated with this industry and the devastation to communities of color caused by a lack of federal oversight. Naeema Muhammad, a long-time organizer with the North Carolina Environmental Justice Network, explains it best:

These pigs are producing about 19 million tons of animal waste on an annual basis. It's going into our rivers and streams. It sits out in the air openly until they decide to irrigate it. They irrigate this waste out around the fields and crops. They call it organic fertilizer and say that there was no harm to it. But the problem is that it has all kinds of toxic chemicals. Hydrogen sulfide comes off the lagoons and it's making people in the community sick. As an organizer, I've been working with these communities since the early 2000s. People say they get sick, nauseated, you get headaches, and you get angry and frustrated living like that. People don't go outside anymore.

Many of our bedrock environmental protection laws—such as the Clean Air Act, the Clean Water Act, and the Emergency Planning and Community Right-to-Know Act— already authorize EPA to oversee emissions and discharges from CAFOs, but EPA has consistently exempted animal agriculture from standards meant to protect communities from industrial pollution. Congress has granted the EPA authority to protect the public from harmful pollution,¹⁹ and the agency has several regulatory petitions before it that lay out pathways to exercise this authority. We urge EPA to end the regulatory exceptionalism and hold accountable the industrial livestock agribusinesses profiting from the exploitation of environmental justice communities.

Respectfully,

350 Eugene
350Brooklyn
50by40
A Stone's Throw B&B
A Well-Fed World
Accelerate Neighborhood Climate Action
Acterra
AFGE Local 3354
Alliance of Nurses for Healthy Environments
American Friends Service Committee
American Indian Mothers Inc.
American Society for the Prevention of Cruelty to Animals (ASPCA)
Animals Are Sentient Beings, Inc.
Arkansas Ozark Waterkeeper
Assateague Coastal Trust
Beyond Pesticides
Black VegFest
Bold Alliance
Boone County Food Council
Brighter Green
Buffalo River Watershed Alliance
Butte County Local Food Network
Call to Action Colorado
Campaign for Family Farms and the Environment
Cape Fear River Watch
CatholicNetwork US
Cedar Lane Environmental Justice Ministry
Center for Biological Diversity
Center for Environmental Health
Center for Food Safety
Chicago Food Policy Action Council
Chilis on Wheels
Church Women United in New York State
Citizen's Alliance for a Sustainable Englewood
Clean Water for NC
CleanAirNow
Climate 911
Climate Justice Alliance
Coalition of Community Organizations
CO Businesses for a Livable Climate
Coming Clean
Compassion in World Farming
Compassionate Bay
Community And Family AID Foundation
Community for Sustainable Energy
Corporate Accountability
Cultivate Charlottesville
Cultivate Kansas City
Dakota Rural Action
Don't Gas the Meadowlands Coalition
Dorchester Unified Neighborhood Association
Earth Ethics, Inc.
Earth Guardians
Earthjustice
Eat for the Earth
EcoPoetry.org
Endangered Species Coalition
Environmental Justice Team, Cedar Lane UU Church
Environmental Working Group
Extinction Rebellion San Francisco Bay Area
Factory Farming Awareness Coalition
Fair Start Movement
Fair World Project
Family Farm Defenders
Farm Action
Farm Aid
Farm Forward
Farmworker Association of Florida
Food Animal Concerns Trust
Food & Water Watch
Food Freedom Radio - AM950
The Foodshed Network
Fox Valley Citizens for Peace & Justice
Friends of the Earth
Gladney Farm
Global Forest Coalition
Global Justice Ecology Project
GMOSCIENCE
GMO/Toxin Free USA

