





# downwind of the Factory Farm

## Neighbors of animal factories take on the fight of their lives

by RUTHANNE JOHNSON

**Something stinks in rural America**, where laundry drying on clotheslines, apple pies cooling on windowsills, and kids playing in creeks were once a way of life. Tim Carroll of Lyle, Minn., remembers those days, when he breathed in country air filled with the smells of hay and fresh-cut wood. He often slept under the stars at night and canned vegetables outdoors with his wife in summer.

But Carroll is getting a whiff of something else lately. Last year, an industrial pig operation confining more than 7,500 animals moved in next door, he says. Since then, gag-inducing winds have been blowing his way, carrying with them fly swarms that torment his horses and family and turn his white truck black. Several times, he left his property because the smell was so rank. This year, he had to find another location for his son's graduation party.

"In the country, you expect to smell manure once in a while, but now we have days when you just can't stay on the farm," says Carroll. "You have to wear a gas mask or leave because it's bad even inside the house with all the windows and doors closed."

Carroll is also concerned about potential contamination of a creek down slope from a structure filled with rotting animal carcasses. When it rains, water runs off the massive roof of another building nearby—where pigs live shoulder to shoulder—around the carcass structure, and into the waterway.

For someone who used to raise small numbers of animals on his family farm, the plight of those next door is tough to stomach. Carroll remembers how attached his pigs would get to his daughter, occasionally breaking loose to run after his car as it left the driveway—"like a dog," he says.

The Minnesota man is just one of many Americans living in the shadows of an estimated 19,000 large-scale factory farms that confine most of the 10 billion land animals raised for food each year in the U.S. A far cry from the traditional farms of yesteryear, these massive operations squeeze animals by the thousands into warehouse-like buildings, leaving them little space to engage in natural behaviors. Egg-laying hens are crammed together so tightly into small cages that they can't spread their wings, let alone perch or nest. Breeding sows are forced into gestation crates where they can't even turn around. Crated calves raised for veal—castoffs from dairy factories that have no use for male babies—are virtually immobilized.

The abuses are concealed behind closed doors, though neighbors can hear, see, and smell the evidence: suffering animals, piled-up carcasses, odors so horrible they must retreat into their homes. Factory farms produce enormous amounts of feces and urine—about 500 million tons annually—and noxious gases such as hydrogen sulfide and ammonia. Untreated waste is stockpiled to dry or collected in gigantic open-air "lagoons" that often leach into groundwater; to dispose of waste, many operators apply excessive amounts to nearby land, some of which runs off into waterways.

Exposure to gases and other pollutants can irritate confined animals' respiratory tracts and may predispose them to transmissible diseases such as swine flu and avian influenza, says Dr. Michael Greger, director of public health and animal agriculture for Humane Society International. Gas emissions can also compromise the health of nearby residents, and the farm animal production sector has been implicated as a major contributor to global warming.



**TRUE COSTS:** Egg-laying hens in battery cages each live in a space no larger than a sheet of paper. A recent voter-led ban on such extreme forms of confinement will help millions of chickens in California, adding momentum to the fight for improved treatment of farm animals nationwide.

Factory farms present such grave threats to animals, the environment, and public health that the U.N. Food and Agriculture Organization, the Pew Commission on Industrial Farm Animal Production, and the American Public Health Association have all detailed their harmful impacts. Yet these large-scale operations, often buoyed by industry-friendly “right-to-farm” laws in their states, still enjoy scant oversight.

But a growing movement of traditional farmers, environmentalists, scientists, consumers, animal protection organizations, and labor groups is fighting back. Fueled by a succession of hard-won reforms—including legislative and ballot initiative victories outlawing particularly inhumane forms of confinement in six states—animal welfare advocates have gathered unprecedented support from a public increasingly aware of the devastating effects of factory farms.

