

**From:** Karen Hudson <khudson@elmnet.net>  
**Sent:** Tuesday, January 14, 2014 6:34 PM  
**To:** Therriault, John  
**Subject:** Comments for case number (R2012-023)  
**Attachments:** 1ab8e635.jpg

case number (R2012-023)

January 14, 2014

Dear Pollution Control Board,

As a farmer and citizen of Illinois I work with people across the state of Illinois that have been adversely impacted by the pollution from CAFOs. I ask that you take action on the following items and I sincerely for recognizing the importance of the implementation of these items..

- The enactment of a reporting rule for all unpermitted CAFOs (so the Illinois EPA can better regulate them before pollution occurs);
- Implement more stringent requirements for winter manure application (so CAFOs have to consider other alternatives, such as facility depopulation, before being allowed to surface apply waste on frozen or snow covered ground);
- Implement more stringent waste disposal standards for karst areas (to limit the amount of manure that can be land applied in these areas to prevent contamination of surface and groundwater), and
- Implement stronger requirements for temporary manure storage structures and containments (to stop runoff and leaching of contaminants from manure stockpiles into surface and ground waters).

There are several other important issues that still need your immediate consideration. Implementation of the following changes will further protect our resources and public health in Illinois...

- Illinois needs to require unpermitted CAFOs to submit information on their land application areas and their waste management plans under the reporting rule (so CAFOs that don't have enough land to spread or adequate plans to handle their waste can be identified before they cause pollution). Over 70% of manure is often trucked offsite and this waste product should be accounted for although it is "out of sight it is not out of mind."
- Illinois should require all CAFOs to have to follow the same nutrient management standards regardless of their permit status (so all CAFOs are to held to the same standards);
- Illinois should require CAFOs to publicly identify the corporate integrators they contract with under the reporting rule and in permit applications (so all responsible parties are held accountable for proper waste management and pollution violations) Integrators should be held up in the same light as the contract operators to keep them accountable to the public.
- Siting setbacks should be increased for all new CAFOs near surface waters and drinking water supplies to prevent pollution. I have also included the following recent news and research items for your information....

**Press Release Contact:** Loka Ashwood Community and Environmental



Sociology University of Wisconsin-Madison 608-262-1515 **STUDY DEMONSTRATES HOW FACTORY FARMS SKIRT LIABILITY BY FORMING LIMITED LIABILITY CORPORATIONS** October 24, 2013 - A study published in the peer-reviewed journal, *Rural Sociology*, documents the pollution and financial liability displaced on rural communities by factory farms through Limited Liability Corporations (LLCs). The study traces the rise of a business organizational strategy that Midwest industrial livestock producers use to sidestep regulatory mechanisms, pollution control, and civil liabilities. "Where's the Farmer? Limiting Risk and Liability in Midwest Industrial Hog Production," explores a growing trend in livestock production where business management firms bring together hog farmers to form LLCs. In this management system, farmers from different states pool their money together to form massive, concentrated animal feeding operations. The management system uses layers of LLCs to protect these farmer/investors from various risks associated with industrial food production, such as hog diseases, manure pollution, variable markets, and civil liabilities. The authors call these LLCs "folding corporations," because they form and collapse to protect investors' assets around the components of swine production. The paper details how these creative LLC structures deflect the farmers' and the management firm's risks and liabilities onto rural communities. Because LLCs limit liability, investors can preserve their profits and hide their names behind corporate veils, even if a costly environmental violation occurs. This provides little incentive for investors to change poor management practices. In addition, because it is difficult to ascertain the identities of LLC investors, they can escape social pressure from the communities in which they operate. The authors recommend additional research on how widespread these business organizational structures are in the livestock industry on the national level, and urge for reform of state LLC laws so that factory farms are required to be responsible for the pollution they create. The study was authored by Loka Ashwood, Sociology PhD Candidate at University of Wisconsin, Madison; Danielle Diamond, Attorney and Research Associate at Northern Illinois University (NIU), and Dr. Kendall Thu, Department of Anthropology Chair and Professor at NIU. The authors are available to discuss their findings at the contact information provided above. An online version of the article is available at the Wiley Online Library at: <http://onlinelibrary.wiley.com/doi/10.1111/ruso.12026/abstract>.

