

## **DOWN ON THE FACTORY FARM**

### **Environmental Impacts from Factory Farming**

Factory farms housing thousands of animals are increasing dramatically in Minnesota. These operations produce millions of gallons of manure, stored in open-air lagoons the size of several football fields. The manure is spread on farmland as fertilizer, but the millions of gallons produced require thousands of acres of farmland for spreading. Often, too much manure is spread and the runoff contaminates lakes, rivers, and groundwater. According to Melanie Adcock, D.V.M.:

“...a single hog factory can produce as much waste as a small town...without comparable environmental restrictions. These sites are contaminated with parasites, pathogens, heavy metals and other pollutants.”

Unfortunately, many rural communities already have serious water quality problems from agricultural pollution.

Recent spills into Beaver Creek in Renville County and the Root River in Olmstead County spewed tons of manure, killing hundreds of thousand of fish, and threatening local water supplies.

### **Demise of Family Farms and Rural Communities**

Minnesota is the third largest hog producing state. Unfortunately, more and more livestock are being produced by corporate-backed factory farms, *not* Minnesota's family farmers. Producers raising 1,000 hogs or more now control 45% of hog production in our state. Minnesota is also second nationally in turkey production and fourth in dairy and veal production.

When factory farms move into a community they promise increased tax revenues for the county, better markets for local farmers, jobs, and more commerce for businesses. However, studies show that large-scale livestock operations usually buy equipment from out-of-state sources and use big name contractors, rather than local ones for construction. The “new” jobs created are typically low wage “dirty boots” jobs with a high turnover rate. Communities near factory farms usually experience population declines, plus a rise in rates of unemployment and poverty.

### **Concerns About Animal Health and Well-being**

Factory farms raise animals in confinement. Hens are caged without nests and cannot spread their wings or stand up. Sows cannot turn around in their small metal stalls. Rachel Carson, author of *Silent Spring* stated:

*Gone are the pastoral scenes in which animals wandered through green fields or flocks of chickens scratched contentedly for their food. In their place are factory-like buildings in which animals live out their wretched existence without ever feeling the earth beneath their feet, without knowing sunlight, or experiencing the simple pleasures of grazing for natural food---indeed, so confined or so intolerably crowded that movement of any kind is scarcely possible.*

These overcrowded factory farm conditions result in severe physiological as well as behavioral animal afflictions. Anemia, influenza, intestinal diseases, mastitis, pneumonia and premature death plague animals living in confinement.

**Human Health Concerns:  
Food-borne Illness and Antibiotic Resistance**

Animals raised on factory farms are particularly susceptible to disease because of crowded living conditions and weakened immune systems. Food-borne cases of *salmonella*, *E.coli*, *campylobacter* and *listeria monocytogenes* range between 3-6 million in the U.S. annually, with fatalities in the thousands. Medical costs and lost productivity amount to \$1.73 billion to \$5.3 billion annually. According to Dr. Michael W. Fox, author and veterinarian:

*The number of people becoming sick, chronically ill, and even dying from food-borne diseases after consuming meat, eggs, or dairy products is so considerable that we should consider these diseases as the new plagues brought on by the industrialization of agriculture.*

More than 50% of the antibiotics manufactured in the U. S. are given to animals. Some of the antibiotics are given to treat or prevent disease but the vast majority are mixed into feed to promote growth. Low doses of antibiotics are given to animals for weeks or months at a time. This long-term exposure causes the proliferation of bacteria resistant to one or more antibiotics. Some of these bacteria are common to animals and humans. Many scientists fear that human diseases resistant to treatment by antibiotics will develop in animals and spread to humans. Dr. Stewart Levy, professor of Medicine at Tufts University of Medicine warned, "If imprudent practices are not held in check, we can expect a time when our inexpensive and safe antibiotics will no longer cure even the most common human infections."

**Odor and Toxic Gases**

Odor and toxic air emissions from large-scale confinement operations are uncontrollable and can cause serious physical and psychological effects on people living near and working in these operations. Over 150 volatile compounds are produced by the decomposition of livestock waste. Ammonia and hydrogen sulfide are two of these gases which cause environmental and health problems. Ammonia causes irritation to the eyes, nose, and respiratory tract. When large amounts are released, it falls to earth in rain and leads to the eutrophication of surface water. Hydrogen sulfide is a toxic gas which acts as an irritant and can asphyxiate its victims. Hydrogen sulfide causes respiratory problems, nausea, vomiting, headaches, sore throats, and other health problems. Recent air quality testing by the Minnesota Pollution Control Agency around large-scale livestock operations indicates that ambient air quality standards were exceeded in over half of the sites tested. Levels 600 times higher than state air quality standards were measured at one operation.

**Sustainable Agriculture:  
a profitable and environmentally sound way to raise livestock**

Fortunately, there are alternatives to raising livestock in confinement. Family farms and sustainable farming build communities. Studies from Iowa State University show small hog farms create more jobs and produce more revenue for local and

state governments than do larger hog operations. Findings from a University of Minnesota study support this claim. Sustainable practices offer economically and environmentally sound means of raising livestock. Hoop houses, developed in Sweden, use composting and deep straw bedding to inexpensively reduce odor and other waste problems in pork production. Rotational grazing can be used on dairy farms to minimize environmental problems. Studies show that these methods are profitable, reduce energy and chemical consumption, and avoid air and water pollution, associated with factory farms.