The HSUS has been at the forefront of efforts to reform animal agribusiness, leading the charge in passing a groundbreaking ballot initiative last November that will free 20 million farm animals in California from intensive cage confinement by 2015. The citizen vote—the most popular in the state’s history—came in the same year The HSUS released undercover footage of a California slaughter plant where cows too weak to stand were shocked with electric

prods and dragged with chains toward their doom. The ensuing outrage and massive meat recall eventually led to a ban on downed cattle in the human food supply.

The HSUS is also helping communities and environmental advocates fight factory farms in the courts. The organization has partnered with the Waterkeeper Alliance and the Sierra Club to challenge federal regulations exempting factory farms from two

key federal environmental laws. Last fall, an HSUS-initiated legal action against a massive hen confinement facility in San Diego prompted the local water quality control board to issue an ultimatum to the facility: cease discharging manure-tainted water or face severe fines and criminal prosecution. Most recently, a major ruling by a federal judge in New York has allowed an HSUS lawsuit charging the nation’s largest foie gras factory farm with more than 1,100 vi-

olations of the federal Clean Water Act to proceed to discovery and trial.

Joining the cause in communities throughout the nation are groups like the Land Stewardship Project in Carroll’s home state of Minnesota, which has helped prevent the construction of 32 factory farms since 1999, says LSP policy program organizer Bobby King. In 2004, when Minnesota Gov. Tim Pawlenty spearheaded a legislative effort to weaken township authority over these massive facilities—a move characterized by the *New York Times* editorial board as “a blueprint for the destruction of family farming in Minnesota”—LSP helped defeat the proposal.

“Our grassroots efforts—smaller farmers, rural people, township officers—are letting legislators know we want to keep local control,” says King. “Otherwise, factory farms can overshadow the rights of the local farmers and citizens.”

*The following pages profile people working to take back their communities in three other states—one where a couple gained a million-dollar judgment against a pig facility, another where The HSUS has taken on a legal battle against an egg operation, and a third where a statewide legislative fight against factory farms has just begun.*



**WALLOWING IN WASTE:** These cows raised for milk are caked in manure. According to EPA estimates, the amount of raw waste produced by confined farm animals in the U.S. is three times greater than that generated by humans. The resulting air and water pollution damages the environment and destroys local communities—something The HSUS’s Animal Protection Litigation section is fighting in the nation’s courts.

# DUMPING GROUND

In California's San Joaquin Valley, a community long oppressed by an egg factory farm now has The HSUS on its side

For more than 10 years, residents of Lathrop, Calif., have endured the stench of a bad neighbor: the Olivera Egg Ranch. The road cutting through their community in the heart of the San Joaquin Valley leads to multi-acre cesspools that collect feces from 600,000 to 750,000 egg-laying chickens confined in cramped wire cages. There is no fence around the huge pool of liquid manure to prevent wandering souls from accidentally falling in. Nor are there any effective measures in place to limit emissions or prevent exposure to pathogens from flies and other animals who can act as carriers.

"I hang about 20 fly strips from the ceiling, and it only takes a couple of days to fill them all up to the point where they look furry," says Larry Yepez, who has lived in his home since before Olivera took over the egg factory.

Despite the less-than-welcoming surroundings, Yepez sometimes longs for a family get-together. "I'm Apache and Mexican Indian on my mama's side, Spanish Basque on my father's side, and in my culture family is important," he says, adding that although people try their best to deal with the smell and flies, he has a few friends who won't visit.

But isolation from loved ones may be the least of residents' concerns. Exposed to unchecked levels of ammonia and other hazardous gases, many people in the neighborhood are constantly sick.

The San Joaquin Valley is already home to some of the worst smog in the country; pollution from hundreds of large dairy and chicken operations further exacerbates the problem.

"Congress states that people have a right to breathe clean air, to drink clean water. These are basic human rights, yet these companies are using the valley's air as their dump site," says Brent Newell, legal director of the Center on Race, Poverty & the Environment, which has stopped the permitting of more than 100 mega-dairies in the state. "These factory farms don't move into rich communities, rather communities where they know there will be little or no resistance, or resistance without enough financial backing. It's a class issue as well as an environmental justice issue."

