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Over Fifty Groups Petition EPA to Improve Oversight of Water Pollution from Concentrated Animal Feeding Operations

Scientific studies, community stories, and a new report on environmental justice show that industrial meat- and dairy-production facilities harm public health and the environment, especially in communities of color, low-income communities, and under-resourced rural communities nationwide

WASHINGTON, D.C.— Today, a nationwide coalition of 51 citizens' groups and community advocacy, environmental justice, and environmental advocacy organizations, together representing tens of millions of people, in partnership with Earthjustice, petitioned the U.S. Environmental Protection Agency (EPA) to improve its oversight of water pollution from industrial-scale concentrated animal feeding operations, commonly known as Large CAFOs. The petitioning groups argue that improved oversight of Large CAFOs is necessary to satisfy the federal Clean Water Act and executive orders intended to advance environmental justice.

Large CAFOs make up less than one percent of farms in the United States, but the animals confined at these industrial facilities produce approximately one-third of all manure from farms nationwide. A single Large CAFO—which, according to EPA's definition, confines at least 700 dairy cows, for example, or 2,500 swine weighing 55 pounds or more—can generate as much waste as a city. Unlike cities, however, Large CAFOs typically do not treat or disinfect animal waste prior to disposal.

In support of their request, the groups summarize decades of well-established scientific research showing that CAFOs—and Large CAFOs, in particular—routinely discharge water pollution that threatens public health and the environment, including nitrogen, phosphorus, disease-causing pathogens, and pharmaceuticals. In addition, they include personal stories from people who live in communities harmed by CAFO pollution across the country. These community members report that CAFOs create serious water contamination problems, degrade drinking water, and impair opportunities for fishing, boating, and engaging in other forms of recreation.

The petition also includes a new report detailing racial, ethnic, and other disparities in exposure to CAFO pollution. According to the report, CAFOs cause disproportionate harm to communities of color, low-income communities, and under-resourced rural communities in North Carolina, Iowa, and California's Central Valley—all areas in which CAFOs are densely concentrated. To petitioners' knowledge, this report is the first to describe the unequal harm that CAFOs impose on environmental justice communities in the Central Valley.

If granted, the petition would require EPA to adopt a rebuttable presumption that Large CAFOs using wet manure management systems actually discharge water pollution and, thus, must obtain water pollution discharge permits under the Clean Water Act. According to EPA, there are more than 21,000 Large CAFOs nationwide. EPA admits that many CAFOs discharge water pollution, but fewer than 6,300 Large CAFOs hold permits authorizing them to discharge pollution under federal law. Although some Large CAFOs operate under state-law permits, those permits typically are less protective of water quality, offer less transparency, and provide fewer opportunities for public participation, as compared with federal-law permits.

As of 2012, Large CAFOs generated 404 million tons of manure—that is, over 20 times the amount of fecal wet mass produced by all humans living across the United States. Large CAFOs using wet manure management

systems—predominately, Large CAFOs that confine swine and dairy cattle—store animal urine and feces in liquid form, a practice that is especially likely to result in water pollution.

The Clean Water Act prohibits any CAFO from discharging water pollution without a permit issued under federal law. Executive Order 12,898 requires EPA to collect data on environmental justice issues, address those issues, and ensure that environmental justice communities are able to participate in EPA’s activities. Executive Order 14,008, which President Biden issued in 2021, directs EPA to strengthen enforcement of environmental violations that disproportionately harm environmental justice communities. EPA Administrator Michael Regan has specifically directed EPA staff to strengthen enforcement of environmental statutes and civil rights laws in communities overburdened by pollution.

Quotations

“I was once an avid fisherman, but I have not been fishing near my home in over a decade,” said **Devon Hall, Executive Director of Rural Empowerment Association for Community Help**, who has seen evidence of water pollution from the 30 CAFOs located within three miles of his home in Duplin County, North Carolina. “I stopped fishing after I began to catch fish with open sores. I believe these sores are caused by bacteria and other pollution from CAFOs, and I do not think that fish with open sores are safe to eat.”

“CAFOs across the country are releasing pollutants, like dangerous pathogens and nutrients that contribute to toxic algal blooms, into waterways in violation of the federal Clean Water Act, which requires permits that prohibit most pollution discharges,” said **Kelly Hunter Foster, Waterkeeper Alliance Senior Attorney**. “But more than 70 percent of the nation’s largest CAFOs do not have Clean Water Act permits and, since 2011, the percentage of unpermitted Large CAFOs has increased substantially as the industry has continued to construct and operate new large facilities.”

“Waterways in Eastern North Carolina are being decimated by runoff from Large swine CAFOs,” said **Kemp Burdette, Cape Fear Riverkeeper at Cape Fear River Watch**. “Our sampling has shown waterways with bacteria levels more than 600 times higher than the safe level set by the state. And the problem is getting worse every year.”

“EPA has long known about the dangers of concentrated livestock pollution, which contaminates drinking water sources with viruses, nitrates, and other nasty pollutants. Too many communities living near these facilities can no longer use their drinking water wells or have faced higher water bills, and they deserve quick action from EPA to end the livestock industry’s free pass to pollute,” said **Jennifer Peters, National Water Programs Director at Clean Water Action**.

