



## New Legacy Pork Offers Win/Win for Farmers and Communities



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**By Arianne Pfoutz**  
Contributing Writer

"We'll take everything you've got!" It's a startup company's dream: a plentiful supply; processing, labeling and branding procedures in place; and an established marketing giant ready to deliver the product to food chains nationwide and beyond.

That's the potential percolating from New Legacy Pork of Fairfield, brainchild of farmer and businessman Dean Goodale. CEO Goodale and his partners Cliff Rose (marketing) and Dennis Roland (finance) are anticipating the launch of a regenerative, responsible agricultural venture using a high standard of non-GMO, ethical and environmentally posi-

tive animal husbandry that offers farmers an alternative to CAFO farming. This additional option offers robust incomes and a healthier environment for producers.

"Farming full-time since 2003, I know how complicated and hard it can be," Goodale said. "I understand the plight of hog farmers. They need to make a living. Industrial agriculture offers them a way in; they can get loans and get started. But the \$750,000 loan [for a 2500-head confinement] is steep, they don't own the pigs, the environment is toxic, and it's basically a maintenance job. They have to wait ten or more years to see healthy profits. Most of them have full-time jobs in addition to the

**NEW LEGACY** *continued on p. 8*

### In the News.....

## Pennsylvania Township Bans Corporate Industrial Farming

### *Community Enacts Law to Protect Family Farms and Its Environment*

In July, Supervisors in Todd Township, Huntingdon County, Pennsylvania voted 2-1 to adopt a Community Bill of Rights ordinance banning industrial farming reports a Community Environmental Legal Defense Fund (CELDF) press release.

The rights-based law prohibits farming operations when the animals are not owned locally and when most of the farm's revenues do not stay within the Township. Farming operations that are contrary to the scenic and esthetic values that provide Todd Township's rural character are also prohibited.

Industrial farming operations threaten drinking water supplies, allow inhumane treatment of livestock, and severely lower the quality of life for community members.

The ordinance was drafted by residents

**ORDINANCE** *continued on p. 7*

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# JFAN NEWSLETTER

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## In the News.....

### Report: Small Rural Communities Bear Costly Burden of Nitrate Pollution of Tap Water



Photo: Khosro/Shutterstock

Tap water across the nation is contaminated with an agricultural pollutant linked to cancer, and the problem is worst in small communities that can least afford to fix it, according to a new EWG analysis reports an Environmental Working Group press release (October 2, 2018).

The contaminant is nitrate, a chemical in commercial fertilizers and manure. EWG's analysis of tests by public water systems found that 1,700 U.S. communities regularly have levels of nitrate that the National Cancer Institute says can increase the risk of cancer. About two thirds of those systems, serving more than three million Americans, have no nitrate treatment process.

The vast majority of systems without nitrate treatment serve 3,300 or fewer people, each making the potential treatment cost per person served much more expensive than in larger communities. EWG calculated that in the smallest communities, adding nitrate treatment could cost more than \$50 a month per person.

"This is a lose-lose situation for small-town Americans," said Anne Weir Schechinger, EWG's senior economic analyst. "If rural communities can't afford to clean up this problem, which they didn't cause, residents end up paying with their health. But we can both protect people and spare their pocketbooks by keeping nitrate

out of drinking water in the first place."

Under the federal Safe Drinking Water Act, the legal limit for nitrate in drinking water is 10 parts per million, or ppm, which was set in 1962. But more recent research from the National Cancer Institute found that drinking water containing 5 ppm or more of nitrate increases the risk of colon, kidney, ovarian and bladder cancers. Other studies show links between this level of nitrate pollution and birth defects.

EWG's Tap Water Database compiles tests by almost 50,000 public water systems nationwide. It shows that in 2014 and 2015, the latest figures available, at least 1,155 communities with average nitrate levels above the increased cancer risk level did not have a treatment system to remove the contaminant from their water.

Removing nitrate from tap water is expensive. Larger utilities can spread the cost across many residents, but that's not an option for smaller utilities, many of them in rural areas with higher than average poverty rates and lower than average household incomes.

Six out of 10 of the water utilities in communities with elevated nitrate levels are classified by the Environmental Protection Agency as very small, serving 500 or fewer people. Nearly 30 percent more are classified as small, serving between

**TAP WATER** continued on p. 7



# Better Is Within Our Reach

By Kris Johnson  
Farm Manager, MUM Regenerative  
Organic Agriculture Farm

Most farmers would agree that many of their practices can be improved. Tillage encourages the erosion of our soils, synthetic fertilizers pollute our waters, pesticides leave our landscape deprived of life, and the mistreatment of animals is a common occurrence. Either from an economic or ecological standpoint, farmers are always looking for better ways to do things.

However, asking farmers to stop cold turkey and immediately try something new simply isn't a realistic option. They rely on these methods to make a livelihood, support their families, and feed those around them. "Betting the farm" on a new practice is risky at best.

For farmers to truly be able to change their methods, they need new tried and true methods that work. Methods that provide a reasonable financial return, produce healthy food and improve the

land as they are practiced. Practices like these are referred to as regenerative agricultural methods. These practices can take many forms but they generally use both plants and animals in an attempt to mimic a natural ecosystem while also producing a marketable yield.



Photo: Wil Crombe, Main Street Project

Main Street Project, based out of Northfield Minnesota, has been working to pioneer one such system that is centered around poultry production. This system seeks to mimic an environment in which a chicken would naturally thrive, like a forest or jungle. Thanks to the trees and shrubs, the chickens would be relatively safe from predators, such as eagles and hawks.

They would also have access to diverse food sources such as insects, seeds, nuts, berries, and vegetation.