Last year, two HSUS attorneys who visited Lathrop were practically

bowled over by the noxious odors. They learned that when residents had complained to the San Joaquin Valley Air Pollution Control District, they were told that because of the state's Right to Farm Act, they had to live with "normal" farm smells. The attorneys also learned of ailments affecting people in the community—nausea, headaches, chest pains, throat and eye irritation, lesions inside the mouth and sinuses, nosebleeds, and breathing problems.

The HSUS sued Olivera in October 2008. "Our lawsuit alleges that Olivera had violated two federal laws providing for a citizen's right to know what toxins they have been exposed to," says HSUS attorney Peter Brandt. "They put this community at risk without giving them an opportunity to keep from being harmed."

To make matters worse, the egg factory is alleged to have dumped manure next to a ditch that drains into the San Joaquin River, potentially contaminating the water supply in a region where water is already scarce. The HSUS sought an investigation in a petition filed in July with the Central Valley Regional Water Quality Control Board. After hearing from HSUS attorneys and inspecting the farm, the board ordered Olivera to fill in the ditch near its 16-acre manure cesspool to prevent possible discharge into the river.

For Yepez, who has fought in the jungles of Vietnam and against wildfires in Yosemite National Park, this is a battle unlike any other. "In a combat situation, you know who the enemy is or where the fire is coming from, but when you deal with big business, you find yourself facing deception and untruths," he says.

Now that Yepez knows the truth about animal factories, he and his family have begun paying more attention to where their food comes from. "Factory farms are such an inhumane way of raising our food," he says. "Most people have no idea that the chicken from a store was once an animal, a living being."

Yepez says the value of his property has plummeted, and he doubts he can sell. "Whatever the outcome of this case, the lawsuit has given my family hope. Even if we don't win any money, at least there is a chance now they will clean this place up. And if we win a lawsuit, maybe we can use that money to relocate somewhere where it's not so bad."



**INFESTATION:** Larry Yepez has endured rank smells and fly problems at his property.

# PARADISE LOST

A Missouri couple sues the pig factory operator next door—and wins



**MODERN FARM COUNTRY:** Ruth and Ed McEowen (below) lived off the land for a quarter-century before a neighboring pig factory began polluting it. When Ed complained to the operator, “he told me if the smell is so horrible, I should just move.”

In 2003, a tornado swept through Jerico Springs, Mo., and destroyed two buildings containing at least 2,000 pigs on the property next door to Ruth and Ed McEowen.

Fortunately for the couple, the winds blew the other way that day and did not rain debris down on their home 1,000 feet away. The pigs weren't so lucky.

“People said they were seeing dead hogs all over the ground,” says Ed McEowen.

It was no longer the life the McEowens had envisioned when they fled the brown-clouded skies lingering over Denver, Colo., more

than 30 years ago. “You could barely see the mountains,” recalls Ruth McEowen.

To escape the pollution, the couple moved back to her home state in 1974 and bought 40 acres rich with oak, hickory, and walnut trees. “We wanted to grow our own vegetables, raise our own chickens, hang our laundry on the line,” she says.

They used trees felled on their property and an old-fashioned sawmill to build their home and filled it with handcrafted items: oak shelves and cabinets, windows, and furniture. They also built a house for Ruth's parents nearby.

For 24 years, the McEowens lived peacefully, growing peach, apple, and pecan trees and gardening two flourishing plots. But in 1998, their neighbor sold his property to a man who clear-cut 30 to 40 acres and contracted with the Missouri Farmers Association to raise pigs—factory-style.

Gone were the beautiful hardwood forests, the fresh country air, and the quiet. In their place were six massive structures, three festering manure pools, and thousands of screaming pigs.

“At first, all I could think to do to fight the situation was file to get my property taxes lowered, which the county allowed,” says Ed McEowen. He also confronted his neighbor about the odor that floated down the hill and settled like a weighted pancake on top of his house. “He told me if the smell is so horrible, I should just move.”

