

July 19, 2022

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail code 1101A  
Washington, DC 20460

Dear Administrator Regan:

On behalf of the undersigned organizations and our millions of U.S. members and supporters, we are writing to urge the Environmental Protection Agency to exercise its existing statutory authority to protect communities from the harmful impacts of concentrated animal feeding operations (CAFOs), also known as factory farms.

In January 2021, President Biden signed Executive Orders on Tackling the Climate Crisis at Home and Abroad<sup>1</sup> and on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,<sup>2</sup> which establish environmental justice and racial equity as Administration priorities. In EPA's 2022-2026 Strategic Plan, the agency confirmed its commitment to "follow the science, follow the law, and be transparent" and added "a fourth foundational principle: advance justice and equity" as the basis for the Agency's culture and approach to its operations and decision-making.<sup>3</sup> We commend these commitments but contend that the EPA is failing to uphold them by abdicating its responsibility to protect rural communities living near CAFOs.

Multinational agribusiness has been vertically and horizontally integrating the meat production supply chain for the past several decades, leading to massive growth of CAFOs.<sup>4</sup> These heavily polluting operations produce immense quantities of waste and pollutants that degrade community air and water resources and destroy the quality of life for the communities where they are deliberately located,<sup>5</sup> which are disproportionately low-wealth and/or communities of color.<sup>6</sup> CAFOs represent an environmental justice crisis that has gone unaddressed by – and has even been exacerbated by – EPA for decades.

In the U.S., CAFOs generate as much as one billion tons of manure each year, more than three times as much waste as humans.<sup>7</sup> The waste, which is often stored in giant manure pits and periodically applied to spray fields, can contain pathogens, antibiotic-resistant bacteria, and heavy metals,<sup>8</sup> leading to death, and poor general health.<sup>9</sup>

Odor plumes from CAFOs, which often pervade nearby communities, contain respiratory and eye irritants including hydrogen sulfide and ammonia.<sup>10</sup> Both substances are associated with a variety of respiratory issues at certain levels, and studies have found consistent correlations between communities' proximity to CAFOs and asthma, chronic obstructive pulmonary disease, and other serious health issues.<sup>11</sup> One study published in 2021 found approximately 12,700 deaths per year from air pollution in the U.S. are attributable to industrial livestock production.<sup>12</sup> That is more deaths than occur from pollution from coal plants, yet EPA has largely shielded industrial livestock integrators and their web of CAFOs from oversight.

Through its AgSTAR program, EPA has supported CAFOs with installing methane digesters, which have failed to curb or, in some cases, exacerbated these air and water co-pollutants and associated adverse public health impacts for communities.<sup>13</sup> Methane digesters only serve to further entrench the destructive factory farming model and marry it with the fossil fuel industry. If EPA were to implement an electrification pathway for factory farmed methane gas produced by CAFOs under the Renewable Fuel Standard, this new subsidy would compound the suffering of rural communities from both CAFOs and fossil fuel infrastructure.

In addition to being a leading cause of water and air pollution, animal agriculture is a major contributor to greenhouse gas (GHG) emissions.<sup>14</sup> Animal agriculture is the top source of U.S. methane emissions, according to EPA's own data.<sup>15</sup> Climate change disproportionately affects communities of color, low-income communities, and other vulnerable populations, which are more likely to live in isolated rural areas, floodplains, coastlines, and other at-risk locations, making them at risk of exposure to adverse climate change impacts.<sup>16</sup> Sadly, these same communities continue to be saturated with hazardous pollution discharged and emitted from industrial livestock operations, compounding the harm inflicted.

Not only do CAFOs lack resilience in the face of extreme weather, but they also present a major public health and environmental hazard during increasing extreme weather events because of the amount of waste they produce.<sup>17</sup> When there is an infrastructure failure or heavy rain storm, manure lagoons can spill decades' worth of accumulated waste onto local properties, causing crop destruction, soil degradation, water contamination, and other adverse impacts.<sup>18</sup> Communities of color are disproportionately exposed to the harmful pathogens, contaminated drinking water, and antibiotic-resistance bacteria associated with CAFOs and have fewer resources to overcome the damage.

