

League of Women Voters of Moscow
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November 21, 2004

Michelle Fuson, County Planner and
Latah County Commissioners
522 South Adams
Moscow ID 83843

RE: Ordinances for Animal Feeding Operations and Concentrated Animal Feeding Operations

Dear Ms. Fuson and Latah County Commissioners,

The League of Women Voters of Moscow would like to make our concerns known to the members of the Planning Commission and the Latah County Commission on animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) for consideration in the Latah County Comprehensive Plan. We make our statement under the auspices of the League of Women Voters of Idaho's position on Land Use Planning, specifically that "Idaho needs comprehensive land use planning to provide orderly growth and development to promote wise use of natural resources, to protect the environment, and to enhance the quality of life for all Idaho citizens. Development should be judged on the basis of need and social and environmental goals as well as economic gain."

We have accepted the following definitions as basis for our comments: The definition of an animal feeding operation (AFO) is one where animals are fed or housed in a confined area for more than 45 days in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. An AFO becomes a CAFO (concentrated animal feeding operation) if it is designated as a possible point source of pollution to waters of the United States. There are three recognized "sizes" of AFOs: Large, Medium, and Small. The numbers of animals in each size of AFO is dependent on the species, i.e., 1000+ beef cattle and 125,000+ chickens constitute a large AFO. Regardless of siting, large AFOs are almost always considered CAFOs. But medium and small AFOs are only designated CAFOs following an on-site inspection. Once an operation has been classified as a CAFO, it must apply for a National Pollutant Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA) or a designated state permitting authority (in Idaho, it is the regional EPA office). Besides requiring a NPDES permit, a CAFO classification means an operation must implement the required facility design and management practices for both the production area and the land application area.

Providing Orderly Growth and Development

Orderly growth and development in the county is, in part, made possible by clear and enforceable regulations for that development. In this regard, the League is concerned over the classification and permitting process for CAFOs. Deadlines for applying for a NPDES permit depends on whether the CAFO is new or old, what its size is, whether or not it is already in operation, and other factors. For instance, a large new feeding operation must apply

for a permit 180 days prior to the time it commences operations so regulations would be in place when it started up. But medium or small-sized operations can begin operating and then only upon inspection at some later date, be classified as a CAFO. It then would have up to but no later than April 13, 2006 to apply for a permit since the EPA is the local permitting authority in Idaho. If an animal feeding operation was declared a CAFO today, it could be polluting waters for two years before it even had to apply for the permit. Dozens of these small operations could have a chaotic effect on orderly growth in the county.

Thus it would be advisable in our view, that within the Latah County Comprehensive Plan, AFOs are required to develop and implement a site-specific, technically sound Comprehensive Nutrient Management Plan (CNMP) that should address feed management, manure handling and storage, land application of manure, land and soil conservation practices, contaminated runoff from the confinement area, proper mortality disposal, and record keeping. Submission of the plan should be required prior to the county granting a permit for the development. CNMPs are well documented and there is financial and technical assistance available for developing and/or implementing one for an AFO.

Protecting the environment and enhancing the quality of life.

Water quality

Forty percent of our nation's rivers and streams, 45% of lakes and reservoirs, and 50% of estuaries still do not meet goals for swimming, fishing, or both. Agriculture, including AFOs, is a major source of contaminants to the nation's inland waters. Water quality and availability has been of increasing concern to Latah County residents. One aquifer appears to be finite in quantity. A more shallow aquifer appears to be rechargeable but not enough is known about either to make long-term predictions on their reliability. Our land is hilly with potential for run-off of any animal wastes. We have many streams and many now-abandoned wells that are potential carriers of waste from AFOs that could contaminate the aquifer or our open water. Regardless of the regulations that are put into any comprehensive plan that would effect the pollution of our water, there has to be the will and the resources to enforce those regulations and mitigate the damage.

We recommend that a requirement be made through an ordinance that every AFO that uses a liquid manure system must post a bond that can cover a reasonable estimate of costs if the county must clean up or alter the configuration of a site to prevent water quality degradation due to an AFO which has not complied with their CNMP. Additionally an owner must either be able to spread all the manure generated by the AFO on his own land or must show signed contracts with neighboring farms that will guarantee that spreading will be done on the combined acreage at agronomic rates.

Air quality

The potential air quality impacts of AFOs and CAFOs can be considerable. Besides terrible odors, the waste products produce ammonia, particulate matter (dust and powdered manures), and

volatile organic compounds (VOC). These emissions should be considered as part of the total impact on the area's airshed. Airshed Management is an approach that considers all sources within an affected area when developing air quality protection strategies. Ammonia and hydrogen sulfides are the chemicals most associated with animal feeding operations. In most rural areas, these types of emissions will not be measurably present.