<http://sjalp.stanford.edu/pdfs/Hoover.pdf> 2013 **Stanford Journal of Animal Law Policy Clean Air Fixes for Factory Farm Pollution Can't you smell that smell?**

**Report: Problems Posed by Animal Agriculture Have Worsened in Recent Years**

October 22, 2013  
By James Andrews

In the past five years, policies by the Obama administration and Congress have worsened the problems that animal agriculture poses to public health, the environment and animal welfare, according to a new report by the Pew Commission on Industrial Farm Animal Production.

The new report, released Tuesday, updates a 2008 one released by the commission detailing the state of American livestock production and its influence on several study areas, including public health.

That original report called for the government to implement specific changes such as banning the non-therapeutic use of antibiotics in farm animals and implementing new systems to deal with industrial farm waste. But the commission now says that Congress and the administration have only made decisions that exacerbate those issues.

The present system of producing food animals in the United States is not sustainable and presents an unacceptable level of risk to public health and damage to the environment, as well as unnecessary harm to the animals we raise for food, the report concludes.

The commission was created with a grant from the Pew Charitable Trusts to the Johns Hopkins Bloomberg School of Public Health. The latter organization is associated with a number of initiatives focused on food systems and public health, including community food assessments and the Meatless Monday campaign.

To make its initial report, the commission says it examined technical reports from academic institutions across the country, listened to testimony from agriculture experts, and visited animal agriculture facilities in a number of major agriculture states. The authors say it was the first time the impacts of animal agriculture on public health, the environment and rural communities were systemically examined.

In its follow-up report, the commission reviewed progress made toward achieving its six key recommendations for better managing the 9.8 billion food animals raised and slaughtered in the U.S. each year.

### **Limited effort made on recommendations**

One of the commissions chief recommendations was to end the practice of giving farm animals non-therapeutic doses of antibiotic drugs useful to human medicine, a practice associated with the evolution and proliferation of antibiotic-resistant strains of bacteria.

Non-therapeutic use refers to delivering antibiotics to animals for any reason other than the treatment of disease. An estimated 80 percent of antibiotics sold in the U.S. are used in animal agriculture, most of which is given to healthy animals to promote growth and prevent disease.

Were very concerned with recent developments of antimicrobial-resistant bacteria such as Salmonella, E. coli and Campylobacter, said Dr. Robert Martin, Food System Policy Director at Johns Hopkins and one of the reports authors. The reliance on these antibiotics is a crutch to compensate for overcrowding and poor environmental conditions at farms.

While the commission did commend a recent ban on the off-label use of cephalosporins, a class of antibiotics, it criticized as ineffective the U.S. Food and Drug Administrations approach of asking meat producers to voluntarily reduce their non-therapeutic use of antibiotics. The report

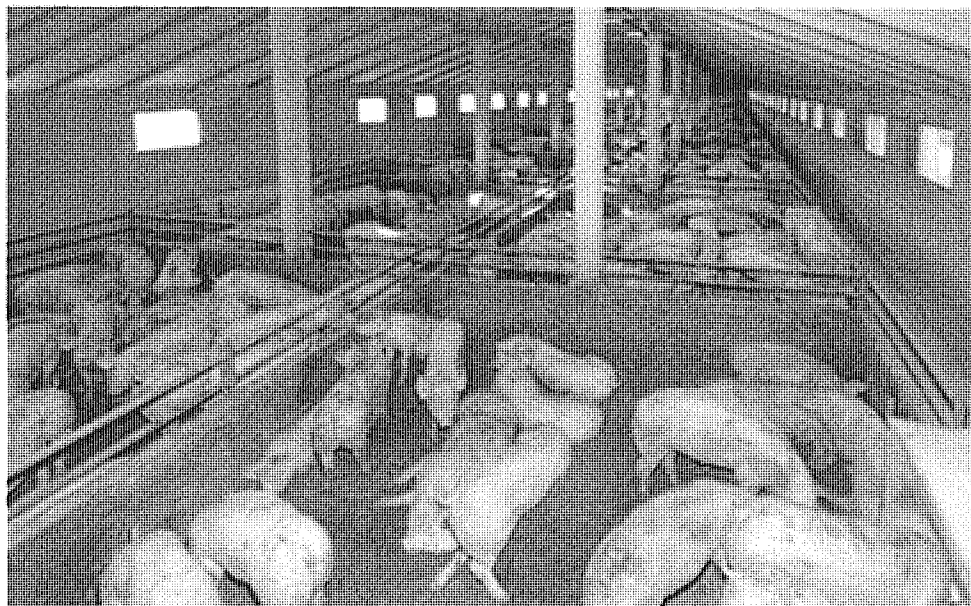
suggests that meaningful change was not likely to occur in the near future.