There would also be ample places to lay eggs which become the next generation of chicken. While the chicken benefits from the environment, the environment would also benefit from the chicken. The chicken poop would fertilize the trees and shrubs that protect and feed them, and foraging for seeds and insects would reduce pest pressure on the plants that provide food and shelter.

The Main Street Project's Poultry Centered Regenerative Agriculture System, or Tree-Range Poultry, harnesses these natural interplays and uses them to obtain a marketable yield. In this system, a hazelnut orchard replaces the forest. The hazelnuts provide a perennial yield of a sought-after food

while also protecting the foraging chickens underneath.

Because the chickens are spending their time underneath the hazelnuts, they tend to eat the seeds, weeds, and insects that would otherwise compete with or damage the trees. They also tend to poop at the base of the trees allowing the

**BETTER** *continued on p. 5*



Factory farms are responsible for polluting local waterways and groundwater resources, fouling the air and treating workers and animals inhumanely - all while undermining the economic viability of family farmers and ranchers, and ruining the quality of life for rural residents.



SRAP works throughout the US helping communities protect themselves from the impacts of factory farms by empowering family farmers, ranchers and rural citizens with the tools, information and expertise to become powerful advocates for their communities.

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## Study: Iowa Nitrogen Pollution Getting Worse

A new University of Iowa (UI) study reveals the amount of nitrogen pollution Iowa generated grew by 50% over the last 20 years. This is despite voluntary efforts and millions of dollars spent to rein in water pollution, reports the *Des Moines Register* (June 22, 2018).

The study looked at how much nitrogen Iowa contributed to the Gulf of Mexico dead zone and found it spiked 47% in 2016 from previous totals.

Over an 18-year period, Iowa contributed an average 29% of the total nitrogen headed to the Gulf in a watershed that encompasses all or part of 31 states. Forty-five percent of the nitrogen load flowing into the Upper Mississippi Basin and 55 percent of the nitrogen flowing into the Missouri basin originates in Iowa.

"When you look at the entire Missouri (River) watershed, our land comprises 3.3 percent of the total area...and Iowa contributes nearly 12 percent of the water," but the state "contributes 55 per-



**Drainage tiles, such as those being laid above, allow water to drain more quickly from fields into nearby waterways. They can also carry manure that percolates down with the water into the tiles.** Photo: Zigzag Mountain Art/Shutterstock

cent of the nitrate," said UI research engineer Chris Jones in the *Des Moines Register* article.

Jones, who works at the UI IHR-Hydroscience and Engineering Lab co-authored the report with Larry Weber, UI Executive Associate Dean of Engineering; and UI engineer Keith Schilling.

The study comes on the heels of the five-year anniversary of the Iowa Nutrient Reduction Strategy, implemented to reduce nitrate and phosphorus levels flowing out of Iowa into the Gulf. The pollutants cause hypoxia, known as the dead zone.

Excess phosphorus in the Gulf causes toxic blue-green algae blooms, which deplete oxygen for marine and aquatic life and can sicken people or even kill pets. Nitrate levels in drinking water over 10 milligrams per liter causes Blue Baby Syndrome, a potentially fatal disease for infants under six months. The federal government limits nitrate in drinking water to 10 ml/liter, but studies

show water with even half that amount may cause a number of cancers, including ovarian and bladder cancer, as well as birth defects in babies.

According to the UI report, 90% of the Iowa nitrogen levels can be traced back to the 72% of the state's cropland. Much



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of that land is laid with tiling – porous pipes that drain surface water from rain events out to small waterways that eventually make its way to the Mississippi River watershed. The report says the drainage tile system, combined with an expanding livestock industry that provides manure for crops, likely outweighs conservation efforts. These efforts, totaling \$420 million in water quality improvements in 2017, include strategies such as terraces, cover crops and buffer zones.

The Nutrient Reduction Strategy is a voluntary program originally designed to reduce the dead zone to 1900 square miles by 2015. In 2017, the dead zone encompassed 8776 square miles, an area the size of New Jersey, and the largest ever measured. The deadline was extended by another 20 years. Yet the UI report says the reduction will be “very difficult to achieve if nitrate retention cannot be improved in Iowa.”

“We’ve been pouring state and federal money into cutting nutrient pollution for decades, and this highlights the fact that the voluntary approach is not working,” said Jennifer Terry, Iowa Environmental Council Executive Director in the *Des Moines Register* article.

## BETTER *continued from p. 3*

hazelnut trees to uptake those nutrients, furthering their growth and production, rather than run off into the local watershed. In the Tree-Range Poultry system a building is erected with nesting boxes where the chickens lay their eggs, which makes them easy to collect and sell. By day the chickens are free to roam in the hazelnut orchard, by night they return to the laying building for shelter.

In the winter the chickens roam around a solarium attached to the main laying house. This ensures that no matter what time of the year, the chickens can move freely around their environment. Chicken food for the winter can include diverse grains, hay, or even food scraps. In the spring the building is cleaned out and the litter is applied to other cropping lands, further expanding the beneficial impacts of the system.

Possibly the best part of this system is that it is designed to be scalable. It can be an entry point for a beginning farmer with limited capital resources. The systems could scale up to become a full replacement for the conventional large-scale confinement system of livestock production, or CAFO model, or could be an addition to existing operations. This

means the transition to a new regenerative agriculture practice doesn’t have to be a leap of faith. Farmers can try out the methods for themselves, making small low-risk mistakes while learning the ins and outs and testing the concepts to weigh out the benefits for their operation.

This could be a powerful first step toward transitioning away from CAFO style production and making ecologically and economically sound methods the norm.

Collaboration between Maharishi University, the Main Street Project, and other interested parties in Jefferson County has begun. The goal is to explore the economic viability, ecological impact, and practical steps necessary to implement an operating production and training site. The facility will provide a working model for any student or farmer who wishes to learn more while it produces healthy, local, economical food for the University and surrounding community.

