

October 25, 2023

Secretary Tom Vilsack  
United States Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack,

We write to oppose USDA's decision to add several "conservation practices" that support factory farms and the proliferation of factory farm gas to its list of [FY24 Climate-Smart Agriculture and Forestry \(CSAF\) practices](#) that will be prioritized under the Inflation Reduction Act. These industrial practices will exacerbate climate change, waste taxpayer dollars, and harm Indigenous Peoples and environmental justice communities. This directly contradicts the intent of the Inflation Reduction Act and the stated priorities of the Biden Administration.

USDA's conservation programs are crucial to protecting the environment and investing in regional, sustainable, and diversified food production, but the additional Inflation Reduction Act allocations of \$1.65 billion for Environmental Quality Incentives Program (EQIP) and \$472 million for Conservation Stewardship Program (CSP) could undermine these goals if they fund practices that support our current model of industrial animal agriculture, which is fundamentally incompatible with climate and environmental justice. NRCS's recent decision to [designate](#) waste storage facilities (313), roofs and covers (367), and other greenwashing practices as CSAF approved activities for the first time and continuing to classify anaerobic digesters (366) as a CSAF practice will harm rural communities, sustainable farmers and ranchers, and the climate.

For many years now, frontline communities, advocates,<sup>1</sup> farmers, and members of Congress<sup>2</sup> have raised the alarm about how funding for Concentrated Animal Feeding Operations (CAFOs) and manure biogas entrenches factory farms, worsens market consolidation, deepens environmental injustices<sup>3</sup> with air and water pollution, fails to address climate change, and is a

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<sup>1</sup> 350Brooklyn et al. "Letter to Secretary Tom Vilsack." USDA. December 7, 2022. Available at <https://aldf.org/wp-content/uploads/2022/12/USDA-letter-biogas-funding-IRA-filed-12.7.22.pdf>; Happ, Michael. "NSAC Comments on CSAF Activity List." Institute for Agriculture and Trade Policy. 14 Sept 2023. Available at <https://www.iatp.org/nsac-comments-csaf-activity-list>; 350 Eugene et al. "Letter to Senate Majority Leader Schumer to Reject Support for CAFOs in the Build Back Better Act" Available at <https://foe.org/wp-content/uploads/2021/12/Letter-Reject-Support-for-CAFOs-in-BBB-.pdf>

<sup>2</sup> Office of U.S. Senator Cory Booker. [Press release]. "Booker, Gillibrand, Sanders, Warren, Markey Urge EPA and USDA to Limit New Incentives for Factory Farm Biodigesters." August 24, 2022. Available at <https://www.booker.senate.gov/news/press/booker-gillibrand-sanders-warren-markey-urge-epa-and-usda-to-limit-new-incentives-for-factory-farm-biodigesters>.

<sup>3</sup> Southern Environmental Law Center et al. "Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d" Sept 27, 2021. Available at <https://www.southernenvironment.org/wp-content/uploads/2021/09/2021-09-27-Title-VI-Complaint-Index-DEQ-Bio-gas-Permits.pdf>. Email [bhildebrand@selcnc.org](mailto:bhildebrand@selcnc.org) for updates; Socially Responsible Agriculture Project et al. "EPA

waste of taxpayer resources. These CAFO practices already dominate a huge share of conservation dollars, ranking as some of the most expensive conservation practices and taking resources away from farmers wishing to implement truly regenerative practices through these programs. For example, according to an analysis by the Institute for Agriculture and Trade Policy, just seven anaerobic digesters in California used nearly \$2 million in EQIP funding – enough to support the average cost of 238 farms planting cover crops.<sup>4</sup> These practices are also incompatible with the Justice40 Initiative and President Biden’s environmental justice legacy. The White House Environmental Justice Advisory Council's Justice40 report specifically identifies industrial scale bioenergy as an example of the type of project that “will not benefit a community.”<sup>5</sup>

**Conservation funding should not go toward the production of methane gas.** A 2019 study analyzing emissions rates and losses from 23 biogas plants found that all biogas plants leak and that some leak up to 15% of total production of biogas.<sup>6</sup> An assessment of the emissions from biogas production and use funded by the California Air Resources Board also found that biogas production results in a significant increase in net criteria air pollutants.<sup>7</sup> California state research further found that biomethane is likely more toxic for air quality than fossil fuel methane.<sup>8</sup>

