

DECLARATION OF SONJA TROM EAYRS

I, SONJA TROM EAYRS, declare and state as follows:

1. My name is Sonja Trom Eayrs, and I am actively involved in the day-to-day operation of our family farm located in Dodge County, Minnesota. I am uncomfortable sharing our farm's address because, as explained in greater detail below, my family has faced repeated harassment and intimidation for speaking out against industrial agriculture pollution in our community. I am also an attorney and am licensed to practice law in Minnesota, Wisconsin, and Florida.

2. Our family farm has long been a source of pride for my family. My grandparents, Elmer and Marie Trom, moved to the farm in 1925 and raised their 10 children there. My father, Lowell Trom, was born on the farm in 1929 and eventually assumed ownership of it. My father devoted his entire life to farming the land. As children, my siblings and I grew up on the farm, where we helped with farm chores and played outside. With its perfect park-like atmosphere, the farm served as a special gathering place for our aunts, uncles, and cousins—a home where we would come together for family reunions on Father's Day, picnics, graduations, baptisms, communions, birthday parties, and other family celebrations. In 1979, my husband and I held our wedding reception here at the farm.

3. My family cherishes our ability to enjoy the rural countryside and time outdoors. For many years, my mother maintained a beautiful garden on the farm, planting hundreds of flowers each year. My father, prior to his death in October 2019, loved to work in the open air. Almost every aspect of his work happened outdoors, from preparing the machinery for planting and harvesting, to tilling the land, filling the planter boxes with seed, and harvesting soybeans and corn each fall.

4. In the early 1990s, we witnessed significant changes to the rural countryside around our farm, as concentrated animal feeding operations (“CAFOs”) began to disrupt the quiet community. In 1993, the first pig CAFO was constructed approximately one mile north of our farm, confining approximately 4,000 pigs. Since then, numerous pig CAFOs have been constructed in the immediate area, including one located a half-mile west of our farm and another located a mile north of our farm. Today, there are 12 pig CAFOs within a three-mile radius of our farm, housing an estimated 30,000 pigs.

5. These facilities generate an incredible amount of waste. One pig produces approximately 10 times more fecal waste than a human,¹ so the pigs right around our farm generate the same amount of waste as a city of 300,000 people. That’s *15 times* the population of Dodge County.² This waste contains antibiotics, nitrogen, phosphorus, and other contaminants.³

6. This accumulation of fecal waste is incredibly disruptive to our lives. At the nearby CAFOs, the confinement barns are located over manure pits capable of holding hundreds of thousands of gallons of urine and feces. Each evening, the facilities raise the curtains that close off parts of the confinement barns, and the putrid stench from the manure pits rolls across the countryside. During the fall, the CAFO operators pump the urine and feces out of the manure pits. During pump-out, the manure pits are agitated, which causes them to release

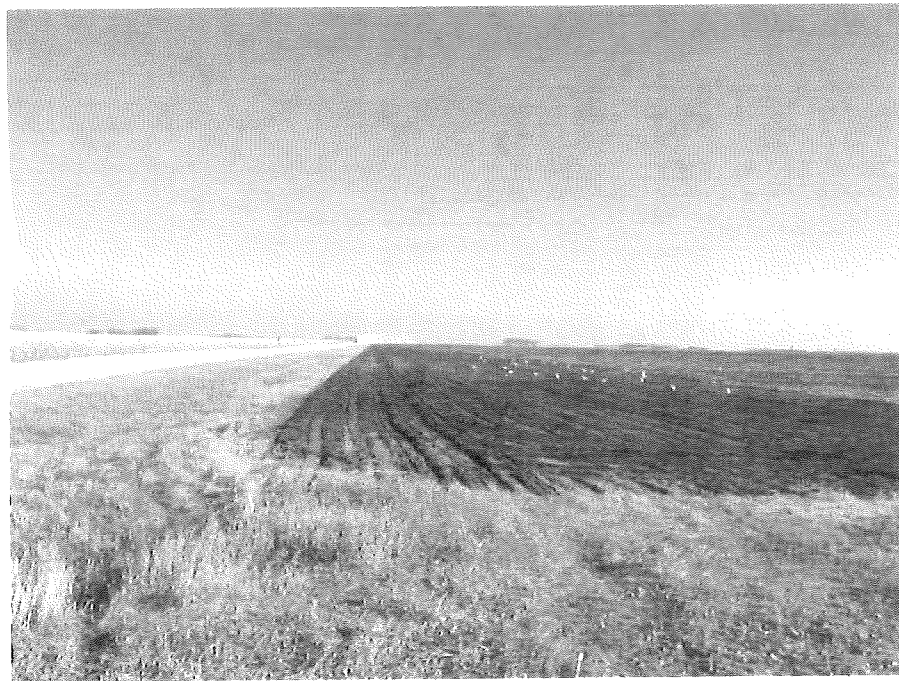
¹ See Mark Sobsey & Vincent Hill, *Hog Waste Treatment to Control Microbial Contamination* (June 2008), <https://repository.lib.ncsu.edu/bitstream/handle/1840.4/41110/NC-WRRI-380.pdf>.