Regenerative agricultural methods, when done right, encourage everyone involved to live healthier, happier lives both through what they eat and through the communities in which they live. Farmers need communities, and communities need farmers. Together we can all decide to do better.



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## Tariffs Will Have Impacts on Iowa's Economy: ISU Study

Iowa's economy will suffer losses ranging from \$1 billion to \$2 billion from current trade disputes, according to a study by Iowa State University (ISU) Center for Agriculture and Rural Development (CARD). Iowa's 2017 Gross State Product (GSP) was \$190 billion, so the percentage loss probably will be less than one percent. However, the percentage of Iowa's \$13.4 billion in exports will be more significant, ranging around 10 percent reports a September 25, 2018 ISU press release.

The CARD study estimated Iowa's soybean industry losses at between \$159 million and \$891 million. The state's corn industry may lose between \$90 million and \$579 million. The hog industry faces losing \$558 million to \$955 million. Ethanol producers are estimated to lose approximately \$105 million.

The midpoints of these ranges, a combined total about \$1.7 billion, suggesting that Iowa agriculture will bear the brunt of Iowa's total economic \$1 to \$2 billion



Photo: Zigzag Mountain Art/Shutterstock

losses. Iowa agriculture accounted for only about 5 percent of the state's \$190 billion GSP—less than \$10 billion. So the estimated percentage export loss could amount to 15 to 20 percent of Iowa's total farm revenues. However, the wide ranges in estimates indicate actual percentages could be significantly higher or lower.

A major concern addressed in the

study is the possibility that Iowa or the United States could be looking at a long-term reduction in the U.S. share of world markets for agricultural commodities.

The researchers noted two examples—the Russian grain embargo in the 1980s and a 2009 dispute with China. John Crespi, interim director of CARD said, "The harder question is what happens in two, three or 10 years if the trade wars continue? You could find that the U.S. loses so much market share that a decade from now, even if you get rid of the tariffs, the U.S. may be a smaller player."

Lost agricultural revenue isn't the only way trade disputes are taking a toll on Iowa. Farm revenue losses can translate into additional lost labor income and lost tax revenue. The CARD study estimated that labor income declines to the corn, soybean and hog industries may range from an additional \$245 million to \$484 million, enough income to support from 9,300 to 12,300 jobs. The study estimated Iowa tax



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revenue losses — personal income and sales taxes — may range from \$111 million to \$146 million. Federal payments to offset impacts of the tariffs could reduce the tax losses to \$75 million to \$110 million.

“Could the rest of the economy grow substantially and offset these losses? It’s possible,” Crespi said. “But don’t forget recessions will happen again. One hundred million dollars might seem affordable when times are good, but when times are bad, that’s when the tough decisions have to be made.”

## TAP WATER *continued from p. 2*

501 and 3,300 people.

To get nitrate to safe levels in all affected communities could cost as much as \$765 million a year.

The report didn’t examine the cost of cleaning up nitrate pollution of private wells, which supply drinking water to more than 43 million Americans, including many farm families.

Most nitrate enters drinking water supplies from farm runoff containing fertilizer and animal manure. Agriculture is largely exempt from federal Clean Water Act standards, and the federal government’s attempts to keep farm pollution out of drinking water have relied on farmers’ voluntary efforts through conservation programs subsidized by taxpayers.

EWG Tap Water Database: [bit.ly/2OPnLMT](http://bit.ly/2OPnLMT)

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## ORDINANCE *continued from p. 1*

and with the assistance of CELDF, a non-profit, public interest law firm. For over 15 years, CELDF has supported nearly 200 communities across the U.S. that have adopted Community Rights laws to protect themselves from harmful activities such as factory farming. Todd Township’s ordinance recognizes the community’s rights to local community self-government, and to clean air and water. The ordinance also ensures that local family farm operations are encouraged and protected.

“This is actually a pro-farming ordinance,” said Stephanie Perez, a member of Todd Township Community Action, the group that spearheaded the creation of the ordinance. “We want to make sure that our farming heritage is allowed to continue in Todd Township, which means protecting our environment and our family farms from the harms that come from industrial farm operations.”

Chad Nicholson, Pennsylvania community organizer for CELDF, stated, “Todd Township residents and supervisors have worked tirelessly over the past year to protect their community from industrial-scale agriculture operations, which would harm the environment, treat animals inhumanely, and destroy the community’s quality of life. This isn’t just about farming, it’s about a community’s right to protect itself from harmful corporate activities that are permitted and legalized by our own state government.”

Todd Township and other Pennsylvania communities are advancing Community Rights as part of the broader Community Rights movement building across the

U.S. Local communities and state Community Rights Networks are partnering with CELDF to advance and protect fundamental democratic and environmental rights. They are working with the non-profit organization to establish Community Rights and the Rights of Nature in law, and prohibit factory farming, water privatization, and other industrial activities as violations of those rights.

Todd Township is one of many communities working within their states and across state lines with CELDF to advance systemic change in recognizing that our current system of law and governance as inherently undemocratic and unsustainable. Pennsylvania joins state Community Rights Networks in Oregon, New Hampshire, and Ohio, where residents are advancing Community Rights state constitutional amendments.

CELDf provides free and affordable legal services to communities facing threats to their local environment, local agriculture, local economy, and quality of life by helping communities to develop and advocate for Community Rights ordinances.

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## NEW LEGACY *continued from p. 1*

CAFO to make ends meet. We want to offer them an alternative.”

The idea emerged from the strong and growing preference of millennial consumers for transparency, food safety and ethical practices. “They want to know where the meat comes from, how animals are treated, what’s in the product (no antibiotics, growth hormones, GMOs, etc.) and if growers’ needs are met,” Roland said. “These are more important to them than the price point.”