***What you can do:***

- Do not buy products from factory farms.
- Urge your legislators to support a moratorium on large-scale livestock operations and to support strong policies to control factory farms including:
  - The use of open air waste storage lagoons should be permanently banned.
  - All large-scale livestock operations must be required to have permits, subject to public review, public comment and hearings.
  - Air and water quality monitoring should be required for all large-scale livestock operations.
  - Inspections should be required on a regular basis, at all large-scale livestock operations.
  - The names of all operators, investors, and owners of livestock should be public and these individuals should be held responsible for pollution caused by their operation.
- Elect candidates who take a position against factory farms and support strong environmental regulations to control them.
- Write letters to the editor, call radio talk shows, and educate others about the issue
- Support *Clean Water's* campaign against factory farming. Fill out the attached membership form and mail it to our office along with your contribution. This will help us continue our assistance to rural communities fighting factory farms, publish new materials, and educate public officials about the negative environmental and social effects of factory farming.

***Clean Water's Feedlot Pollution Prevention Project***

*Clean Water's Feedlot Pollution Prevention Project* focuses on providing targeted organizing, informational, and policy support to state and local efforts to prevent feedlot pollution. Since the feedlot project began in 1994, *CW* has worked with family farmers and rural residents to protect air and water quality resources and slow the proliferation of large-scale feedlots. At the State Legislature, *CW* with family farmers and rural residents, successfully fought to pass legislation to protect the environment including laws which require the State to enforce air quality standards around large-scale feedlots, require large-scale feedlots to have Federal Clean Water Act permits and provide funding for sustainable agricultural research. On the local level, *CW* helps rural residents organize against the permitting of factory farms in their communities and to obtain permit conditions which protect the environment. *Clean Water* has published two guide manuals, *A Citizen's Guide to The Environmental Review Process for Large-Scale Livestock Operations* and *The Citizen's Guide to Preventing Large-Scale Feedlot Pollution* to further citizens' efforts to stop factory farms in their communities. **We need your help to continue our work.**

*References:*

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- *Against Nature: The Sensitive Pig versus the Hostile Environment of the Modern Pig Farm*, A reprint from Humane Society of the United States News, Spring 1996.
- Dr. Stewart Levy, *The Challenge of Antibiotic Resistance*, Scientific American, March, 1998.
- Dr. Kendall Thu, ed. *Understanding the Impacts of Large-Scale Swine Production: Proceedings from and Interdisciplinary Scientific Workshop*. Des Moines, IA , June 1995.

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### **EPA/USDA Unified National Strategy for Animal Feeding Operations**

#### **FACT SHEET NO. 1: ENVIRONMENTAL DEGRADATION AND PUBLIC HEALTH THREATS FROM FACTORY FARM POLLUTION**

Factory farms have harmed human health, degraded watersheds, and destroyed aquatic life across the nation. This Fact Sheet summarizes some of the major environmental and public health problems caused by pollutants generated by factory farms.

#### **POLLUTION FROM FACTORY FARMS DEGRADES WATER AND AIR QUALITY**

**1. Nutrient Over-enrichment:** Phosphorus and nitrogen, the two major nutrients in manure, are major water pollutants when present in excess concentrations. At high levels, phosphorus is acutely toxic to fish. At lower levels, phosphorus and nitrogen over-enrich water bodies, stimulating vegetative production, often in the form of massive algal blooms. The change in vegetation alters the ecosystem. Moreover, this eutrophication process may result in severe degradation of a water body, when the vegetation decays under conditions that deplete oxygen in the water body. In addition to adversely affecting aquatic life, the presence of algae and other microorganisms may render the water unpalatable if it is used as a drinking water source.

On a large scale, nutrient over-enrichment from agricultural sources, including factory farms, contribute to the large oxygen-depleted region in the Gulf of Mexico referred to as the "dead zone". This zone covers over 7,000 square miles during the summer months, an oxygen depleted area that cannot support most aquatic life. Nutrient pollution is also implicated as the trigger for the development of the fish-killing form of the marine micro-organism *Pfiesteria piscicida*. The toxins from this organism can also have significant adverse effects on the human nervous system. Nutrient runoff from swine and poultry operations are implicated in blooms of this organism in North Carolina coastal waters and in the Chesapeake Bay.

Nitrogen in the form of ammonia is extremely toxic to aquatic life and nitrogen pollution can stimulate algal blooms, resulting in fish kills, in coastal waters. Open air animal waste cesspool lagoons, aerial application of liquid animal waste, and direct emissions from animal holding facilities all can emit ammonia nitrogen as air pollution which is eventually redeposited in water and on a land, adding to the nitrogen pollutant load. For example, the North Carolina Division of Air Quality has estimates that megahog farms constitute the single largest agricultural source of airborne ammonia in North Carolina. In Eastern North Carolina, hog operations generate about 135 million lbs of nitrogen per year.

**2. Contamination of Drinking Water Supplies:** Pollutants from factory farms can contaminate both surface and groundwater drinking water sources. Groundwater can be polluted when pollutants leach through soils or more directly through drainage facilities. Groundwater under porous substrates such as karst limestone or sandfields is particularly vulnerable to pollution. Nitrate is a major pollutant of concern in drinking water supplies because at high levels nitrate causes

methemoglobinemia, or "blue baby" syndrome, by inhibiting oxygenation of the blood of infants and fetuses.

In addition, animal waste contains numerous human pathogens, most notably fecal coliform bacteria. Another major pathogen is cryptosporidium. In 1993, the contamination of Milwaukee's water supply by this pathogen sickened over 400,000 people and led to the deaths of over 100 people.