**Conservation funding should not go toward air and water pollution.** In the past few years, spills at digesters have shown that these kinds of investments further contaminate water resources. The routine application of digestate on land exacerbates nutrient runoff and water pollution.<sup>9</sup> There are many examples of massive spills over the last few years. For example, last year a lagoon cover at an anaerobic digester on White Oak Farms in Fremont, N.C. split open, spilling more than 800,000 gallons of gelatinous sludge. The farm mixed hog manure with deli meat, hot dogs and liquified pig carcasses to generate methane in the digester.<sup>10</sup> Just last month

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Accepts Civil Rights Complaint in Delaware Over Factory Farm Gas Plant” December 22, 2022. Available at <https://sraproject.org/press-release/epa-accepts-civil-rights-complaint-in-delaware-over-factory-farm-gas-plant/>.

<sup>4</sup> Happ, Michael. “Waste and water woes.” Institute for Agricultural and Trade Policy. May 2023. Available at <https://www.iatp.org/waste-and-water-woes>.

<sup>5</sup> White House Environmental Justice Advisory Council. “Final Recommendations: Justice40 Climate and Economic Justice Screening Tool & Executive Order 12898 Revisions”. May 21, 2021. Available at <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf>.

<sup>6</sup> Scheutz, Charlotte et al. “Total methane emissions rates and losses from 23 biogas plants”. Waste Management. September 2019. Available at <https://www.sciencedirect.com/science/article/abs/pii/S0956053X19304842?via%3Dihub>.

<sup>7</sup> California Air Resources Board. “Assessment of the Emissions and Energy Impacts of Biomass and Biogas Use in California”. 2015. Available at <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/11-307.pdf>.

<sup>8</sup> California Energy Commission. “Air Quality Implications of Using Biogas to Replace Natural Gas in California”. May 2020. Available at <https://www.energy.ca.gov/sites/default/files/2021-05/CEC-500-2020-034.pdf>.

<sup>9</sup> Conservation Practice Standard Anaerobic Digester (Code 366). Natural Resources Conservation Service USDA. Aug 2023. Available at [https://www.nrcs.usda.gov/sites/default/files/2023-08/366\\_NHCP\\_CPS\\_Anaerobic\\_Digester\\_2023.pdf](https://www.nrcs.usda.gov/sites/default/files/2023-08/366_NHCP_CPS_Anaerobic_Digester_2023.pdf)

<sup>10</sup> Wagner, Adam. “Really terrible science experiment leads to weeks-long spill from NC hog-waste lagoon”. The News & Observer. Sept 2022. Available at <https://cwfn.org/really-terrible-science-experiment-leads-to-weeks-long-spill-from-nc-hog-waste-lagoon-read-more-at-https-www-newsobserver-com-news-state-north-carolina-article264779224-htmlstor/>.

an Ohio digester was forced to shut down by the state Attorney General after repeated air and water violations.<sup>11</sup>

**Conservation funding should not advance a “get big or get out” agenda.** Dairy digesters in the United States are located on the largest 10 percent of dairies.<sup>12</sup> This incentivizes large factory farms to maximize their waste generation and even expand their herd sizes, by turning what was once waste into a new, profitable revenue stream. Factory farm gas distorts agricultural markets, putting smaller and more sustainable farms at a disadvantage.<sup>13</sup> This is because digesters are expensive, costing up to \$5 million each, and in the case of dairies, they require at least 3,000 cows to operate profitably.<sup>14</sup> This kind of perverse incentive advances a “get big or get out” agenda with payments for pollution at the expense of needed investments in sustainable agriculture.

We urge you to reconsider this misguided use of Inflation Reduction Act funds and instead support farmers and ranchers employing truly regenerative agriculture practices that can effectively fight the climate crisis.