² See U.S. Census Bureau, QuickFacts, Dodge County, Minnesota, <https://www.census.gov/quickfacts/fact/table/dodgecountyminnesota,MN/PST045219%20>.

³ Michael A. Mallin et al., *Industrial Swine and Poultry Production Causes Chronic Nutrient and Fecal Microbial Stream Pollution*, 226 *Water, Air, Soil & Pollution* 407, 407 (2015).

hydrogen sulfide, ammonia, methane, and other dangerous gases. CAFO operators then apply the manure pumped from the pits on neighboring fields by injecting it into the soil.

7. Immediately adjacent to our farm, I have personally witnessed application of manure onto frozen ground that cannot absorb the manure, as well as over-application of manure. These are dangerous practices, as manure frequently pools and eventually runs off into area drainage ditches, rivers, and road ditches, which in turn increases the risk of water pollution. Over the course of two days in November 2017, I took multiple photographs to document these practices adjacent to our farm, one of which is reproduced below. In the bottom left corner of the field, pooled manure sits on top of the frozen ground, while dozens of birds peck at dead and decomposing pig body parts mixed in with the manure.



Source: Sonja Trom Eayrs

8. A local waterway, the Westfield-Ripley Drainage Ditch, cuts through our farm and joins the Cedar River two miles to the south. The Cedar River then flows through southern

Minnesota and Iowa, eventually connecting with the Mississippi River. The Cedar River is an important waterway, and I am concerned that the CAFOs concentrated in close proximity to it have already polluted the river and will continue to do so, absent more thorough government oversight. According to the Minnesota Pollution Control Agency (“MPCA”), “improper application of manure can contaminate surface or groundwater.”⁴ The MPCA lists the Cedar River as an impaired water that is “non-supporting of aquatic life for aquatic macroinvertebrate communities,” in part because of high concentrations of nitrogen and phosphorus, two pollutants often present in animal waste.⁵ I believe that the Cedar River is impaired, at least in part, because of water pollution from CAFOs.

9. This belief was confirmed in 2017, when our citizens group, Dodge County Concerned Citizens, worked with the Izaak Walton League on the Cedar River Watershed Project, which documented water pollution in our community. Over a 19-week period, 40 volunteers collected 498 samples from 83 sites across the Cedar River watershed.⁶ Of the samples collected, 70 percent indicated the presence of *E. coli* exceeding health standards for safe recreational uses, such as swimming, wading, and boating.⁷ Throughout the watershed, DNA testing also indicated contamination from pig and cattle fecal waste. After major rainstorms, testing consistently found high *E. coli* readings, indicating that “the rain is flushing *E. coli* on the land, and in tile lines and ditches into the streams,” raising concerns “about the health of children and adults who enjoy our streams, rivers and lakes.”⁸ According to the U.S.

⁴ MPCA, Mississippi River – Sartell Watershed *E. coli* and Phosphorus Total Maximum Daily Load (Nov. 2020), <https://www.pca.state.mn.us/sites/default/files/wq-iw8-61e.pdf>.

⁵ MPCA, Cedar River Watershed Stressor Identification Report 46 (June 2016), <https://www.pca.state.mn.us/sites/default/files/wq-ws5-07080201a.pdf>.