**3. Odors and Hazardous Gas Emissions:** The animal confinement facilities, waste lagoons and land application operations of factory farms emit numerous air polluting compounds. The two most toxic appear to be hydrogen sulfide and ammonia. The odors from factory farms can cause dizziness, nausea, vomiting, and black outs. Only within the last few years have a few state health or environmental agencies taken neighbors' complaints about air pollution seriously. The Minnesota Pollution Control Agency made tests of air quality in Renville County this year that confirmed previous measurements taken by outraged local residents - the air emissions of about one-half the factory farms tested exceeded the state's public health standard for hydrogen sulfides. State health and environmental agencies have also not yet adequately examined the health effects of other air pollutants, such as dust and air-borne stages of pathogenic organisms.

**4. Contributions to Global Warming:** Methane gas, produced in anaerobic manure storage systems, is a potent greenhouse gas implicated in global climate change. The EPA estimates that from 1990 to 2000, the amount of methane gas produced by manure management systems will have increased from 10 percent to 15 percent of the total U.S. methane emissions.

**5. Adverse Effects on Soil Quality:** Metals added to animal feed as trace nutrients can end up in manure. When the manure is over-applied to land, the metals may accumulate to levels that render the soil unfit for plant production.

### **CHRONIC LEAKAGE AND CATASTROPHIC SPILLS**

Many factory farm animal waste holding systems are designed to slowly leak or to release pollutants as volatilized air pollutants. Massive amounts of animal waste applied by aerial irrigation or over-applied to the land also contribute to water and air pollution loads. This persistent and chronic release of nutrients and other substances from multiple sites in a watershed can result in significant adverse environmental effects.

In addition, many factory farm cesspools have suddenly failed, resulting in catastrophic spill events. The following is a summary of some of the many documented spills:

1. Between 1990 and 1994, according to Missouri's Department of Natural Resources, 63 percent of Missouri's factory farms suffered spills.
2. In 1995, an 8-acre animal waste lagoon in North Carolina burst, spilling 35 million gallons of animal waste into the New River. The spill killed 10 million fish and closed 364,000 acres of coastal wetlands to shellfish harvesting.
3. In 1996, forty spills killed contaminated rivers and killed 700,000 fish in Iowa, Minnesota, and Missouri.
4. In 1997, Indiana had 2,391 spills of manure from animal feedlots.
5. In 1998, a 100,000-gallon spill into Minnesota's Beaver Creek contaminated the Creek and killed close to 700,000 fish.

For more information on the public health and environmental harms from factory farm related water and air pollution, consult the following sources:

**Environmental Defense Fund**, Dr. Joseph Rudek, Regional Office, Raleigh N.C., ph: (919) 881-2601, web: <[www.edf.org](http://www.edf.org)>.

**Families Against Rural Messes (F.A.R.M.)**, Elmwood, IL, ph: (309) 742-8895, web: <[www.farmweb.org](http://www.farmweb.org)>.

**Illinois Stewardship Alliance**, Rochester IL ph: (217) 498-9707, web: <[www.uwin.siu.edu/~isa/](http://www.uwin.siu.edu/~isa/)>.

**Land Stewardship Project**, Mark Schultz, Twin Cities Area Office, MN ph: (612) 823-5221; web <[www.misa.umn.edu/lsp.php.html](http://www.misa.umn.edu/lsp.php.html)>.

**Natural Resources Defense Council**, Robbin Marks, Washington D.C., ph: (202) 289-2393.

**INSPIRATION: SIGNS TO GET NOTICED**

## FACTSHEETS AND BROCHURES

## PHOTOGRAPHS

## WILLY AND THE POO

Written by Bill Weida

Illustrated by Jo Langer

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I.

On farms and in towns in a valley of green  
Lived farmers and ranchers in county Dundeen.  
And under the valley in pools deep and sweet,  
Lay water to drink and good food to eat.

When talking to others, those folks of Dundeen  
Said, "It's paradise here, so peaceful, so clean!  
A place to raise children, a place that inspires,  
A place to grow old, when one stops and retires."

Young folks in Dundeen, starting out on their own,  
Found money was tight as they struggled alone.  
So they first would raise pigs, for hogs take great care,  
And young folks have time but not dollars to spare.

Communities prosper when their young stay around,  
While food that is grown from the crops in the ground,  
And water that comes the pools down below  
Bind the people together in a place they can grow.

II.

While Dundeen was happy, elsewhere in the land  
Professors at Ag schools were lending a hand  
To corporate interests whose money could buy  
Research on factories that make small farms die.

These animal factories were based on a plan  
To crowd things so tightly no animal can  
Move freely or feed like most animals do.  
They were raised in a cell--a room with no view.

But where many hogs live, strong odors abound  
That affect people's lives for miles all around.  
And tons of hog poo spread all over the land  
Cause problems aplenty - unless folks take a stand.

The reason one heard for committing this sin  
Was to make things efficient, to bring money in.  
But the animals knew these factories were bad.  
Their response was to die from the stress that they had.

Since you can't sell a corpse for pennies per pound,  
Corporations demanded solutions be found.

Antibiotics and new special feeds,  
To keep pigs from dying, to meet growers' needs.

Each pig they produced was now raised in a stew  
Of chemicals, medicines, and a lot of its poo,  
Was identically sized with meat that was lean,  
Efficient to slaughter, less hog than machine.

III.

One day a stranger arrived with a scheme  
For that old Smith place on the bank of the stream  
That runs through the valley and seeps down below  
To replenish water to drink and to grow.

A product of Ag schools---taught "get big or die,"  
This stranger's appeal was based on the cry  
Of econ development (and good jobs, of course.)  
"It's time to act now, because things may get worse.

"You'll need a big factory to breed and raise hogs.  
You'll need lots of workers to serve as small cogs  
In a giant machine whose output is food-  
And whose by-products add to the corporate good.