Goodale, aware of local growers producing hogs to meet these standards, saw an opportunity: non-GMO pork products raised to Global Animal Partnership (GAP) Step 3 animal welfare standards. (See *Sidebar on page 9.*) Rose and Roland approached Daymon Worldwide, the global leader in development of retailer brands that represents most major grocery chains in the U.S. and EU, with whom they had worked previously.

“Daymon’s marketing department knows the trends in the meat market, and the market for non-GMO, sustainable meat is huge,” Rose said. When asked if they could place New Legacy Pork’s hogs, Daymon responded that they’d been looking for this product for some time. Currently, they ship 40,000 pounds of specialty pork weekly to Japan alone, and are eager for more product. Daymon is looking for New Legacy to supply 300 hogs per week now, getting up to 2,000-3,000 weekly as soon as possible. “Check back in 15 years and we’ll tell you if you can slow down, they told us,” Roland added.

Goodale came up with the name “Big Belly” for the branded products: “Big Belly Bacon,” “Big Belly Chops,” etc., to the total delight of Daymon’s creative department.

### The Lure: Profits, Health, Livelihood

Response from local farmers has been overwhelmingly positive. Goodale reached out to an Amish hog farmer in Wayne

County, who is raising non-GMO pork using GAP Step 3 standards for animal welfare. “When we told him the premiums he could expect with New Legacy, he was very surprised and said he’d talk to fellow farmers,” Goodale said. Two weeks later, 80 producers showed up for meeting, heard the requirements, and nearly all were ready to sign up. New Legacy will also offer profit-sharing plans.

Benefits for farmers include a low-cost entry point (\$50,000 to \$150,000 investment for startup), significant premiums, a

healthier environment to work in, and the possibility of farming full-time, often an unfulfilled dream.


“Farmers can raise a fraction of the animals for the same profit, with fewer animals, less manure, reduced financial risk and infrastructure cost, and with more potential for financial gains,” said Goodale.

Environmental impact is also a huge selling point, Rose said.

“The flooding of hog manure lagoons in North Carolina from Hurricane Florence has brought awareness to this massive problem. Waste from floodwaters is getting into homes. It’s a problem that wouldn’t even exist if animals weren’t raised this way.”



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Rose mentioned one ranch hand who got so sick working in a CAFO he was forced to leave saying the switch saved his life.

#### A Financially Feasible Business Model

The opportunity is exciting and the business model simple, says Roland, who also grew up on a family farm in Fairfield.

"We're a marketing company, coordinating between Daymon and producers," he said and aided by excellent relationships with both parties. The price point for organic was too high, but the non-GMO, GAP Step 3 point hits the market beautifully, he said.

New Legacy Pork contracts with producers, who agree to grow to certain certification standards. The producers incur the costs of production, and when hogs are ready for market, New Legacy buys them and handles processing, packaging, and shipping to stores. "A large portion of our farmers are Amish, and they finance themselves," said Goodale. Farmers who want to join can usually get loans through local banks.

Marketing will include a combination of all social media along with traditional forms of advertising: radio, TV, and print.

**NEW LEGACY** *continued on p. 13*

## New Legacy Pork Uses GAP Step 3 Standards to Ensure Responsible and Respectful Animal Care

New Legacy Pork helps growers achieve certification to specific animal husbandry standards. In addition to fulfilling the non-GMO feed requirement, all products are certified by the Global Animal Partnership, Step 3.

The non-profit Global Animal Partnership (GAP) focuses on three things:

1) **Health and Productivity:** good feed, water, shelter, animals free from disease

2) **Natural Living:** environment allows for expression of natural behaviors, indoor and outdoor; and

3) **Emotional Well-being:** inquisitive, happy, playful animals. Environment minimizes fear, stress, boredom, and pain as much as possible. Certification is for a 15-month period.

**Pigs in Step 3 systems** have access to the outdoors, and they must have continuous unobstructed access during daylight hours. Outdoor access is defined as an area such as

an outdoor dry lot, concrete pad, or pasture, but it does not have to be pasture. Enrichments are provided in both the indoor and outdoor areas.

#### New Legacy Pork standards include:

- Global Animal Partnership Step 3
- Mandatory outdoor access
- Shelters with deep straw
- Aerobically composted manure (no pits, lagoons)
- Antibiotic-free (treated pigs are removed from the program)
- Non-GMO feed
- Nothing added in processing – no GMO ingredients in products throughout processing
- No tail docking, teeth pulling, nose ringing
- No weaning until 6 weeks of age
- No farrowing crates allowed
- Spacious quarters

The only difference between Big Belly pork products and organic pork is the organic feed requirement.



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# Our Activities At a Glance

## JFAN Working Hard for You

by Diane Rosenberg  
President and Executive Director

### Community Responds to Three CAFOs Proposed This Summer

Three CAFOs, two involving Master Matrixes, were proposed this summer, bringing out Jefferson County residents opposing each of the confinements. Four other CAFOs were proposed earlier this year as well.



**Daniels Site – Bill Huber CAFO:** A 7497-head hog confinement was proposed on Nutmeg Avenue in Penn Township by Bill Huber, a Washington County businessman and owner of Huber Slats, a company that provides slatted flooring used in factory farms. The CAFO is 2.5 miles west of the City of Pleasant Plain and near the Washington County line.

Huber is a partner in Agri-Way Partners, a Wayland grain and feed company that entered the hog market in 2014 with plans to build 48 CAFOs in Washington, Henry, Louisa, and Des Moines Counties. Huber has ownership interest in 21 other

CAFOs, and the Daniels Site was the first for Huber/Agri-Way Partners in Jefferson County. The Daniels Site marks the entry of a corporate owned and managed confinement into Jefferson County.