Your home state of North Carolina is perhaps the most poignant example of the environmental racism associated with this industry and the devastation to communities of color caused by a lack of federal oversight. Naeema Muhammad, a long-time organizer with the North Carolina Environmental Justice Network, explains it best:

*These pigs are producing about 19 million tons of animal waste on an annual basis. It's going into our rivers and streams. It sits out in the air openly until they decide to irrigate it. They irrigate this waste out around the fields and crops. They call it organic fertilizer and say that there was no harm to it. But the problem is that it has all kinds of toxic chemicals. Hydrogen sulfide comes off the lagoons and it's making people in the community sick. As an organizer, I've been working with these communities since the early 2000s. People say they get sick, nauseated, you get headaches, and you get angry and frustrated living like that. People don't go outside anymore.*

Many of our bedrock environmental protection laws—such as the Clean Air Act, the Clean Water Act, and the Emergency Planning and Community Right-to-Know Act— already authorize EPA to oversee emissions and discharges from CAFOs, but EPA has consistently exempted animal agriculture from standards meant to protect communities from industrial pollution. Congress has granted the EPA authority to protect the public from harmful pollution,<sup>19</sup> and the agency has several regulatory petitions before it that lay out pathways to exercise this authority. We urge EPA to end the regulatory exceptionalism and hold accountable the industrial livestock agribusinesses profiting from the exploitation of environmental justice communities.

Respectfully,

350 Eugene  
350Brooklyn  
50by40  
A Stone's Throw B&B  
A Well-Fed World  
Accelerate Neighborhood Climate Action  
Acterra  
AFGE Local 3354  
Alliance of Nurses for Healthy Environments  
American Friends Service Committee  
American Indian Mothers Inc.  
American Society for the Prevention of Cruelty to Animals (ASPCA)  
Animals Are Sentient Beings, Inc.  
Arkansas Ozark Waterkeeper  
Assateague Coastal Trust  
Beyond Pesticides  
Black VegFest  
Bold Alliance  
Boone County Food Council  
Brighter Green  
Buffalo River Watershed Alliance  
Butte County Local Food Network  
Call to Action Colorado  
Campaign for Family Farms and the Environment  
Cape Fear River Watch  
CatholicNetwork US  
Cedar Lane Environmental Justice Ministry  
Center for Biological Diversity  
Center for Environmental Health  
Center for Food Safety  
Chicago Food Policy Action Council  
Chilis on Wheels  
Church Women United in New York State  
Citizen's Alliance for a Sustainable Englewood  
Clean Water for NC  
CleanAirNow  
Climate 911  
Climate Justice Alliance  
Coalition of Community Organizations  
CO Businesses for a Livable Climate  
Coming Clean  
Compassion in World Farming  
Compassionate Bay  
Community And Family AID Foundation  
Community for Sustainable Energy  
Corporate Accountability  
Cultivate Charlottesville  
Cultivate Kansas City  
Dakota Rural Action  
Don't Gas the Meadowlands Coalition  
Dorchester Unified Neighborhood Association  
Earth Ethics, Inc.  
Earth Guardians  
Earthjustice  
Eat for the Earth  
EcoPoetry.org  
Endangered Species Coalition  
Environmental Justice Team, Cedar Lane UU Church  
Environmental Working Group  
Extinction Rebellion San Francisco Bay Area  
Factory Farming Awareness Coalition  
Fair Start Movement  
Fair World Project  
Family Farm Defenders  
Farm Action  
Farm Aid  
Farm Forward  
Farmworker Association of Florida  
Food Animal Concerns Trust  
Food & Water Watch  
Food Freedom Radio - AM950  
The Foodshed Network  
Fox Valley Citizens for Peace & Justice  
Friends of the Earth  
Gladney Farm  
Global Forest Coalition  
Global Justice Ecology Project  
GMOSCIENCE  
GMO/Toxin Free USA

Government Accountability Project Food Integrity Campaign  
 Greater New Orleans Housing Alliance  
 The Green House Connection Center  
 Green America  
 Green Latinos  
 Green State Solutions  
 Green Village Communications  
 Greenbelt Climate Action Network  
 Greenpeace USA  
 Growing Healthy Kids, Inc  
 The Growing Project  
 GROW North Texas  
 Gulf Coast Center for Law & Policy  
 Harvard School of Law & Policy Clinic  
 Hawai'i Alliance for Progressive Action (HAPA)  
 Hawai'i SEED  
 HEAL Food Alliance  
 Health Care Without Harm  
 Hempstead Project Heart  
 Herbicide-Free Campus  
 Honor the Earth  
 Humane Society Legislative Fund  
 Humane Society of the United States  
 Humane Society Veterinary Medical Association  
 Hungry Planet  
 I-70 Citizens Advisory Group  
 Indivisible Ambassadors  
 Infinite Agriculture  
 Institute for Agriculture and Trade Policy  
 Interfaith EarthKeepers  
 International Center for Technology Assessment  
 Iowa Citizens for Community Improvement  
 Jefferson County Farmers & Neighbors, Inc.  
 Johns Hopkins Center for a Livable Future  
 Just Transition Alliance  
 Kitchen Sync Strategies  
 Land Stewardship Project  
 Larimer Alliance for Health, Safety and Environment  
 LEAD for Pollinators, Inc.  
 The Livestock Institute of Southern New England, Inc.  
 Locust Point Community Garden  
 Lower East Side Ecology Center  
 Mangrove Action Project  
 March of Silence NYC  
 The Marion Institute  
 Massachusetts Avenue Project  
 Mayfair Park Neighborhood Association Board  
 Mercy For Animals  
 Mental Health & Inclusion Ministries  
 Michigan Organic Food and Farm Alliance  
 Mid-Missouri Peaceworks  
 Milwaukee Riverkeeper  
 Missouri Coalition for the Environment  
 MLC Climate Justice Wing  
 Montbello Neighborhood Association Board  
 MOSA Certified Organic  
 Mothers Out Front Colorado  
 Movement Rights  
 National Farm to School Network  
 National Farm Worker Ministry  
 National Latino Farmers & Ranchers Trade Association  
 NC Clinicians for Climate Action  
 New Entry Sustainable Farming Project  
 The Non-GMO Project  
 North American Climate, Conservation and Environment  
 (NACCE)  
 North Carolina Conservation Network  
 North Carolina Environmental Justice Network  
 Northeast Organic Dairy Producers Alliance  
 Northeast Organic Farming Association-Interstate Council  
 North Range Concerned Citizens  
 Novasutras  
 NWI Food Council  
 NYCLASS (New Yorkers for Safe, Livable and Safe Streets)  
 Ohio Ecological Food and Farm Association  
 Open Markets Institute  
 Ophelia's Blue Vine Farm  
 OrganicEye  
 People for a Healthy Environment  
 Pesticide Action Network  
 Physicians Against Red Meat (PhARM)  
 Planetary Health Collective  
 Plant Based Foods Institute  
 PlantPure Communities