The League urges the county to establish as a general principle to which the AFO must agree in writing, that hydrogen sulfide and ammonia are currently present in most areas in negligible amounts. Therefore any future measurable presence of these gasses will be assumed to come from the new AFO operations. If the applicant is not willing to sign on to this principle, then the applicant should present air testing evidence that the gasses are already present in a specifically measurable amount.

Odor is carried by air and is part of the quality of air we breathe. It is also hard to quantify and define. In Idaho, responsibility for enforcement and for resolving odor complaints is shared among several state agencies and local governments. The Idaho State Department of Agriculture and the Department of Environmental Quality are the two primary agencies assigned to oversee regulation of certain odors. However, which department regulates what, and what standards are used is quite vague. DEQ standards are higher but odors must constitute a health hazard to be under its regulation. ISDA standards seem to be a matter of opinion rather than measurement. In southern Idaho, response to citizen's complaints by those departments has been negligible.

We would recommend that the county not rely on either the Idaho Departments of Agriculture or Environmental Quality to intervene in odor disputes and that odor control should be kept a local matter, not a state matter. In order to establish a local response to odor problems, the county should fund an environmental quality position to establish local enforcement protocols.

Developing economically with social and environmental goals in mind

Latah County needs economic development especially in rural areas. Animal feeding operations are often advertised as a means to revitalizing rural economies and the bigger the operation, the better. But most AFOs are corporate operations that are vertically integrated. That is, they sell to themselves and thus control the market. They control the price they pay for animals by using contract operators, they shop on the world market for the lowest cost feed, they sell their animals to meat-packing companies that they also own. A worst-case scenario follows to illustrate what the rural communities and the county may have to contend with.

A national company will contract with a local farmer to exclusively buy the animals he raises in an AFO facility if that farmer will agree to build that facility at his own expense. The farmer will go to his local bank, armed with the iron-clad contract from the national company and the bank will make the loan. The building supplies are purchased locally, but the builders are sent by the national company to put up the building so locals are not employed. A waste management system is built according to the number of

expected animals. A few helpers are hired at minimum wage to run the operation. The national company hauls in the animals which are put into the building. Local hay is purchased, but feed is trucked in from the outside having been bought from the cheapest source world-wide. The animals are fattened but have to be given huge amounts of antibiotics to keep them well because of the crowded conditions. The waste is trucked to nearby fields and sprayed on crops or is stored in on-site lagoons which may or may not be lined. The national company sends its trucks back in with new animals, picks up the fatted animals and takes them away for slaughter. The constant truck traffic ruin the roads and creates a lot of dust. The national company does not spend its profits locally as it has shareholders. The smell from the operation makes local people's lives miserable. It runs down their property values. Other businesses, except more AFOs, do not move in because it is so unpleasant. There is a downturn in the meat market. The national company stills buys as many animals from the operator as it has contracted for but it lowers the price it pays him for each animal. To compensate, the operator puts still more animals into his AFO. The waste management becomes impossible. The operator's costs are fixed. He cannot add any more animals. He cannot reduce his liability. He defaults on his loan. The bank has less money to lend to other businesses. The national company retrieves all its animals and walks away. The operator is ruined, and he walks away. What is left is a waste site that will be the responsibility of the community to clean up at great cost.

What has been gained? Meat may be cheaper but the costs have only been shifted to other things paid for by consumers. Have rural communities benefited overall? Rural communities with large hog CAFOs have less economic growth than ones without large CAFOs and regions without corporate farming do better both socially and economically than ones with corporate farms. But surely, property taxes been lowered. No. In most cases, regions with CAFOs lose property tax revenues while incurring larger charges for road and infrastructure maintenance and repair. As a result, existing residents of the region face higher property taxes to retain the same level of services. Have jobs been created? A few, but they are of low pay. This is a very bleak scenario, but one which has played out in many places in rural America. The CAFOs in southern Idaho have devastated the quality of life for many in the Treasure Valley. Therefore:

The League of Women Voters of Moscow urges the Planning Commission and the Latah County Commission to consider the impacts on the quality of life, the environment, and the economy of animal feeding operations. If animal feeding operations are permitted in Latah County, the ordinances should guarantee the performance of those AFOs by requiring careful monitoring, insuring through county funding if necessary that regulations are actually enforced, and by requiring the posting of adequate bonding. Regulation without enforcement is useless. So if enforcement cannot be guaranteed, it would be best to deny permits to any AFO or CAFO.

Sincerely,

Amy S. Ford
President, On Behalf of the Board
of the League of Women Voters of Moscow