Signed,

Animal Legal Defense Fund  
Campaign for Family Farms and The Environment  
Food & Water Watch  
Friends of the Earth  
Institute for Agriculture and Trade Policy  
Southern Environmental Law Center

**National and International Groups:**

American Grassfed Association  
American Society for the Prevention of Cruelty to Animals (ASPCA)  
Animal Partisan  
Animal Welfare Institute  
Bionutrient Food Association

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<sup>11</sup> Hundley, Hannah. “AG Yost Announces Shutdown of Renergy’s Foul-Smelling ‘Digester’ in Greene County”. Sept 2023. Available at <https://www.ohioattorneygeneral.gov/Media/News-Releases/September-2023/AG-Yost-Announces-Shutdown-of-Renergy%E2%80%99s-Foul-Smell>

<sup>12</sup> Weeks, Abigail. University of Colorado, Boulder. “Evaluating the social equity impacts of California’s carbon offset programs.” March 29, 2021 at 38.

<sup>13</sup> Kelloway, Claire. “Big Ag and Big Oil eye biogas profits, Shell buys Nature Energy.” *Food & Power Net*. December 7, 2022.

<sup>14</sup> Wozniacka, Gosia. “Are dairy digesters the renewable energy answer or a ‘false solution’ to climate change?” *Civil Eats*. April 24, 2020; Lauer, Markus et al. “Making money from waste: The economic viability of producing biogas and biomethane in the Idaho dairy industry.” *Applied Energy*. Vol. 222. April 8, 2018 at abstract.

Brighter Green  
Center for Food Safety  
Chilis on Wheels  
Climate Communications Coalition  
Climate Justice Alliance  
Climate Refarm  
Climate Systems Solutions  
Compassion in World Farming  
Crate Free USA  
Endangered Species Coalition  
Family Farm Defenders  
Farm Aid  
Farm Forward  
Farm Sanctuary  
FarmSTAND  
Food Animal Concerns Trust  
Food Revolution Network  
Food System Innovations  
Four Paws USA  
GMO/Toxin Free USA  
Government Accountability Project Food Integrity Campaign  
GreenLatinos  
Green REV Institute, Poland  
Humane Society Legislative Fund  
Humane Society of the United States  
Hungry Planet  
Indigenous Environmental Network  
Jewish Initiative for Animals  
Lights Out Coalition  
MAP  
Mercy For Animals  
National Family Farm Coalition  
New Roots Institute  
NY4Whales  
OrganicEye  
ProVeg US  
Rachel Carson Council  
Real Food Systems Youth Network  
Regenerative Rising  
Savory Institute

Science and Environmental Health Network  
Seeding Sovereignty  
Sierra Club  
Sisters of St. Francis of Philadelphia  
Socially Responsible Agriculture Project  
Strategies for Ethical and Environmental Development (SEED)  
Taproot Earth  
The Earth Bill Network  
The Humane League  
The Raven Corps  
TIAA-Divest!  
Waterkeeper Alliance  
Western Organization of Resource Councils  
Women, Food and Agriculture Network (WFAN)  
World Animal Protection

**State Groups:**

Buffalo River Watershed Alliance, AR  
Arkansas Ozarks Waterkeeper, AR  
350 Ventura County Climate Hub, CA  
Acterra: Action for a Healthy Planet, CA  
Dharma Voices for Animals, CA  
Extinction Rebellion San Francisco Bay Area, CA  
Fresh Approach, CA  
Long Beach Alliance for Clean Energy, CA  
New Roots Institute, CA  
Santa Cruz Climate Action Network , CA  
University of California, Santa Cruz Climate Coalition, CA  
SEE (Social Eco Education), CA  
Slow Food USA - San Francisco, CA  
Waterkeepers Chesapeake, Chesapeake Region  
CASE Citizens Alliance for a Sustainable Englewood, CO  
Indivisible Colorado, CO  
M.Chacon, CO  
Spirit of the Sun, CO  
The Refugia Institute, CO  
Undomesticated LLC, CO  
Unite North Metro Denver, CO  
Wall of Women, CO  
Web of Life Products, CO