Pollinate Minnesota  
ProVeg International  
Public Justice  
Rachel Carson Council  
RapidShift Network  
The Raven Corps  
Reach Out America  
Real Food Media  
Real Organic Project  
Reducetarian Foundation  
Resource Renewal Institute  
Rhode Island Food Policy Council  
River Guardian Foundation  
Rural Advancement Foundation International - USA  
Rural Coalition  
Rural Development Leadership Network  
RuralOrganizing.org Education Fund  
San Francisco Bay Physicians for Social Responsibility  
Santa Cruz Climate Action Network  
Save EPA  
Save Our Illinois Land  
Seneca Lake Guardian  
Sierra Club  
Sisters of Charity Federation  
Sisters of St. Dominic of Blauvelt, New York  
Slow Food USA  
Small Business Alliance  
Socially Responsible Agriculture Project

Sonoma Hot Sauce  
Soul Fire Farm Institute  
Southwest Organization for Sustainability  
Spirit of the Sun, Inc.  
Stop the Algonquin Pipeline Expansion  
Stray Dog Institute  
Sunrise Movement  
System Change Not Climate Change  
Terra Advocati  
They Keep Bees  
TIAA-Divest! from Climate Destruction  
Toxic Free North Carolina  
Transformations CDC  
True Health Initiative  
Unite North Metro Denver  
Vegan Activist Alliance  
Verde Valley Food Policy Council  
Vermont Law School Environmental Justice Clinic  
Vilicus Farms  
Wall of Women  
Waterkeeper Alliance  
Waterway Advocates  
WESPAC Foundation, Inc.  
West End Revitalization Association WERA  
Western Slope Businesses for a Livable Climate  
West Virginia Environmental Council  
Women, Food and Agriculture Network (WFAN)  
Working for Racial Equity

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<sup>1</sup> White House, Executive Order on Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>:

<sup>2</sup> The White House, Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government (Jan. 20, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>3</sup> Environmental Protection Agency, Draft FY 2022-2026 EPA Strategic Plan (Oct. 1, 2021) 4, available at <https://www.epa.gov/system/files/documents/2021-10/fy-2022-2026-epa-draft-strategic-plan.pdf>.

<sup>4</sup> Sharma S, Institute for Agriculture and Trade Policy, Mighty Giants: Leaders of the Global Meat Complex (Apr. 10, 2018) available at <https://www.iatp.org/blog/leaders-global-meat-complex>.

<sup>5</sup> Hribar, C., Understanding Concentrated Animal Feeding Operations and Their Impact on Communities, National Ass'n of Local Boards of Health (2010) 3, available at [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