"For the corporate good is required, you know,  
To generate capital so investments will grow,  
To make this hog factory technologically sound,  
To lower the cost of hogs sold by the pound."

"It sits in lagoons, where it sits in small lakes,  
It's flushed and it's gathered, whatever it takes,  
To get liquid poo away from the hogs  
And out on the land where it seeps and it sogs."

"But, sir," said young Willy, "I've pigs of my own,  
And their poo smells bad when it's out on the lawn.  
What you are proposing sounds terrible to me,  
Huge pools of hog waste to smell and to see.

"The lagoons you propose are as foul as they're deep.  
They'll leak from the sides. They continue to seep  
With nitrates and metals and pathogens too,  
All part of a soup that's made of hog poo.

"And the factory you plan sits next to the stream  
Where I swim and I fish. But now with your scheme  
The hog waste is liquid. It'll all run down  
To pollute all the water that's used by our town."

IV.

Now, proposals for hog farms must first be approved

By Planning and Zoning where approval is moved,  
By P and Z members after they've weighed  
The good points and bad points the speakers have made.

While the stranger held forth at the old P and Z,  
In the audience sat young Willy McGee,  
Who asked, (raising his hand, trying not to be rude),  
"What are these by-products to which you allude?"

"Young man," said the speaker, "all hogs produce poo.  
Our hogs are no different. When numbers are few,  
The land can recycle the hog waste you get,  
But as hog numbers grow, the hog waste must sit.

"Believe me, my boy, we will treat all that poo.  
We'll make it so safe, it will be good for you.  
You won't smell a thing. You can trust in our word.  
You won't need a bond, just the pledge that you've heard."

Young Willy had more he was dying to say,  
Put the P and Z folks moved to call it a day.  
"Enough time's been wasted on things that don't matter.  
We've heard plenty now. We don't need more chatter."

The site was approved on a 5 to zip vote.  
The commission adjourned, the chairman took note  
Of the jobs and the money now bound for Dundeen,  
Where the air was so pure and the water so clean.

V.

In no time at all the construction began,  
With sheds and lagoons laid out on a plan,  
With wells that drew water to flush all the waste,  
And roads to bring feed and remove hogs with haste.

The first pigs arrived, and then more and then more,  
'Til the land of the Smith place held hogs by the score.  
The hogs - well, they ate and produced lots of poo  
With odors that carried on winds as they blew.

And the jobs that were promised weren't all that great.  
The few that there were paid a very low rate,  
And the folks that they hired all came from outside.  
Could it possibly be that the stranger had lied?

VI.

It wasn't too long before folks in Dundeen  
Were forced to admit that their air wasn't clean.  
The stench from the hogs was far worse than they'd guessed,  
In mornings and evenings with wind from the West.

Young Willy reported that on opening day  
He'd gone down to fish, and to his dismay,  
The water looked funny, the fish had all died.  
Downstream from the hog farm no life had he spied.

No one can recall how the concept first spread,  
But the folks in Dundeen now found in each head  
A thought, no, a fear, that their water was bad,  
That hogs had polluted this resource they had.

But once hogs get in they are hard to get out,  
And so the hogs stayed while the community fought,  
Pitting those to whom odors were causing great harm  
Against those whose income came from the hog farm.

While the battle raged on - the lawsuits did too,  
And right through it all, the hogs made more poo.  
It drained and collected in lagoons with a leak,  
And a dead zone replaced what had once been the creek.

Out in the country, where the wells had been fine,  
Each family drank from a new water line.  
Those great pools of water that were under Dundeen  
Were no longer great, and were no longer clean.

VII.

Still, time marches on, and ten years have now gone.  
Young Willy the boy is now out on his own.  
One morning, arising along about dawn,  
Willy drove by the hog farm - the pigs were all gone!

Willy raced into town to spread 'round the word,  
And strangely enough, he found no one had heard,  
Except that one worker who worked at the farm  
Said, "The site was diseased and caused the hogs harm."

"It turns out," the worker continued to say,  
"With that many hogs, to keep sickness at bay  
You have to move often, you have to move fast,  
And hog farms like this one just aren't meant to last."

"But what," Willy said, "about all the lagoons?  
And all of the pig poo and buildings in ruins?  
In short, who will clean up this mess that's been made?"  
"Not me," said the worker, "I'm no longer paid."

VIII.

Now Willy is mayor, elected by those  
Who remembered the boy and questions he'd pose.  
When he talks to outsiders, wanting them to move near,  
They say, "Your valley's filthy, who'd want to live here?"

And on farms and towns in county Dundee,  
The folks have all learned that to keep water clean,  
And to keep air so pure one loves to inhale,  
You must always remember some things aren't for sale.

For land once polluted is hard to redeem.  
A few short-term jobs or a quick-money scheme  
Won't cover the costs to the earth and sky,  
Or the costs that occur when communities die.

THE END

## **Five Local Strategies to Keep CAFOs Out**

### **1. Use the public comment and review process**

Get on every mailing list possible: Division of Environmental Quality (state environmental agency), USDA/NRCS, EPA, Army Corps, county Planning & Zoning, and any other agency that may have to issue permits or review applications from CAFOs. Scrutinize the public notices and other information sent out on CAFOs - the info may be concealed or listed in such a way that it is not immediately apparent.

Follow up: provide comments on water quality, air quality, socio-economic issues, whatever. You don't have to be an expert (although soon you will discover that you are becoming one); keep reminding the agencies that they are REQUIRED not only to listen but to RESPOND to citizens' comments. Get involved in state level committees and agency working groups that are charged with issues related to water quality, air quality, or CAFOs. Push every button at every level.