The McEowens stopped gardening and often had to run from their car into the house because the fumes burned their eyes, mouth, and throat. “My whole life was gardening,” says Ruth, who



used to spend hours cultivating the land with her mother and canning after a harvest.

Instead, the family now had to watch vultures gather by the hundreds to pick the flesh of dead pigs who'd been tossed outside. "My grandfather was a farmer, and this man who brought pigs in big trucks down the dirt road by our house—these people aren't farmers," Ruth says. "They're an insult to the true farmer who loves his land and animals and respects his neighbors."

Even as their lives were being torn apart, the McEowens never gave up. They contacted one of their state legislators and the Missouri Department of Natural Resources, to no avail. "I know what it's like to go to bed and feel like no one cares," Ruth remembers.

When Cedar County passed a nuisance ordinance related to factory farms, the McEowens contacted a lawyer as a last-ditch effort. They soon found Kansas City, Mo., attorney Charlie Speer, who has represented people in similar situations for 15 years and provides pro bono services to those trying to keep factory farms from even entering their communities.

During a visit to the McEowens' home, Speer videotaped an irrigation gun pivoting waste 75 feet into the air and 150 feet out; the waste ran down the hillside and onto his clients' property. Speer also attended a site inspection of the factory farm with court-appointed experts.

"There were pig bones everywhere. I had never seen a site like it," he says. "Leg bones, rib cages, and skulls. And there were bones at the edge of the lagoons, too." Speer also observed that the giant cesspools didn't have liners to help prevent the waste from seeping into groundwater or a fence to prevent wild animals and free-



**BEHIND CLOSED DOORS:** Most of the 10 billion land animals raised for food each year in the U.S. are kept by the thousands in warehouse-like buildings; their waste is often collected in giant cesspools referred to by the agribusiness industry as "lagoons."

ranging cattle on the property from coming too close.

In July, the McEowens won a \$1.1 million settlement. "We were up against some of the best lawyers in the country, well-financed, but we knew the case better than the attorneys on the other side," Speer says. "We had to."

The Speer Law Firm has won other large settlements and has hundreds of cases still pending. Next in Speer's sights is Excel Dairy in Thief River Falls, Minn., where residents were forced to evacuate because of dangerous hydrogen sulfide levels.

As part of their settlement, the McEowens refused to accept a gag order. "We want to tell our story to give others hope and to reward our lawyers for their service to us," Ed says, "so they can help other people like us."

OPPOSITE PAGE: BRUCE E. STIDHAM/STIDZ MEDIA; THIS PAGE, FROM TOP: MIKE STEWART; MARLENE HALVERSON



**A LIFE CONFINED:** Pigs in factory farms often endure painful mutilations—including castration and tail docking—without anesthesia. Breeding females, confined for months in gestation crates like those pictured here, can't even turn around. The HSUS has been the driving force behind bans on this inhumane practice in six states.



## DEAD IN THE WATER

Pollution sickens people and kills fish near mega-dairies in Michigan, where a ballot initiative is on the horizon

Michigan residents are never far from a lake, and Lynn Henning's 300-acre farmland is no exception. Picturesque and quiet, with verdant crops in summer and fall, it's surrounded by numerous waterways.

But starting in 1999, Henning began finding herself surrounded by something decidedly less peaceful, when the first of several mega-dairies invaded her community. "They caught us off guard, and before we knew it, there were 12 factory farms within a 10-mile-square radius," says Henning.

Her days of stretching on her back porch before heading out to the fields were replaced by time sequestered indoors. She watched the decline of her family's health, including that of her in-laws, who live within 1,000 feet of a dairy operation that confines more than 1,000 cows and has three manure lagoons.

"My in-laws were diagnosed with hydrogen sulfide poisoning," Henning says, describing their short-term memory loss, loss of balance, and body tremors. Henning and her husband often feel nauseous and have sore throats and sinusitis.

Hydrogen sulfide is particularly problematic because it is

heavier than air and can settle and linger in low-lying spots such as basements, crawl spaces, and valleys, says Dr. Kaye Kilburn, an expert in the study of chemical brain injuries caused by environmental exposure. "Hydrogen sulfide is disastrous for the human brain," he says. "In large doses, it can kill you or cause neurological damage."