“All too often, manure from huge hog and dairy operations flow into our waters—putting our health and wildlife at risk,” said **John Rumpler, Clean Water Director for Environment America**. “We need to start treating these factory farms as the industrial pollution sources that they are—with clear, enforceable limits as required by the Clean Water Act.”

“In northwest Ohio and elsewhere around the country, dairy and hog CAFOs that do not have Clean Water Act permits spread millions of gallons of untreated liquid manure on fields riddled with underground drain tiles. These tiles transport the waste—containing nutrients, pathogens, and pharmaceuticals—straight into our rivers and lakes, fueling toxic algae blooms. No other industrial source is allowed to pollute our waterways without permits,” said **Janean Weber, staff attorney at the Environmental Law & Policy Center**.

“The EPA’s failure to hold industrial-scale animal agriculture facilities accountable under the Clean Water Act has led to degraded drinking water, polluted waterways, and serious public health impacts,” said **Adriane**

Busby, Senior Food and Climate Policy Analyst at Friends of the Earth. “EPA should follow the science and use its authority to prevent factory farms from harming local communities. We urge Administrator Regan to do better by communities impacted by unregulated factory farm pollution by granting this petition.”

“¡Viva la Gente! When EPA requires Large CAFOs to obtain NPDES permits, aquifers in rural Washington State will recover and people will once again drink pure well water,” said **Jean Mendoza, Executive Director of Friends of Toppenish Creek.**

“Over a year ago, a CAFO had an accidental power outage that caused the death of 2,500 animals. The animal carcasses were piled on the CAFO property near a waterway. The dead animals were not properly disposed of or managed in any way. Over the following months, leachate from the 2,500 decaying CAFO carcasses went unmonitored into the local watershed, attracting thousands of nuisance animals like flocks of vultures and flies, and harming our waterways. Over a year later, the farm operators still have not been forced to properly address the mess on their farm. CAFOs operate as if they are above the law—we must hold them accountable. What kind of food system does this to animals, to farmers, and to communities who must bear witness to the injustice?” said **Pegg Clevenger, Sierra Club Michigan.**

“EPA has known for decades that its current permitting system fails to control water pollution from Large CAFOs,” says **Alexis Andiman, senior attorney at Earthjustice.** “Earlier this year, the Agency acknowledged that CAFO pollution disproportionately harms environmental justice communities—and our petition and report provide further evidence to support both conclusions. It’s time for EPA to take action to protect communities by ensuring that Large CAFOs using wet manure management systems obtain the permits required under federal law, just as polluting facilities in every other industry are required to do.”

The 52 groups who joined the petition are: Alabama State Association of Cooperatives, Alianza Nacional de Campesinas, Alliance for the Great Lakes, American Indian Movement Interpretive Center, American Rivers, Anthropocene Alliance, Assateague Coastkeeper, Black Warrior Riverkeeper, California Coastkeeper Alliance, Cape Fear River Watch, Catskill Mountainkeeper, Central California Environmental Justice Network, Clean Water Action, Coachella Valley Waterkeeper, Community Water Center, Concerned Citizens of Tillery, Conservation Law Center, Cortland-Onondaga Federation of Kettle Lake Associations, Earthjustice, Endangered Habitats League, Environment America, Environmental Law and Policy Center, Environmental Working Group, FLOW (For Love Of Water), Friends of the Earth, Friends of Toppenish Creek, GreenLatinos, Healthy Gulf, Hoosier Environmental Council, Humane Society of the United States, Illinois Environmental Council, Inland Empire Waterkeeper, Leadership Counsel for Justice and Accountability, Milwaukee Riverkeeper, Missouri Coalition for the Environment, Missouri Confluence Waterkeeper, Natural Resources Defense Council, North Carolina Conservation Network, Ohio Environmental Council, Orange County Coastkeeper, Our Children’s Earth Foundation, Our Santa Fe River, Rural Coalition, Rural Empowerment Association for Community Help, San Francisco Baykeeper, Sierra Club, Snake River Waterkeeper, Three Fires Spiritual and Cultural Education Society, Waterkeeper Alliance, Waterkeepers Chesapeake, Waterway Advocates, Yadkin Riverkeeper

About Earthjustice

Earthjustice is the premier nonprofit public interest environmental law organization. We wield the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change.

About Waterkeeper Alliance

Waterkeeper® Alliance is a global movement uniting more than 300 community-based Waterkeeper Organizations and Affiliates around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change. The Waterkeeper movement patrols and protects over 2.75 million square miles of

rivers, lakes, and coastlines in the Americas, Europe, Australia, Asia, and Africa. For more information, visit waterkeeper.org.

About Cape Fear River Watch

Cape Fear River Watch is a grassroots environmental nonprofit that has fought to protect and improve the water quality of the Cape Fear Basin for almost thirty years, through advocacy, education, and action. Our members paddle our streams and rivers, clean up our ditches and creeks, learn about the challenges facing our river basin, volunteer their time, and take action on behalf of our river basin. CapeFearRiverWatch.org.

About Friends of the Earth

Friends of the Earth, founded by David Brower in 1969, fights to create a healthy and just world. Our Climate-Friendly Food Program aims to reduce the harmful impacts of industrial animal agriculture and build a more just and resilient food system through policy change and by reducing institutional purchases of industrial meat and dairy while driving increased demand for plant-based foods and organic, high welfare, and pasture-raised animal products.

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