Keep commenting and enlist others to join you. Let them know that you are not going away - this falls under the heading of "wearing them down." Sooner or later, you will begin to notice incremental changes in the way things are done, and if enough forces are gathered, the Planning & Zoning, health departments, and finally the state agencies will begin to respond positively - and may even turn down a permit or make conditions actually protective of the environment (which means that the applicant will likely withdraw).

### **2. Organize a Friendly Letter from the Neighbors**

If you learn that a CAFO is moving in - or a landowner is about to become a contract grower, one tactic Missouri activists have used successfully is what is now known as the "neighbor letter." Quite simply, all of the adjacent and neighboring landowners send a letter to the company and the potential contract grower telling them that everyone is having their properties appraised and will have the properties re-appraised nine months after hog production begins. The letter concludes by stating that the neighbors will sue the company and the grower for any loss of property values. [See a letter template.](#)

NOTE: The appraisals must be completed and the letter sent PRIOR TO the beginning of construction of the facilities.

### **3. Press for County Health Ordinances**

Most states won't let counties zone for "agricultural operations." Even though we all know that a CAFO is really an industrial operation, not a farm in any sense, legally these operations are still considered "agricultural." But, all counties have the authority, indeed the duty, to adopt ordinances to protect the public health and welfare - including protection from rank odors and noxious emissions. You and your allies can place pressure upon county commissioners to adopt such ordinances. Model ordinances are listed in the Toolkit section on additional resources.

### **4. Use the "threatened or impaired watersheds" process**

Obtain from your state water regulatory agency or the USEPA regional offices for your area a copy of the listing of all "impaired waterbodies" or the "303(d) list" for your state. Every state has such a list. They can also provide you with a copy of the regulations that govern the impaired waterbodies process. No new or expanded CAFOs are allowed to locate in the drainages of impaired waterbodies unless very strict standards are met. If you know of a new or expanding operation in an impaired waterbody, report this to the state agency, the regional office of EPA, and to Ken Midkiff, Coordinator of the Sierra Club Clean Water Campaign (who will follow up with EPA-DC).

## **5. Sue them**

This is not necessarily the last resort. In fact, just filing a lawsuit opens a lot of doors and lets everyone - the agencies, politicians, and the CAFO owner or grower - know that you mean business. Suits can be filed under the "citizens suit" provisions of the federal Clean Air Act and Clean Water Act, and legal fees are recoverable (which is how your attorney will get paid). Lawsuits are easier and you are more likely to prevail if a group of plaintiffs files jointly. The problem with a lawsuit is that you may have to show that you have been harmed - which means waiting until after something negative has occurred. Recent cases, however, have prevailed on the basis of a "presumptive nuisance," which means that certain things can be presumed to be a nuisance and there is no need to wait until a nuisance is actually created.

# Testimonials

## **Illinois Smell, Dec. 15, 2001**

On Dec. 8, a citizen had a letter to the editor about having to smell the smoke from burning leaves. Although I feel he has a legitimate complaint, I would trade problems with him any time.

We, the rural residents northeast of Metamora, are the target of an attempt to condemn us to a life sentence, 365 days a year, of living next to 12,000 hogs. These hogs do not just smell for a few weeks in the fall but every day of the year.

This sentence is being railroaded through by one of our "Christian" neighbors and most of the members of our own Woodford County Board. Of course, they tell us this is only a part of living in the country around agriculture. Some farmers have said they have raised hogs and the smell is not that bad, but they did not raise 12,000 hogs in one place, over pits that store the manure for a year at a time. They do not realize the stench, pollution and toxic fumes that it creates. They have never been around an operation like that.

Also in the paper on Dec. 9 was an article about (an owner of) the problem-riddled Inwood Dairy possibly opening another 500-head facility two miles from the existing one. This is just a start. The residents of Woodford County had better wake up. Is this what we want for our county? Contact your state representative and board members and let them know how you feel. Remember, one of the hog or dairy factories may be in your neighborhood in the near future.

## **Illinois, October 2001**

Re: the proposed super-size hog operation in Woodford County, Illinois:  
I recently received a letter from an old friend in Merna, Neb., a rural town about nine miles from Broken Bow in Custer County. It is only incidental that we both lived in Bellflower, Ill., site of a proposed super-size livestock facility in the early 1960s.

Quoting a passage from the recent letter:  
"We'd still like to retire in the Merna area, but property is expensive, as Merna is a bedroom community for Broken Bow, with people moving out here to get away from the smell of Adams' feedlots. Their larger lot has nearly 100,000 head right now. The smaller one about 25,000 head. So at times the smell is horrible, even out here in Merna, but not as bad as Broken Bow."

A difference in quantities. A difference in animals. Same smells. Gives us all something to think about.

## **Illinois, October 2001**

I am a mother of three and I live in the country in Henderson County Illinois. My home, which my husband and I built in 1978 with our own hands, has been next to a hog confinement for the last 5 years. I didn't ask for this, have done all I can think to do and will continue to fight for my family's quality of life in our home.

The Attorney General of the State of Illinois has taken a strong stand against a livestock confinement operator, Alan Durkee, in Henderson County. The Durkee operation is affiliated with Oakville Feeds, an Iowa corporation. In February 1998, a lawsuit was filed by the Attorney General's Office in Henderson County Circuit Court alleging sixteen violations ranging from improperly discharging manure in Illinois waterways, nuisance violations and improperly operating his hog confinement in such a way as to contaminate the air of his neighbors, who are approximately ½ mile from his operation. I am one of those neighbors. It took two years, over 100 pages of written complaints, hundreds of hours of documentation and follow-up, dozens of phone calls, personal meetings, letters seeking support for our cause, pleading with Durkee for relief and many trips to Springfield. We still now completed the court hearings (2 years ago) and still don't have significant and meaningful relief from the odors.