⁶ See Izaak Walton League, Cedar River Watershed Project Report (Feb. 2018).

⁷ *Id.*

Geological Survey, exposure to E. coli-contaminated water can cause “health problems and sickness,” including “urinary tract infections, respiratory illness, and pneumonia.”⁹

10. CAFOs in Dodge County also pollute area private wells. One of our neighbors, Dale, whose farm is also surrounded by nearly 30,000 pigs within a two-mile radius, has not been able to drink the water at his farm for years. Dale’s well tested positive for coliform bacteria on several occasions, which he believes is due to manure application on the land adjacent to his farm.

11. Local wells also often have high levels of nitrate, a chemical component of manure that can run off fields, seep into groundwater, and cause serious health problems, including an increased risk of cancer and birth defects.¹⁰ Recently, Dodge County officials acknowledged that 21 percent of local private wells contained nitrate and were potentially unsafe for supplying drinking water.¹¹ According to the Minnesota Department of Health, nitrate pollution has been detected “in more than 8,000 [] drinking water wells” across the state, and the agency’s testing showed that “[m]ore than 1,000 had nitrate levels deemed unsafe for infants and pregnant women.”¹² Due to the proliferation of CAFOs in Minnesota, which now ranks as

⁸ *Id.*

⁹ U.S. Geological Survey, *Bacteria and E. Coli in Water* (June 5, 2018), <https://www.usgs.gov/special-topics/water-science-school/science/bacteria-and-e-coli-water> (last visited Dec. 23, 2021).

¹⁰ See Minn. Dept. of Health, *Nitrate in Drinking Water* (Oct. 2021), <https://www.health.state.mn.us/communities/environment/water/docs/contaminants/nitratefetsht.pdf>; Sarah Porter, *Tap Water for 500,000 Minnesotans Contaminated with Elevated Levels of Nitrate*, Environmental Working Group (Jan. 14, 2020), https://www.ewg.org/interactive-maps/2020_nitrate_in_minnesota_drinking_water_from_groundwater_sources/.

¹¹ *Nitrogen in Dodge County Ground and Surface Waters*, Dodge County Environmental Services.

¹² Mark Zdechlik, *Trouble in the Water: Can Minnesota Stop Polluting its Lakes, Rivers?*, MPRNews (May 16, 2016), <https://www.mprnews.org/story/2016/05/16/water-can-minnesota-stop-polluting-lakes-rivers>.

second in the nation in pig production, I believe that CAFOs are in large part responsible for this statewide problem.

12. Not only do area CAFOs create serious water contamination problems, but they also degrade the air quality and produce a horrifying odor. In November 2017, my father was combining his last several acres of corn. Despite keeping the cabin of his combine closed, odors caused by manure application from a nearby CAFO penetrated the cabin interior. Forced to stop the combine, my father stepped out onto the platform and vomited. He immediately experienced symptoms commonly associated with hydrogen sulfide poisoning, including headache, dizziness, and nausea.¹³ He suffered from these symptoms for weeks thereafter.

13. My father and brothers, Brad and Jim, have experienced other physical reactions to emissions from CAFOs near our farm. Following construction of several neighboring CAFOs, my father suffered frequent headaches, felt a burning sensation in his eyes and nose, and often got sick to his stomach if he stayed outside for extended periods. My brother Brad has repeatedly suffered nosebleeds while cutting weeds, picking rock, mowing the lawn, or performing other outdoor tasks on our farm.

14. At my father's funeral visitation in October 2019, my brother Brad walked from his car to the funeral home, choking from the stench of manure that had been applied to the land just steps from the funeral home. Brad immediately got a bloody nose—undoubtedly from the air pollution released during manure application. Manure spreading interfered not only with the funeral visitation, but also with the graveside service the following day. As we gathered

¹³ See Erica Rogers, *The Dangers of Manure Gas and Strategies for Mitigation*, Mich. St. Univ. Farm Mgmt. (Sep. 18, 2018), <https://www.canr.msu.edu/news/the-dangers-of-manure-gas-and-strategies-for-mitigation>

graveside at the nearby rural cemetery, several family members retreated to their vehicles, unable to bear the stench and fumes.