After a neighbor told her about manure being dumped into a drain, Henning began to investigate around the dairies. She discovered that one of the facilities was funneling manure through an irrigator and underground pipes into waters that

flowed to a state park lake four miles downstream. Joining the Environmentally Concerned Citizens of South Central Michigan, Henning recruited other community members to help test the waterways, and they started finding evidence of fecal contamination.

Henning's efforts attracted the support of the Sierra Club's Michigan chapter and helped spotlight the need for more enforcement.

Though most unlawful manure discharges go unreported, Henning's group has tracked more than 360 violations. Fish kills have been linked to manure contamination from factory farms in Black River, Tyler Creek, and other waterways. Since opening their mega-dairy

**"Hydrogen sulfide is disastrous for the human brain. In large doses, it can kill you or cause neurological damage."**

— DR. KAYE KILBURN

facilities in Michigan, another operator near the Hennings has been cited for more than 150 pollution violations and fined more than \$220,000, says Henning.

Sierra Club's Michigan chapter recently began a statewide initiative to track factory farm pollution. "No longer will these facilities be able to blame it on a dead deer in the creek or some other source," says Rita Jack, who directs the program.

New pressures to clean up their act have Michigan's factory farm interests scrambling to protect themselves from real reform. On the heels of a landslide ballot initiative victory for farm animals in California last November, The HSUS is looking to officials in other states to step up to the plate and acknowledge that factory-style confinement models are inhumane and unsustainable. But four months after a meeting between HSUS Factory Farming Campaign senior director Paul Shapiro and the Michigan Agribusiness Association, state lawmakers introduced a package of bills that represent—in the words of Michigan State University law professor David Favre—"an extraordinary attempt of a private industry to protect itself from public scrutiny in order to maximize profit."

H.B. 5127 and S.B. 655 establish industrial standards for animal welfare written by industry trade groups. Predictably, the bills would codify into law existing inhumane practices that permit the use of gestation crates, veal crates, and battery cages. Other bills, H.B. 5128 and S.B. 654, would establish an industry-dominated council to "advise" the state Department of Agriculture on animal welfare issues.

"This would give nearly all the power of determining animal welfare standards directly to pork, veal, milk, and egg producers,"



**MILK MACHINES:** Once their productivity wanes, weakened dairy cows are typically sent to slaughter. Their male offspring often end up in veal facilities, where they are virtually immobilized in small crates. Michiganians for Humane Farms—a committee set up by The HSUS—is laying the groundwork for a 2010 ballot initiative that would outlaw such confinement.

says HSUS Michigan state representative Jill Fritz, "and it would be business as usual."

Numerous groups are standing against the power grab, including the Sierra Club's Michigan chapter and the Michigan Farmers Union, which represents smaller, independent farmers. The HSUS recently set up a committee—Michiganians for Humane Farms—to lay the groundwork for a 2010 animal welfare ballot measure in the state.

Calling the current bills a "perversion" of democratic principles, Favre—who raises animals himself—believes citizens would make the right choice if given a chance at the ballot box. "The people of Michigan, like voters in other parts of the United States," he wrote in a *Lansing State Journal* column, "... will undoubtedly express considerably more concern for the well-being of animals in agriculture than is represented by the industrial standards."

OPPOSITE PAGE: DALE G. YOUNG/THE DETROIT NEWS. THIS PAGE: TOP: TOBY TALBOT/AP. BOTTOM: ENVIRONMENTALLY CONCERNED CITIZENS OF SOUTH CENTRAL MICHIGAN

**CONSEQUENCES:** Fish deaths have been blamed on manure discharges from industrial dairy farms. After a spill made its way in July into Little Bear Creek in nearby Ohio, the Environmentally Concerned Citizens of South Central Michigan documented the carnage.

**OVERRUN:** The group found liquid manure flowing in a creek upstream from the drinking water supply in Adrian, Mich.