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- <sup>6</sup> Oliva E, Yale Scientific, Environmental Justice and Industrial Animal Farms (June 20, 2021), available at <https://www.yalescientific.org/2021/06/environmental-justice-and-industrial-animal-farms/#:~:text=According%20to%20a%20recent%20study,of%20color%20and%20impoverished%20communities.>
- <sup>7</sup> Environmental Protection Agency, Detecting and mitigating the environmental impact of fecal pathogens originating from confined animal feeding operations: Review (2005) 1, available at [https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?Lab=NRMRL&dirEntryId=148645](https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NRMRL&dirEntryId=148645)
- <sup>8</sup> Hribar, *supra* note 5, at 2.
- <sup>9</sup> Grout, L. et. Al, A Review of Potential Public Health Impacts Associated With the Global Dairy Sector (Jan. 3, 2020) 4.2.3. Chemical Pollutants. Available at <https://doi.org/10.1029/2019GH000213>.
- <sup>10</sup> Nicole, W., CAFOS and Environmental Justice: The Case of North Carolina (2013) Environmental Health Perspectives, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3672924/>.
- <sup>11</sup> Casey JA, Kim BF, Larsen J, Price LB, Nachman KE. Industrial Food Animal Production and Community Health. (Sept. 2015), available at <https://www.ncbi.nlm.nih.gov/pubmed/26231503>.
- <sup>12</sup> Domingo, N.G., et. al., Air quality-related Health Damages of Food (2021), available at <https://www.pnas.org/doi/10.1073/pnas.2013637118>.
- <sup>13</sup> Conservation Practice Standard, Anaerobic Digester, Code 366, U.S. Dep’t Agriculture, Nat. Res. Conservation Serv., 366-CPS-6, (June 2017) (“USDA Conservation Practice Standard”), available at [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1254996.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1254996.pdf) (“Compounds such as nitrogen, phosphorus and other elements become more soluble due to anaerobic digestion and therefore have higher potential to move with water”.); See Jennifer K. Costanza et al., Potential geographic distribution of atmospheric nitrogen deposition from intensive livestock production in North Carolina, USA (2008) available at [http://jencostanza.com/docs/Costanza\\_et\\_al\\_2008\\_STOTEN.pdf](http://jencostanza.com/docs/Costanza_et_al_2008_STOTEN.pdf) (noting the significant amount of ammonia deposition accounting for new nitrogen inputs into the coastal ecosystem).  
see also Lowry A. Harper et al, The Effect of Biofuel Production on Swine Farm Methane and Ammonia Emissions (2010), available at <https://pubmed.ncbi.nlm.nih.gov/21284295/> (finding a 46 percent increase in ammonia emissions from mesophilic biogas digester relative to control lagoons).
- <sup>14</sup> Koneswaran, G., & Nierenberg, D., Global farm animal production and global warming: impacting and mitigating climate change (Jan. 2008) available at <https://doi.org/10.1289/ehp.11034>.
- <sup>15</sup> EPA, Overview of Greenhouse Gases, Methane. Available at <https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane>.
- <sup>16</sup> USGCRP, Impacts of Climate Change on Human Health in the United States, 249 (2016); California’s Fourth Climate Change Assessment, Climate Justice Summary Report 36-48 (2018), available at [https://health2016.globalchange.gov/low/ClimateHealth2016\\_FullReport\\_small.pdf](https://health2016.globalchange.gov/low/ClimateHealth2016_FullReport_small.pdf)
- <sup>17</sup> Hribar, *supra* note 5 at 4.
- <sup>18</sup> See, e.g., Press Release: NC Dep’t of Env’tl. Quality, Division of Water Resources Issues Notice of Violation to B&L Farms (Jul. 16, 2020) (hog lagoon breach caused three million gallons of manure to spread “into farms, wetlands, and . . . tributary”), available at <https://deq.nc.gov/news/press-releases/2020/07/16/division-water-resources-issues-notice-violation-bl-farms>; Eight Manure Lagoons Overflow in Western Iowa Because of Flooding, SIOUX CITY J. (Mar. 26, 2019), available at [https://siouxcityjournal.com/news/state-and-regional/iowa/eight-manure-lagoons-overflow-in-western-iowa-because-of-flooding/article\\_792b6561-c617-58ea-b287-70c58d3bb2bc.html](https://siouxcityjournal.com/news/state-and-regional/iowa/eight-manure-lagoons-overflow-in-western-iowa-because-of-flooding/article_792b6561-c617-58ea-b287-70c58d3bb2bc.html); Wynne Davis, Overflowing Hog Lagoons Raise Environmental Concerns in North Carolina, NPR (Sep. 22, 2018), <https://www.npr.org/2018/09/22/650698240/hurricane-s-aftermath-floods-hog-lagoons-in-north-carolina>.
- <sup>19</sup> See 42 U.S.C. 7401(c), (stating that “a primary goal of this subchapter is to encourage or otherwise promote reasonable Federal, State, and local governmental actions. . . for pollution prevention.”); See also Environmental Protection Agency, Clean Water Act and Federal Facilities, Summary, available at <https://www.epa.gov/enforcement/clean-water-act-cwa-and-federal-facilities#:~:text=Federal%20facilities%20have%20regulatory%20responsibilities,meeting%20applicable%20water%20quality%20standards>, (providing “[t]he CWA aims to prevent, reduce, and eliminate pollution in the nation’s water in order to ‘restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,’ as described in CWA section 101(a).”)