15. CAFOs have completely changed life in Dodge County and throughout southern Minnesota. While our farm traditionally served as a gathering place for multiple generations, children, grandchildren, and great-grandchildren have not been able to gather at our farm for years. The risk that a family gathering will be ruined by the overwhelming stench from area CAFOs is just too great.

16. With a front row seat, my family has witnessed the destructive power of the agriculture industry. While fighting back against CAFOs, my family has faced repeated harassment and intimidation: bullet holes shot in the stop sign near our farm, constant garbage dumped in our roadside ditches and driveway, a large piece of metal hidden in the tall grass that damaged our mower, pure Roundup sprayed on the corn field that caused thousands of dollars of damage, harassing late-night phone calls to my elderly father—all signs of the power imbalance tearing at the fabric of our community. Other farm families who have opposed CAFOs have experienced similar harassment and intimidation. In the face of these tactics, we continue to speak up because we are fighting for our homes and our families.

17. While the industry tries to silence our voices, local government officials—many of whom have industry ties—do not want to hear what we have to say. In 2014, the Dodge County Planning Commission recommended construction of a CAFO a half-mile from our farm. At a public hearing on the issue, I was given just three minutes to voice my concerns, and the Planning Commission quickly shut down public comments, even though it had set aside several hours for community discussion. Several of my family members—including my mother, who suffers from advanced Parkinson's disease and struggles to speak—had requested that I speak on

their behalf, but when I requested additional time to address our family's concerns, counsel for Dodge County stated that I was disrupting the meeting and threatened to call the Sheriff's Office. The entire approval process, in my opinion, was nothing more than a rubber stamp.

18. Our concerns also do not receive the attention of state regulators. I have personally filed several complaints with the MPCA regional office in Rochester, Minnesota. I initially contacted the MPCA office in November 2017, as I was concerned about the overapplication of manure on frozen ground near our farm. I also reported that my father had likely suffered from hydrogen sulfide poisoning. I filed an online complaint and subsequently followed up with a phone call to MPCA staff. Despite my repeated outreach, the MPCA took no action to investigate my complaint. Through a records request filed in accordance with the Minnesota Data Practices Act, I obtained copies of notes on file with the MPCA and discovered that the MPCA staff member who I spoke to had left for vacation following our phone call. When he returned from vacation several days later, he concluded that investigation of my complaint was no longer necessary because any harmful emissions had likely already dissipated.

19. Recently, I received an alarming call from a resident of my hometown, Blooming Prairie, Minnesota. Area CAFO operators had spread manure onto the same small parcel of land—within feet of a local water treatment facility—for several days in a row. A horrifying stench cloaked the town for several days afterwards. I immediately filed a complaint with the MPCA using the Agency's online portal. A few days later, a MPCA staff member contacted me, but instead of listening to my concerns, he hung up on me.


20. Our community needs transparency to adequately address CAFO pollution. The industry fights all attempts at transparency, and people like us who have seen their hometowns invaded by industrial polluters are continually left in the dark. When our local citizens group

sought to audit manure management plans on file with Dodge County, we discovered only 37 plans, even though, by our estimate, at least 100 local operators should have filed manure management plans given their size. As a result of self-reporting and lack of oversight, no one in our community knows where or how much manure is applied to the land. This lack of information makes it very difficult for our community to understand—let alone fight back against—pollution near our homes.

21. All CAFOs should be required to obtain a Clean Water Act (“CWA”) permit, and community members should be able to access CAFO manure management plans. We need to make sure that CAFOs adhere to more rigorous environmental and reporting requirements. People in my community need to know where and how much manure is being applied to the land. We also need to know that if we see CAFOs polluting the water, we can take action to enforce the CWA. Without these protections, it’s much harder to keep our community safe.

22. The lack of oversight by the Environmental Protection Agency (“EPA”) is compounding the problems in rural America. We rely on the EPA to protect our air and water from CAFO pollution. Despite repeated cries for help, the EPA has not taken any action. If the regulators will not act, where are we supposed to turn for help?

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct. Executed this 1st day of February, 2022.



Sonja Trom Eayrs