Western Colorado Alliance, CO  
Unite North Metro Denver, CO  
The Foodshed Network, CT  
The Martha and Hunter Grubb Foundation, CT  
DC Voters for Animals, DC  
Potomac Riverkeeper Network, DC, MD, PA, VA, WV  
Sussex Health & Environmental Network, DE  
Earth Ethics, Inc., FL  
Farmworker Association of Florida, FL  
Hawai'i Alliance for Progressive Action (HAPA), HI  
Environmental Horizons, Partners, IA  
Green State Solutions, IA  
Iowa Citizens for Community Improvement, IA  
Jefferson County Farmers & Neighbors, Inc., IA  
Women's International League for Peace & Freedom, IA  
Boone County Farmers and Neighbors, IA  
Illinois Environmental Council, IL  
Mother Hubbard's Cupboard, IN  
Kansas Rural Center, KS  
Animals Are Sentient Beings, Inc., MA  
Stony Hill Farm, MA  
Beaverdam Creek Watershed Watch Group, MD  
Cedar Lane Environmental Justice Ministry, MD  
Community Engagement, Environmental Justice and Health (CEEJH), MD  
Clean Air Baltimore Coalition, MD  
Climate Communications Coalition, MD  
Environmental Justice Ministry cedar Lane Unitarian Universalist Church , MD  
Locust Point Community Garden, MD  
Sentinels Of Eastern Shore Health, MD  
Maine Organic Farmers and Gardeners Association, ME  
For Love of Water (FLOW), MI  
Michiganders for a Just Farming System, MI  
Environmental Law & Policy Center, Midwest regional group  
Garden life, MN  
Thousand Hills Lifetime Grazed, MN  
Mid-Missouri Peaceworks, MO  
Missouri Green Party, MO  
Moniteau County Neighbors Alliance, MO  
St. Louis Green Party, MO  
Ophelia's Blue Vine Farm, MO

Bozeman Birders, MT  
MountainTrue, NC  
NC Environmental Justice Network, NC  
National Farm Worker Ministry, NC  
River Guardian Foundation, NC  
WNC Food Systems Coalition, NC  
Vegan Activist Alliance, New York, Tri-state Area  
Northeast Organic Farming Association of NH, NH  
CWA Local 1081, NJ  
Bergen County Green Party, NJ  
MoveOn.org Hoboken RESIST, NJ  
Occupy Bergen County, NJ  
Waterspirit, NJ  
Don't Gas the Meadowlands Coalition, NJ  
Vital Bee Buds, NV  
Big Reuse, NY  
Earth Friends, NY  
North American Climate, Conservation and Environment(NACCE), NY  
Sisters of St. Dominic of Blauvelt, New York, NY  
Thistlemint Farm, NY  
Voters For Animal Rights, NY  
WESPAC Foundation, Inc., NY  
NYCLASS (New Yorkers for Clean, Livable, and Safe Streets), NY  
Church Women United in New York State, NY  
Bronx Climate Justice North, NY  
Hudson Varick Resources LTD, NY  
Mayor's Alliance for NYC's Animals, NY  
Northeast Organic Farming Association of New York (NOFA-NY), NY  
Seneca Lake Guardian, NY  
March of Silence NYC, NY  
FreshWater Accountability Project , OH  
Lake Erie Advocates, OH  
Lake Erie Waterkeeper, OH  
LEAD for Pollinators, Inc., OH  
LEAD Agency, Inc., OK  
350 Eugene, OR  
Friends of Family Farmers, OR  
Interfaith EarthKeepers, OR  
Tualatin Riverkeepers, OR  
Responsible Decarbonization Alliance (RDA), PA

Project CoffeeHouse, PA  
Northeast Organic Dairy Producers Alliance, Regional - Northeast  
Echo Canyon Poller Herefords, SD  
Gladney Farm, TX  
Incredible Beast Omnimedia, TX  
Terra Advocati, TX, NM  
Rural Vermont, VT  
Northeast Organic Farming Association of Vermont (NOFA-VT), VT  
Learned On, LLC, WA  
Living Change Podcast, WA  
Friends Of the Forestville Dam, Inc, WI  
MOSA Certified Organic, WI  
Crawford Stewardship Project, WI  
Grant County Rural Stewardship, WI  
Milwaukee Riverkeeper, WI  
Sacred Water Sacred Land Institute, WI  
South Central Farmers Union, WI  
St. Croix County Defending Our Water, WI  
Sustain Rural Wisconsin Network, WI  
Three Fawn Meadows Farm, WI  
Wisconsin Farmers Union, WI  
Kewaunee CARES, WI  
Mid-Ohio Valley Climate Action, WV & OH