JFAN alerted 45 neighbors in the two-mile radius and a group, Pleasant Plain Friends for Rural Preservation (PPFRP) formed to oppose the confinement asking for JFAN's help. The CAFO also sits in the Lake Darling watershed. The lake underwent a \$16 million renovation from 2008 – 2014, and JFAN alerted Friends of Lake Darling as well. Daniels Site will generate 2.3 million gallons of manure annually, according to the DNR manure management plan, and most of it will be applied in the Lake Darling watershed.

A Master Matrix was required given the size of the confinement. The Master Matrix is a point-system evaluation process that requires a confinement to adhere to a somewhat higher regulatory standard. It consists of 44 questions with maximum total of achievable points of 880; a score of 440 points, or 50%, is all that is needed to pass. The application is typically reviewed and scored by county supervisors, but public health or zoning officials also may evaluate and report their findings to supervisors.

The Daniels Site took 505 points on the self-scored application. JFAN conducted a detailed analysis, identifying four problematic questions totaling 70 points. We recommended Jefferson County supervi-

**CAFOs** continued on p. 14

## JFAN Editorial

## We're Playing the Long Game

by Diane Rosenberg  
President and Executive Director

This summer three new CAFOs hit Jefferson County, illustrating many of the issues with Iowa's weak factory farm laws and community frustration with the current regulatory system.

Understandably, I've heard a number of people voicing concerns about the direction of Jefferson County, expressing fears that the county is becoming inundated with CAFOs.

I've worked with JFAN for 11 years now, and I would like to offer my perspective: the situation is not dire. The fact is Jefferson County does pretty well overall in the state.

Because Iowa law creates a friendly open door environment for factory farms, it's inevitable that Jefferson County is going to get some CAFOs every year. Every county does.

But the number of CAFOs any county gets often depends on community response. The stronger a community pushes back, the less inviting a location may appear to a potential CAFO developer.

We see this in counties like Washington and Keokuk, where there isn't a strong organization like JFAN or large community outcry. In such counties, it's easy for CAFOs to be built without much attention or resistance.

But it's different in Jefferson County. Because of JFAN's strong presence and the resulting educated response of community members, Jefferson County has not been hit with unfettered CAFO development. We've actually had fewer confinements proposed this year than in



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previous years.

Here are the numbers: Despite that Jefferson County is a prime location for CAFO development (economic efficiencies offered by the Ottumwa slaughterhouse and several area feed mills), this year only **4 CAFOs** were reported to the DNR (1250+ hogs) and through other means, we discovered three small ones (under 1250 hogs) that don't require reporting. Compare that to **16 new CAFOs** (1250+ hogs) in Washington and Keokuk Counties reported to the DNR this year. It's anyone's guess how many small CAFOs were also built in those counties in 2018, but we suspect a lot, and this is why.

Numerous CAFOs in many counties take advantage of the LLC loophole and build multiple adjacent small confinements under 1250 hogs under different LLC names, skirting common ownership regulations. For example, in Washington County, overall there are 203 known CAFOs (1250+ hogs), but according to a list obtained from their Assessors' Office, there are 1400 CAFOs - small and large - taking a property tax exemption for having a confinement. That's over 20 times more CAFOs than in Jefferson County!

I hear from numerous sources that many

potential CAFO owners are dissuaded from building in Jefferson County because of JFAN's watchful eye and the strong response of many Jefferson County residents. We saw how many residents spoke boldly this summer against the Huber, Greiner and Keller CAFOs. This is a very good thing if you want to protect Jefferson County's quality of life, but not a fertile environment if you're looking to easily and quietly build a CAFO.

We are certainly concerned that the Daniels Site in the Lake Darling watershed may lead to additional Agri-Way Partner CAFOs in the county. However, *and this is significant*, Penn Township where the Huber CAFO is located has the greatest concentration of CAFOs in Jefferson County. It's an area where a good number of residents are either involved with the industry or are typically less likely to oppose new confinements.

I have a strong hunch Huber was unpleasantly surprised by the enormous vocal opposition mounted against the Daniels Site in a location where he probably thought he wouldn't encounter opposition.

This strong response of Jefferson County residents may prove to deter Huber and Agri-Way Partners from considering any

other locations in Jefferson County. That's the value of a well-educated community on CAFO issues. This is the value of JFAN's community education program.

Protecting Jefferson County from rampant CAFO growth is a long game, and Jefferson County is winning it. But to continue to win, we must all stay engaged. Together, JFAN and concerned Jefferson County residents have to continue to work hard together and work smart to show that we value our quality of life and don't want infringing CAFOs.

We need to continue to address the threats of unwanted CAFOs with strength and resolve. We need to continue to work on the state level to push for stronger protections and a **statewide moratorium – a temporary pause on new CAFO development until we have less than 100 water impairments** – that the Iowa Alliance for Responsible Agriculture advocates.

Our partnership – JFAN and Jefferson County residents – is the reason why we have fewer CAFOs than in many other counties. If we all stay engaged, together, we will help keep Jefferson County from being overrun with factory farms. JFAN is in it for the long haul. With you, we can, and we will, do this.

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# News Briefs

## FROM IOWA, THE US AND BEYOND

### Clean Water Rule Once Again in Force for 26 States

The suspension of the EPA Clean Water Rule was struck down in August after a coalition of environmental organizations and other groups brought several lawsuits against the Trump Administration reports Southern Environmental Law Center (SELC) (August 16, 2018). In February former EPA Administrator Scott Pruitt halted the rule, known as Waters of the United States (WOTUS), to give the agency time to come up with a more industry-friendly option.