Government Accountability Project Food Integrity Campaign
 Greater New Orleans Housing Alliance
 The Green House Connection Center
 Green America
 Green Latinos
 Green State Solutions
 Green Village Communications
 Greenbelt Climate Action Network
 Greenpeace USA
 Growing Healthy Kids, Inc
 The Growing Project
 GROW North Texas
 Gulf Coast Center for Law & Policy
 Harvard School of Law & Policy Clinic
 Hawai'i Alliance for Progressive Action (HAPA)
 Hawai'i SEED
 HEAL Food Alliance
 Health Care Without Harm
 Hempstead Project Heart
 Herbicide-Free Campus
 Honor the Earth
 Humane Society Legislative Fund
 Humane Society of the United States
 Humane Society Veterinary Medical Association
 Hungry Planet
 I-70 Citizens Advisory Group
 Indivisible Ambassadors
 Infinite Agriculture
 Institute for Agriculture and Trade Policy
 Interfaith EarthKeepers
 International Center for Technology Assessment
 Iowa Citizens for Community Improvement
 Jefferson County Farmers & Neighbors, Inc.
 Johns Hopkins Center for a Livable Future
 Just Transition Alliance
 Kitchen Sync Strategies
 Land Stewardship Project
 Larimer Alliance for Health, Safety and Environment
 LEAD for Pollinators, Inc.
 The Livestock Institute of Southern New England, Inc.
 Locust Point Community Garden
 Lower East Side Ecology Center
 Mangrove Action Project
 March of Silence NYC
 The Marion Institute
 Massachusetts Avenue Project
 Mayfair Park Neighborhood Association Board
 Mercy For Animals
 Mental Health & Inclusion Ministries
 Michigan Organic Food and Farm Alliance
 Mid-Missouri Peaceworks
 Milwaukee Riverkeeper
 Missouri Coalition for the Environment
 MLC Climate Justice Wing
 Montbello Neighborhood Association Board
 MOSA Certified Organic
 Mothers Out Front Colorado
 Movement Rights
 National Farm to School Network
 National Farm Worker Ministry
 National Latino Farmers & Ranchers Trade Association
 NC Clinicians for Climate Action
 New Entry Sustainable Farming Project
 The Non-GMO Project
 North American Climate, Conservation and Environment
 (NACCE)
 North Carolina Conservation Network
 North Carolina Environmental Justice Network
 Northeast Organic Dairy Producers Alliance
 Northeast Organic Farming Association-Interstate Council
 North Range Concerned Citizens
 Novasutras
 NWI Food Council
 NYCLASS (New Yorkers for Safe, Livable and Safe Streets)
 Ohio Ecological Food and Farm Association
 Open Markets Institute
 Ophelia's Blue Vine Farm
 OrganicEye
 People for a Healthy Environment
 Pesticide Action Network
 Physicians Against Red Meat (PhARM)
 Planetary Health Collective
 Plant Based Foods Institute
 PlantPure Communities

Pollinate Minnesota
ProVeg International
Public Justice
Rachel Carson Council
RapidShift Network
The Raven Corps
Reach Out America
Real Food Media
Real Organic Project
Reducetarian Foundation
Resource Renewal Institute
Rhode Island Food Policy Council
River Guardian Foundation
Rural Advancement Foundation International - USA
Rural Coalition
Rural Development Leadership Network
RuralOrganizing.org Education Fund
San Francisco Bay Physicians for Social Responsibility
Santa Cruz Climate Action Network
Save EPA
Save Our Illinois Land
Seneca Lake Guardian
Sierra Club
Sisters of Charity Federation
Sisters of St. Dominic of Blauvelt, New York
Slow Food USA
Small Business Alliance
Socially Responsible Agriculture Project

Sonoma Hot Sauce
Soul Fire Farm Institute
Southwest Organization for Sustainability
Spirit of the Sun, Inc.
Stop the Algonquin Pipeline Expansion
Stray Dog Institute
Sunrise Movement
System Change Not Climate Change
Terra Advocati
They Keep Bees
TIAA-Divest! from Climate Destruction
Toxic Free North Carolina
Transformations CDC
True Health Initiative
Unite North Metro Denver
Vegan Activist Alliance
Verde Valley Food Policy Council
Vermont Law School Environmental Justice Clinic
Vilicus Farms
Wall of Women
Waterkeeper Alliance
Waterway Advocates
WESPAC Foundation, Inc.
West End Revitalization Association WERA
Western Slope Businesses for a Livable Climate
West Virginia Environmental Council
Women, Food and Agriculture Network (WFAN)
Working for Racial Equity

¹ White House, Executive Order on Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>:

² The White House, Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government (Jan. 20, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

³ Environmental Protection Agency, Draft FY 2022-2026 EPA Strategic Plan (Oct. 1, 2021) 4, available at <https://www.epa.gov/system/files/documents/2021-10/fy-2022-2026-epa-draft-strategic-plan.pdf>.

⁴ Sharma S, Institute for Agriculture and Trade Policy, Mighty Giants: Leaders of the Global Meat Complex (Apr. 10, 2018) available at <https://www.iatp.org/blog/leaders-global-meat-complex>.

⁵ Hribar, C., Understanding Concentrated Animal Feeding Operations and Their Impact on Communities, National Ass'n of Local Boards of Health (2010) 3, available at https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf.