For those who criticize our "complaining" and dismiss it as an attempt to regulate a farming operation, please consider what this "farm" is. Calling this operation a farm is a little like calling MICROSOFT a cottage industry.

Mr. Durkee purchased his five acre "farm" for a token sum from his father-in-law in 1995. This was fifteen years after we lived in the area, 20 years or more since some of our neighbors moved into the area. A five acre landowner and an Iowa corporation. Not a farmer as agricultural and zoning laws were originally intended to protect: someone who toils to bring us produce and meat, someone who depends on the land to produce and produces only what the land needs. Where weather, soil and production all come together to create the harvest bounty. However, the truth is, the laws are protecting factories--industries capable of mass producing meat and tons of dangerous waste when handled incorrectly. These industries don't depend on the weather, they don't need the land and they don't depend on anything but themselves. True farmers use the livestock waste as an efficient and safe crop nutrient. Corporate farms use the land as a place to dump waste--in any quantity they can get away with.

On this five acres, Durkee has approximately 2,300 swine and one nearly two-acre lagoon. Only an estimated 60-70 feet from the edge of this two-acre lagoon lives an elderly couple in their 80's. They live in the farmhouse where they lived long before Mr. Durkee was born and are therefore entirely unprotected by the laws.

The IEPA has given Mr. Durkee numerous chances to address the violations since our first call in June of 1996. He received no fewer than six written official notices, several personal visits from IEPA investigators and numerous meetings with IEPA officials. Only after all of this was the case referred to the Illinois Attorney General on January 23, 1998. I know of many other citizens in our same dilemma who have given up long before the end of this required cumbersome process.

What happened while Durkee received IEPA notices for two years? Durkee and the Iowa corporation have continued to raise swine, earn money, put up two new hog factories within 1 ½ miles of a school and nursing home, erected a huge farrowing facility in Fall Creek, polluted a creek, killed the fish, hired an Iowa corporation which

over-applied waste on a neighbors field (not Durkee's), confined us to our homes, caused our children suffering, seriously restricted our use of our own home and yard, ignored the complaints of the elderly and families and made more money. Our factual complaints did nothing to slow him down nor make him immediately accountable to the public and the state. These laws are isolating and depriving rural residents of the simple pleasures in life that everyone takes for granted--even those of us beyond the current setback limits. This is why setbacks need to be increased. Local government officials did express concern for us, but said they couldn't do anything. This was the same response received by citizens in the northern part of our county near Fall Creek when Oakville Feeds of Iowa put up a facility there. The same response was received when Stronghurst residents and school officials expressed concern about Durkee's newest facility one mile from town.

The new livestock operations in the last few years invading Henderson County, Illinois are contracted with Oakville Feeds, an Iowa corporation. The Fall Creek facility is causing difficulty for neighbors due to air contamination and they want to double their operation. Feed is bought from Iowa, services provided from Iowa, profits to Iowa, etc. What does Henderson County, Illinois get...the manure---millions and millions of gallons of black, odorous waste which when improperly handled becomes deadly to wildlife, humans and nature.

The Attorney General complaint alleges Durkee started operating in November of 1995 and (according to Durkee) did not discharge any waste until November of 1997. During an inspection by the IEPA on 7/9/97, the liquid surface of wastewater in the lagoon was at the bottom of the outlet pipe serving the confinement buildings. In July and August of that year, we had 13 inches of rain in our vicinity. Four months later, when he and an Iowa company, not even registered to do business in Illinois, improperly discharged the lagoon and polluted Middle Creek, he claimed to the AG that the lagoon was being pumped for odor control--not the fact that it was full! This kind of rhetoric smells as bad as the confinement!

Our complaints are not petty. While his operation is protected by the statutes protecting agricultural operations and not subject to local control, our constitutional right to our quality of life are put on a back burner. In May of 1997, we had 28 days out of 30 that we could not have our windows open, could not work outside uninterrupted, and suffered varying physical ailments all due to the strong offensive odors invading our home and property. Remember, these smells are not just offensive; they are a veritable cocktail of chemicals.

This issue basically comes down to quality of life and the environment of country dwellers vs. corporate profit.

All told, our neighborhood has suffered and endured over 200 days of significant odor restrictions in a two year period. Our worst months are April, May, June, July and August with an average of over 12 days per month of significant restriction due to odor violations. That's almost half of the spring and summer our lives are restricted to the inside or we relocate to some other outdoor setting. There are days the odor is so strong, it invades the inside of our home even with the house closed up.

Some Agriculture and Conservation House committee members have mocked the seriousness of our situation. We are victims. We are victims of actions severely impairing our quality of life.

The Warren-Henderson County Farm Bureau is taking sides on the hog factory issue and it is not on the environmental side of its rural and town residents who are Farm Bureau members. They are protecting one type of agri-business only--corporate hog factories. At the state meeting of Farm Bureau, the Illinois Farm Bureau authorized their legal counsel, at the request of the Warren-Henderson Farm Bureau, to assist in the defense of Alan Durkee, the hog factory operator whom the Attorney General has filed over 16 pollution/nuisance violations against in Henderson County. Farm Bureau to this day in 2001 continues to exercise muscle with local government units and individuals denying them freedom to speak or take a position that is in opposition to the Farm Bureau rhetoric.