The Clean Water Rule was established in 2015 to clarify the 1972 Clean Water Act after a series of court cases created confusion over which waters were to be regulated. The rule provides protections for rivers, lakes, streams, and other waterways that feed into drinking water sources for 117 million people in the country.

The coalition contended that in suspending the rule, the EPA and US Army Corp of Engineers violated laws prohibiting agencies from eliminating basic environmental protections without informing the public about their actions and subsequent impacts and without providing a public comment period.

The federal decision was in response to a legal challenge led by SELC in the US District Court for the District of South Carolina in Charleston. Other challenges included a coalition of 11 state attorney generals trying to block the move as well as challenges from the National Resources Defense Council and National Wildlife Federation.

WOTUS was put into effect in 2015 after a contentious 200-day public comment period and a review of 1200 studies. Right away the rule was challenged in at least 72 lawsuits ranging from industry groups that said the rule went too far to environmental groups that said the rule didn't go far enough.

The Clean Water Rule is now in effect for over half the nation, but doesn't apply to 24 states where court cases are still pending.

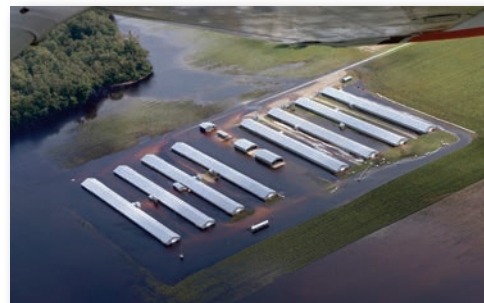
*Additional Source: EcoWatch.com (February 7, 2018)*

### Hurricane Florence Floods Lagoons; Drowns Livestock

Hurricane Florence took its toll on North Carolina chicken and hog confinements in September when flooding killed farm animals and unleashed hog waste reports Quartz.com (September 19, 2018). Over 3.4 million chickens and turkeys and 5500 hogs trapped in their confinements are reported drowned, although figures could be higher as many buildings were not yet reachable at press time.

Hog waste from 33 overflowing manure lagoons contaminated floodwater, and six lagoons suffered structural damage causing manure to flow out from their sides. Others lagoons were close to overtopping their walls. These numbers are based on farmers self-reporting to North Carolina's Department of Environmental Quality, and the final numbers may be higher.

Anticipating the hurricane, some CAFO owners sprayed manure onto fields to lower the lagoon levels, but once the hur-



Photos: Rick Dove, Waterkeepers Alliance

ricane hit, flooded areas washed away the excrement.

Along with raw hog and chicken waste, floodwaters also contain raw human waste, petrochemical, and coal ash, posing a serious health threat to residents and environmental threat to aquatic life.

*Additional Source: New York Times (September 19, 2018), North Carolina Department of Environmental Quality*

### Smithfield Loses Third Lawsuit to North Carolina Neighbors

A jury awarded nearly half a billion dollars this June to North Carolina plaintiffs suing Smithfield Foods, the third in a series of 26 nuisance lawsuits against the pork giant reports WRAL.com (June 29, 2018). The two other lawsuits were also found in favor of the plaintiffs.

Approximately 500 neighbors are suing

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the Chinese-owned company for harm arising from their waste management practices. Plaintiffs want Smithfield to modernize the way it handles hog waste, which currently relies on outdated open manure lagoons and spray fields. Neighbors report airborne manure mist travels beyond the spray fields onto their homes and cars, and the ongoing stench is unbearable.

Smithfield, however, claims newer technologies to change waste management is too expensive to implement. Plaintiffs' attorney Michael Kaeske, though, revealed that Smithfield's top four executives made about \$245 million from 2010-2015 and that profits for WH Company, Smithfield's Chinese parent company, are approximately \$2 billion each year.

The lawsuits target Smithfield and not the individual farmers raising hogs for the international corporation.

The award in the third lawsuit was, by far, the largest of the three suits already won by plaintiffs. Jurors awarded \$473.5 million to neighbors, and may have heeded Kaeske's closing argument, "Speak in the dollars that they understand."

Plaintiffs won't see the full award as North Carolina's laws cap punitive damages at three times the compensatory damages, however, the verdict is still a significant \$94 million. The first two trials held earlier this year had awards of \$50 million and \$25 million with the cap cutting the awards to approximately \$3 million and \$630,000 respectively.

The lawsuits are alarming the state's pork industry, and an agricultural roundtable was held in North Carolina on August 3, coincidentally the same day the third verdict was handed down. The meeting addressed the lawsuits that the corporate pork industry considers a threat to agriculture. Hundreds of farmers at-

tended the day-long meeting along with both federal and state lawmakers.

Barbs were leveled at the plaintiffs' trial lawyers, saying they were out for a money grab, and the WRAL.com article quoted American Farm Bureau Federation Zippy Duvall saying the suits could



**Applying manure through spray irrigation causes manure mist to travel onto homes, cars, and people.**

"spread across America and handicap the greatest food system in the world."

However law professor Michelle Nowlin, supervising attorney for the Environmental Law and Policy Clinic at Duke Law and the Nicholas School of the Environment at Duke University, said this in a May 2, 2018 *News & Observer* article, "This is a significant victory for the community members who live next to these factory feedlots. They have suffered indescribable insults, not just from the immediate impacts of the feedlots themselves, but also from decades of government failure to come to their aid. Litigation was their last chance for justice, and this verdict and award will help them move forward."

It's expected that Smithfield will appeal each verdict.

*Additional Sources: The News & Observer (May 2, 2018) and The Progressive Pulse (June 29, 2018)*

## NEW LEGACY *continued from p. 9*

"We sell on the basis of a strong market—there aren't many products bigger in the U.S. than bacon," Rose said. And there's not much competition, Niman and Applegate primarily, but neither is producing a non-GMO, GAP Step 3 product. The sheer size of the market makes competition a non-issue.