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- ⁶ Oliva E, Yale Scientific, Environmental Justice and Industrial Animal Farms (June 20, 2021), available at <https://www.yalescientific.org/2021/06/environmental-justice-and-industrial-animal-farms/#:~:text=According%20to%20a%20recent%20study,of%20color%20and%20impoverished%20communities.>
- ⁷ Environmental Protection Agency, Detecting and mitigating the environmental impact of fecal pathogens originating from confined animal feeding operations: Review (2005) 1, available at https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NRMRL&dirEntryId=148645
- ⁸ Hribar, *supra* note 5, at 2.
- ⁹ Grout, L. et. Al, A Review of Potential Public Health Impacts Associated With the Global Dairy Sector (Jan. 3, 2020) 4.2.3. Chemical Pollutants. Available at <https://doi.org/10.1029/2019GH000213>.
- ¹⁰ Nicole, W., CAFOS and Environmental Justice: The Case of North Carolina (2013) Environmental Health Perspectives, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3672924/>.
- ¹¹ Casey JA, Kim BF, Larsen J, Price LB, Nachman KE. Industrial Food Animal Production and Community Health. (Sept. 2015), available at <https://www.ncbi.nlm.nih.gov/pubmed/26231503>.
- ¹² Domingo, N.G., et. al., Air quality-related Health Damages of Food (2021), available at <https://www.pnas.org/doi/10.1073/pnas.2013637118>.
- ¹³ Conservation Practice Standard, Anaerobic Digester, Code 366, U.S. Dep’t Agriculture, Nat. Res. Conservation Serv., 366-CPS-6, (June 2017) (“USDA Conservation Practice Standard”), available at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1254996.pdf (“Compounds such as nitrogen, phosphorus and other elements become more soluble due to anaerobic digestion and therefore have higher potential to move with water”.); See Jennifer K. Costanza et al., Potential geographic distribution of atmospheric nitrogen deposition from intensive livestock production in North Carolina, USA (2008) available at http://jencostanza.com/docs/Costanza_et_al_2008_STOTEN.pdf (noting the significant amount of ammonia deposition accounting for new nitrogen inputs into the coastal ecosystem).
see also Lowry A. Harper et al, The Effect of Biofuel Production on Swine Farm Methane and Ammonia Emissions (2010), available at <https://pubmed.ncbi.nlm.nih.gov/21284295/> (finding a 46 percent increase in ammonia emissions from mesophilic biogas digester relative to control lagoons).
- ¹⁴ Koneswaran, G., & Nierenberg, D., Global farm animal production and global warming: impacting and mitigating climate change (Jan. 2008) available at <https://doi.org/10.1289/ehp.11034>.
- ¹⁵ EPA, Overview of Greenhouse Gases, Methane. Available at <https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane>.
- ¹⁶ USGCRP, Impacts of Climate Change on Human Health in the United States, 249 (2016); California’s Fourth Climate Change Assessment, Climate Justice Summary Report 36-48 (2018), available at https://health2016.globalchange.gov/low/ClimateHealth2016_FullReport_small.pdf
- ¹⁷ Hribar, *supra* note 5 at 4.
- ¹⁸ See, e.g., Press Release: NC Dep’t of Env’tl. Quality, Division of Water Resources Issues Notice of Violation to B&L Farms (Jul. 16, 2020) (hog lagoon breach caused three million gallons of manure to spread “into farms, wetlands, and . . . tributary”), available at <https://deq.nc.gov/news/press-releases/2020/07/16/division-water-resources-issues-notice-violation-bl-farms> ; Eight Manure Lagoons Overflow in Western Iowa Because of Flooding, SIOUX CITY J. (Mar. 26, 2019), available at https://siouxcityjournal.com/news/state-and-regional/iowa/eight-manure-lagoons-overflow-in-western-iowa-because-of-flooding/article_792b6561-c617-58ea-b287-70c58d3bb2bc.html; Wynne Davis, Overflowing Hog Lagoons Raise Environmental Concerns in North Carolina, NPR (Sep. 22, 2018), <https://www.npr.org/2018/09/22/650698240/hurricane-s-aftermath-floods-hog-lagoons-in-north-carolina>.
- ¹⁹ See 42 U.S.C. 7401(c), (stating that “a primary goal of this subchapter is to encourage or otherwise promote reasonable Federal, State, and local governmental actions. . . for pollution prevention.”); See also Environmental Protection Agency, Clean Water Act and Federal Facilities, Summary, available at <https://www.epa.gov/enforcement/clean-water-act-cwa-and-federal-facilities#:~:text=Federal%20facilities%20have%20regulatory%20responsibilities,meeting%20applicable%20water%20quality%20standards> , (providing “[t]he CWA aims to prevent, reduce, and eliminate pollution in the nation’s water in order to ‘restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,’ as described in CWA section 101(a).”)