Similarly, the commission recommended the curbing of arsenic-based drugs following evidence linking their use to dietary and environmental exposures to arsenic. Despite more mounting evidence of that link since 2008, FDA has not taken action to remove those drugs from the market, the report states.

In 2008, the commission also recommended mandatory animal tracking systems be implemented at farms to establish a disease outbreak tracing system, based on the U.S. Department of Agriculture's existing voluntary tracking system. Since then, however, the commission found little effort to implement more stringent tracking systems.

Consequently, it is not expected that measurable changes in rates of foodborne illness resulting from contaminated animal products will be observed, the report reads.

### **Weakened oversight of farm waste**



Federal oversight of farm waste from animal agriculture has been weakened in the past five years since the release of the original report, the commission says. In particular, the report states that federal regulations on air and water pollution from farm waste has been limited, while the U.S. Environmental Protection Agency struggles to enforce laws intended to minimize farm-related pollutants.

Animal agriculture produces approximately 335 million tons of manure each year, according to USDA. Nutrients from that manure, in turn, can contaminate ground and surface waters or result in foodborne illness outbreaks if that manure is contaminated with foodborne pathogens and comes into contact directly or indirectly with crops, Martin said.

On the state level, the commission called efforts to regulate farm waste mixed. While some states implemented fees and penalties for farms that do not comply with regulations, other states transferred oversight to agriculture departments from environmental agencies and attempted to limit state regulatory oversight and enforcement of existing laws.

The commission also recommended the industry phase out intensive confinement of animals, such as swine gestation crates, battery cages for hens and tethered veal crates. The report called efforts by the Humane Society of the United States to end such practices very encouraging, but criticized efforts by some states to criminalize animal abuse whistleblowers through so-called gag laws.

### **Meat industry response**

The Animal Agriculture Alliance, a non-profit organization representing the meat industry and related animal drug industries, released its own report responding to the Pew Commissions update. The response provided a stark opposing opinion to the findings of the commission, stating that the animal agriculture industry has made considerable progress in improving animal well-being, protecting the environment, using antibiotics responsibly and producing the worlds safest food.

While theres always more progress to be made, the entire animal agriculture community has worked hard and has achieved results, said Alliance President Kay Johnson Smith.

In part, the alliance report highlights the fact that illness rates from E. coli have dropped to fewer than one case per 100,000 people, meeting goals set by the U.S. Department of Health and Human Services for 2010. The report also emphasizes the role of USDA federal meat inspectors in all meat facilities to help assure a safer meat supply.

The alliance also says that while improper use of antibiotics in human medicine poses the greatest threat to resistant bacteria affecting humans, the industry and government have proactively implemented multiple steps to minimize the development and impact of antibiotic-resistant bacteria.

The industry has adopted FDA guidance on the judicious use of medically important drugs in farm animals, the alliance says, and farms are now required to have veterinary oversight to use medically important antibiotics.

In the five years since the [Pew Commission's report], the animal agriculture community has continued to collaborate, fund research, and evolve to meet the highest food safety and animal care standards while feeding an even larger population, Johnson Smith said.

The alliance issued a similar response following the initial Pew Commission report.

Responding to the alliances latest report, Martin at the Pew Commission said that the commissions findings were based on very thorough scientific research. Each of the two commission reports include hundreds of citations to studies and other research, whereas the alliance reports include no citations.

We were very cautious in our efforts for the initial report and this update, Martin said. We only said what we could support with reputable sources.

Tags: [animal agriculture](#), [Animal Agriculture Alliance](#), [Johns Hopkins](#), [Pew Charitable Trusts](#), [Pew Commission](#), [science](#)

<http://www.foodsafetynews.com/2013/10/report-problems-posed-by-animal-agriculture/#.UmgMc74o7X4>

thank you,

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***Read 'Animal Factory', a compelling narrative of three individuals fighting the social  
irresponsibility of industrial animal factories***

***<http://animalfactorybook.com/?p=530>***

***Watch "The Hidden Price Tag of Industrial Ag" TEDxManhattan Talk 2011***

***<http://www.youtube.com/watch?v=pRE9HA0sJMM>***