### A Natural Symbiosis with JFAN

JFAN is fully supportive of New Legacy's goal, as it offers a real solution for farmers as an alternative to building CAFOs. In fact, one farmer expressed a desire to sign up but instead proceeded to build two CAFOs because funding wasn't yet in place.

"Building a relationship with the Farm Bureau—an instrumental body for CAFO farmers to get started—will take time, but people on both sides agree this is a good thing," Goodale said.

"JFAN is an important partner in this, credible and hardworking," said Rose. "It's a win/win, for sure," Roland added. "Farmers can be economically viable (and then some), while the environment is protected."

"New Legacy Pork is exactly the type of company needed to support a shift away from factory farms back to regenerative farming," said Diane Rosenberg, President and Executive Director of JFAN. "This is the future of farming, not CAFOs."

All agree that New Legacy Pork could become a major player in the quality, sustainable, non-GMO meat market. "The golden trifecta—People, Planet, Profits—is perfectly illustrated in this opportunity," Rose noted.

With all three present in spades, it seems to be an opportunity none of the parties want to pass up. Raising hogs the old-fashioned way could provide the boons so desperately needed today.

### 73 YEAR OLD LONG TERM SHAKLEE SUPPLEMENT USERS EXPERIENCE 1/3 THE BAD HEALTH OUTCOMES COMPARED TO THE GENERAL POPULATION

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## CAFOS *continued from p. 10*

sors deduct those points and fail the Matrix at an August 13 supervisors meeting. While the supervisors did consider some of JFAN's points, in the end they passed the Master Matrix with the full 505 points.

A public hearing wasn't held on the Daniels Site. The supervisors claimed vacations prevented one from being scheduled in time to meet DNR requirements. JFAN contended that had the supervisors planned accordingly, there would have been time to schedule it.

In response, PPFRP with JFAN organized a public meeting held on September 5 to collect comments to send to Bill Huber, Jefferson County supervisors, elected officials, candidates, and the DNR. Guest speaker Senator David Johnson spoke on the confinement and state regulations, answering questions throughout the evening. The meeting, attended by 300 concerned Jefferson County residents, continued for over three hours, and everyone who wished to speak had an opportunity.

Over 150 written comments were collected and more than 265 people signed a petition which was mailed to Huber. Supervisors Dick Reed and Lee Dimmitt didn't respond to PPFRP invitations nor did they attend the meeting. Supervisor Dee Sandquist told PPFRP that she was out of state with family welcoming a new grandchild.

The DNR issued a preliminary permit for the Daniels Site on September 10. State law provides an opportunity for supervisors to appeal a construction permit within a two-week window even if a Master Matrix was previously passed. JFAN discovered that Supervisor Dimmitt added an agenda point to the September 17 supervisor board meeting to discuss waiving the right to appeal. The waiver would have speeded up the permitting process by one

week. Two dozen people responded to a JFAN alert and attended the meeting, but the county attorney's office didn't allow the item to be discussed since the agenda point was vaguely worded.

Instead, JFAN urged the supervisors to consider appealing the construction per-



mit to the Environmental Protection Commission (EPC) and a special supervisors meeting was scheduled for two days later to consider the request.

JFAN spoke to Iowa Sierra Club attorney Wally Taylor and learned that preliminary construction permits could be appealed on general environmental grounds, something Taylor said most supervisors don't know. JFAN's Diane Rosenberg and Southeast Iowa Sierra Club member Diana Krystofiak spent several hours researching and preparing a presentation of evidence of the threat to Lake Darling. This included maps that illustrated many of the fields that will receive manure also contain tributaries that feed into Lake Darling. We also identified vulnerable populations – elderly and children – that could be impacted by the noxious hydrogen sulfide and ammonia gases and particulates.

One hundred people attended the special supervisor meeting on September 19, but only half could fit into the supervisors office. No one was allowed to comment

while the supervisors deliberated on the appeal. Supervisor Sanquist suggested appealing based on the narrowness of the road where the CAFO was to be located, but was voted down. Eventually Rosenberg was able to speak but the evidence presented was rebuffed before she even had a chance to finish her points. In the end, the supervisors voted against appealing.

Rosenberg, Krystofiak, and other members of the Southeast Iowa Sierra Club had a conference call the following day with Claire Hruby of the Iowa DNR, a specialist in water quality and animal bacteria. At Hruby's suggestion, JFAN immediately reached out to DNR Acting Director Bruce Trautman to request a 30-day delay in issuing the permit so that a hearing with the EPC could be held to discuss watershed, public health, and economic concerns and explore best management practices for Huber to potentially incorporate. Hruby offered DNR assistance in pulling together key speakers on the latest data and science. However, by the time Trautman contacted JFAN, the final permit was issued.

It's our opinion that Bill Huber likely thought the location of the Daniels Site, an area with other CAFOS, would not be challenged, but thanks to the emphatic response by Jefferson County community members, that was not the case. One of our concerns has been that Huber might consider other locations in Jefferson County, however, the response by Jefferson County residents was strong, and we feel will help to deter any others for this county.

PPFRP suggests the community continue to send a strong message to Huber that his confinement is not welcome in Jefferson County. Please see the JFAN website [www.jfaniowa.org](http://www.jfaniowa.org) for steps to take.

**RWP, LLC:** Last fall, Mark Greiner began building a 2499-head hog confinement on

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Olive Avenue, off Pleasant Plain Road in Penn Township. This summer, he submitted an application to double the number of hogs in his facility to a total of 4998 pigs producing 1.2 million gallons of manure annually. Sixty families are within the two-mile radius of Greiner's CAFO. After JFAN alerted residents, several reached out for help.