All of the victims of the last two years who have met and complained about environmental violations with the Durkee operation were Farm Bureau members. One family grew tired of Farm Bureau rhetoric and withdrew their membership this year.

Farm Bureau is supporting an environmental polluter who has polluted farmland, rural waters and the air. Could Farm Bureau be worried about their sister company, Growmark, and its many hog factories instead of their membership? Surely money wouldn't come before the welfare of its membership! Apparently Farm Bureau is not interested in the environment if it will interfere with its pocketbook. Perhaps this explains why Farm Bureau supported Senate Bill 1707 (sponsored by Senators Sieben and Donahue) which regulates small operations of even 60 sows with a holding pond the same as 6,000 sows.

Farm Bureau's actions (locally and at the state level) are an outrage! Farm Bureau should immediately withdraw their support of the environmental violator here and anywhere else in the state. Their services should instead be offered to the victims of operations which are polluting the environment. Farm Bureau should also be begging to help the IEPA and Attorney General's office deal swiftly and effectively with hog factory polluters. Only by addressing pollution issues can they protect farmers, farms and farmland in Illinois.

I encourage you to get involved now. Don't assume that the environment is self-sustaining with no help from those of us who use it. We need to use our resources wisely and efficiently. We need to treat the environment as if it is the most important thing we have--which it is. Remember, twenty years is a long time. Where will we be twenty years from now if we don't stand up and take stock now. Keep recycling, buying energy-efficient appliances and using biodegradable detergents. But don't be afraid to go one step further and improve your neighborhood, town, county, state and country.

### **We Had A Good Life**

I'm a 58 year old male. My wife and I have lived in our home for 36 years, we had a good life, family and friends came over and we had cookouts about every weekend. We have worked most of our lives to get what we have. Our home, two cars, motor home, and money in the bank, we had good health, WE HAD A GOOD LIFE. Then came state-of-the-art HOG BARNS with pits with 4,000 hogs 750 feet from our

home. Now our life is a living HELL. Our friends stop coming, our grandkids don't come and spend the night with us. Your life is not the same, you can't go outside when you want, you might spend three to four days locked inside, no cookouts. You plan your days on what way the wind blows and you don't plan days ahead. Then there is your house - you seal all your windows, plug all your outside vents, like your dryer, put in central air. You will never sleep with your windows open again. Then there is your health, I went from good health and working every day to bad health and not working. I have been to some of the best doctors from the Mayo clinic to the University of Michigan; they all tell me the same thing: MOVE - which can't be done because you can't sell your home. I had a lab test for mold: VERY LOW-3000. EXTREMELY HIGH-1,000,000. MY HOME TESTED-1,255,000. Now is the time to stop them. Once they build, the state will pass new laws to protect them. I have spent about \$50,000 on attorney's fees and five years of my life trying to stop them and it's still in the courts. So stop them now before it's too late; once they build one you will have a lot more. As far as the ODOR, there is no way of stopping it; you can smell these barns next to me 5 to 6 miles away so stop them NOW. This just the tip of the iceberg.

## **SAMPLE AGENDA**

Agenda  
Factory Farm Meeting  
Community, Town  
Date

- |               |   |
|---------------|---|
| 6:00pm        | Introduction by Organizer   |
| 6:15-7:15pm   | Overview of Factory Farm Issue<br><br>Video Presentation – “And on This Farm”<br>Jane Doe – lives next to CAFO in Nextdoor, MT<br>Bob Smith – water quality expert, US University |
| 7:15-7:30pm   | How Does This Affect Our Community?   |
| 7:30 – 8:00pm | Question & Answer Session<br><br>Time and Date of Next Meeting  |
| 8:00pm - ?    | Refreshments  |

**Questionnaire for Neighbors of Factory Farms**

We are gathering information and anecdotes to share with decision makers about the experience of living in a community that is located near a factory farm. The stories we gather will have much more value if you are willing to identify yourself and give an address. Legislators and other decision makers pay attention to their constituents.

Name:

Address:

County:

Township:

Phone:

Email:

1. How close do you live to a factory farm? What is the worst problem the factory farm creates for you and your family?
2. What is the worst problem the factory farm creates for your community?
3. Do you have any documentation that your property value has been lowered because of the presence of the factory farm?
4. Has the odor from the factory farm prevented you from enjoying your property or curtailed your normal activities? Has anyone in your family suffered from health problems as a result of the air or water pollution caused by the factory farm? Have any of the operations of the factory farm (i.e., manure spreading, traffic, equipment operation, etc.) affected your enjoyment and use of your property or community or created any hazards?
5. Have any smaller family farm operations in your community been driven out of business by the factory farm?
6. Have your local elected officials been helpful with your concerns and/or problems with the factory farm?
7. Do you have any pictures or videos that show hazards or pollution at a factory farm?
8. Would you be willing to speak to the press, share your stories with your legislators, or testify at a public hearing or public meeting? (Answering "yes" does not commit you to any of these activities.)

(Adapted from a questionnaire created by The Alliance to Control Factory Farms in Pennsylvania.)