Since this expansion increased the operation to over 2500 hogs, a Master Matrix and construction permit was involved. The Master Matrix also came in at 505 points, although it was a somewhat different mix of questions than Huber's Matrix. An initial scoring session was held on August 27 followed by a public hearing on August 28. At the first scoring session, JFAN again found four questions we felt didn't warrant the 70 points taken, and recommended failing the Matrix. The DNR had yet to visit the site and the final scoring was scheduled for after the public hearing.

A standing room only crowd of approxi-

mately 150 people attended the public hearing. Supervisors Sanquist and Reed were present, but Supervisor Dimmitt was not; he attended a regional supervisor committee meeting instead.

The supervisors heard comments for an hour and 15 minutes before wrapping up the evening. Most of the comments opposed the confinement and a few proposed finding solutions to address the CAFO issues.

The final scoring session was held on September 12 attended by a dozen concerned residents. While JFAN continued to contest the points taken, the supervisors passed the RWP, LLC Master Matrix with the full 505 points.

In both Master Matrix reviews, JFAN urged supervisors to evaluate the application questions using high standards that should be accorded an industrial operation that has the potential to negatively impact the nearby residents and environment. In both cases, we contend they didn't.

Visit JFAN's website at [jfaniowa.org](http://jfaniowa.org) for more in-depth reporting on both CAFOs.

**Mike Keller CAFO:** Mike Keller is building a factory farm with approximately 1249 hogs on Osage Road in Cedar Township. JFAN learned of the confinement through a newspaper storm water permit legal notice.

JFAN alerted 115 families in the two-mile radius. Many people opposed the CAFO and a community group immediately formed asking for JFAN's support.

At JFAN's suggestion, members of the group had an initial meeting with Keller followed by a larger meeting at the CAFO site with Keller, two representatives from TriOak Foods, and 40 neighbors. In both meetings, neighbors spoke of their concerns and opposition to the confinement.

The community group is also in discussions with attorney David E. Sykes concerning legal remedies available to them should the confinement pose a nuisance once in full operation.

Since the Keller CAFO is under 1250 hogs, a manure management plan is not required and neither the community nor the state will know where manure will be applied. JFAN estimates it will generate approximately 307,000–394,000 gallons of manure each year, depending on the size of the hogs when acquired and the feeding system used.

The CAFO is located three miles from Lamson Woods and four miles from OB Nelson Park.

**Conwell Family Site:** Jim Conwell built a 2480-head hog confinement this spring on Yew Avenue in Walnut Township in a community of 93 families. Community members reached out for JFAN's help after we alerted neighbors.

JFAN worked extensively with one family living a half mile north of the confinement, bringing in the additional resources of the Socially Responsible Agricultural Project. This farming family developed an organic you-pick blueberry enterprise last

**TAP WATER** continued on p. 16

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## CAFOS *continued from p. 15*

year on the family's century farm, and also farms organic grain crops.

By working with the Walnut Township trustees, JFAN learned that the missing location of a gravesite in Walnut Township was suspected to be in the area of the CAFO site, in which a former homestead was located. JFAN worked with the State Archeological Office (SAO) and that office highly recommended Conwell do a scraping of the surface to determine if the gravesite was there. Conwell refused, and current state law doesn't grant the SAO the authority to require it.

JFAN suspected federal funds available through the Natural Resources Conservation Program (NRCS) were granted to help develop the site, so JFAN/SRAP filed a Freedom of Information Act request to investigate. The local NRCS office told JFAN that the agency would do an internal environmental assessment without public comments if funds were involved. We worked with State Senator Rich Taylor and Congressman Dave Loebsack's office to require the NRCS to make this a public process, but were told that the agency was following accepted procedure. We contest that assertion.

The CAFO will generate nearly 600,000 gallons of manure each year.

*JFAN is a member of the*



### Iowa Alliance for Responsible Agriculture

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and expanding factory farms until there  
are fewer than 100 water impairments.

**CleanIowaNow.org**

**McElderry CAFO:** Neighbors notified JFAN of another small confinement of 1200 hogs in Des Moines Township this spring. A.J. McElderry is building a CAFO on land owned by Robert McElderry, and JFAN alerted 65 neighbors in the two-mile radius. Several neighbors opposed the confinement, and JFAN provided initial informational guidance and support at their request. The confinement will generate 307,000–394,000 gallons of manure each year, depending on the size of the hogs when acquired and the feeding system used.

This CAFO illustrates that some small CAFOs don't require a storm water permit and are only discovered by alert neighbors. We encourage citizens to remain observant about their neighborhoods and inform JFAN about suspicious

activity. We will investigate.

**Quincent Pork:** An approximately 1240-head hog confinement was also proposed in Penn Township at the site of KK Finishers directly north of the city of Pleasant Plain. The CAFO was proposed by Jennifer Deutsch on land owned by Bob Deutsch. The CAFO was built adjacent to KK Finishers, owned by Ryan Robertson, and Piglets LLC, owned by Dale Robertson all on land owned by Bob Deutsch, bringing the total number of hogs in that cluster to approximately 5,000 hogs. There was no Master Matrix review that would normally be required of a CAFO this size as all the buildings are in different LLCs, illustrating the LLC legal loophole that exists in Iowa law.

As with the McElderry and Keller CAFOs, we calculate Quincent Pork will generate approximately 307,000 - 394,000 gallons of manure each year.

**Chris Nelson CAFO:** A 2480-head hog confinement was proposed by Chris Nelson between Quince and Redwood Avenues in Buchanan Township. The CAFO is sited within a quarter mile of two CAFOs owned by Casey and Tracy Diehl. JFAN alerted 66 neighbors in the two-mile radius, but a community group didn't form. The CAFO will generate 747,720 gallons of hog excrement each year.

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