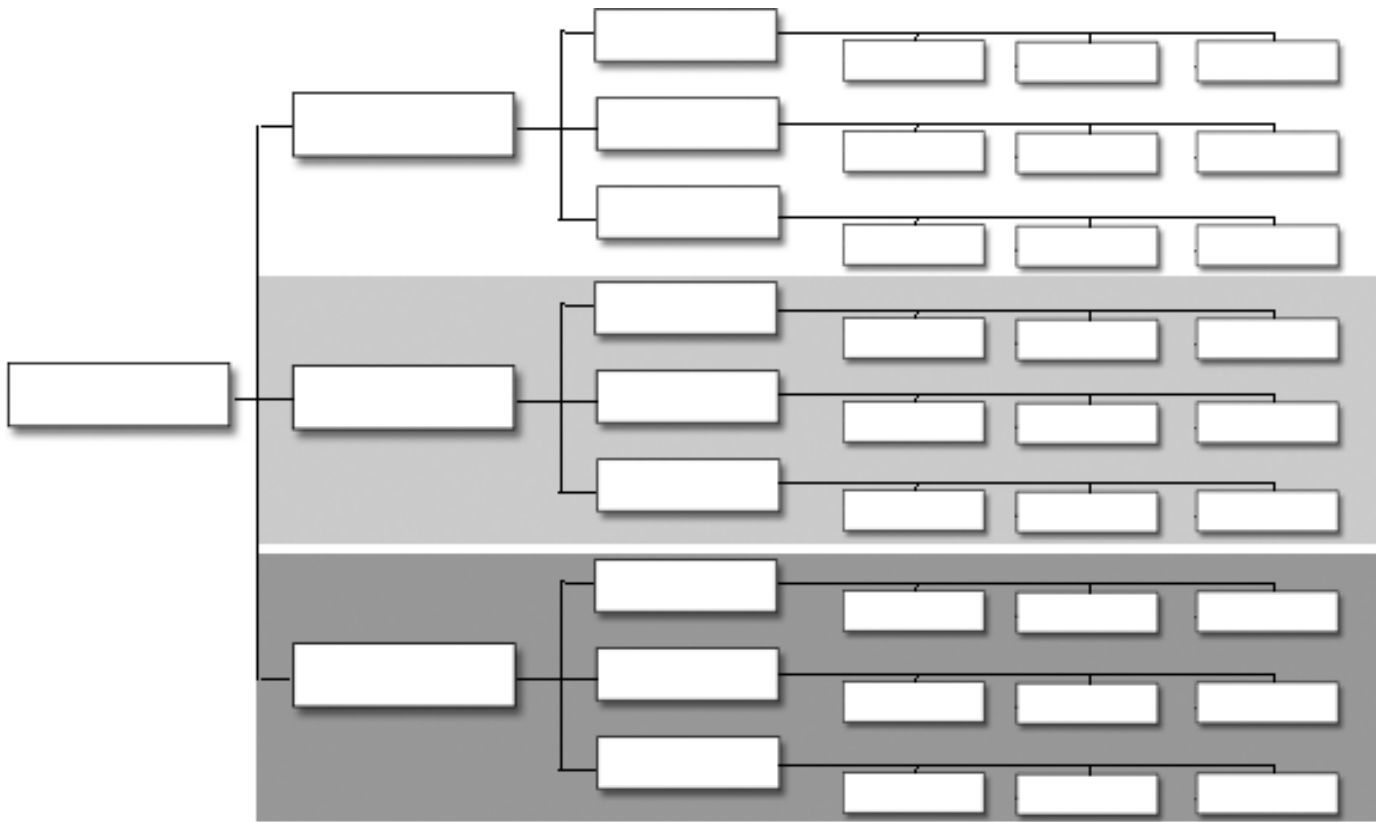
## **HOW TO CREATE A PHONE TREE**

A phone tree is an easy and efficient way to quickly disseminate information to your group. Select someone in your group to be the coordinator. Then create a flow chart with the coordinator at the top and group members below. The size of your organization will determine how many people each person calls. For example, the coordinator might be responsible for phoning three people. Each of those three people will be responsible for phoning three more people, who in turn might each phone three more people, etc., until everyone in your organization is contacted.

The coordinator should be responsible for initiating the phone tree, so anyone who wants to put a message out to the group should phone the coordinator with the message. S/he will be in charge of initiating the tree.

Important points to remember:

- Write the message on a piece of paper. Make sure each person you phone also writes down the message. Have them read it back to you to ensure they heard it correctly.
- If someone is not home, leave a message on their machine, but continue calling the next person on the list until you actually get someone on the line. Do not assume a message left on an answering machine will be passed on to others.
- Make sure everyone in the group has a complete phone list of all members, in case someone is not home. The person making the calls will continue down the list until s/he reaches three people personally.
- Remind group members not to speculate in their phone tree calls - they should just pass on essential information.
- Make sure the last people in the tree call the coordinator to repeat back the message. This will ensure that everyone has received it properly.





## **Tips on Setting Up District Meetings For Small Nonprofit Groups**

### **Making Your Appointment**

Call your district office and request a meeting when your Senator/Representative is at home. The appointment secretary will want to know what your meeting is about. Limit your agenda to just one or two topics. Polite but firm persistence, pursued through regular contact with the district office, is essential. If you cannot get an appointment during the upcoming recess, express your disappointment – and immediately request a firm commitment for the next time the Senator/Representative is back home.

### **Planning the Meeting**

**The group.** Small, diverse groups are best. You may want to have at least one spokesperson represent several organizations to strengthen the impression that you represent a number of constituents. Consider putting together a coalition with representatives from other local groups. When possible, try to include members of non-traditional constituencies, for example, the medical, religious, sporting, or science communities.

**Planning.** Before the meeting, get together and decide who will say what. Do not expect a lot of time with your Senator/Representative. Ask the staff in advance how much time you will have, and be sure to cover your key points early. Ask your Senator/Representative for specific action. Try to find a local angle on national or regional issues. Make sure everyone in your group has an opportunity to speak. Remind everyone to begin by focusing on the specific action you would like your Senator/Rep to take.

**Pre-meeting meeting.** Holding a meeting prior to your appointment helps everyone be on time and prepare for the most effective discussion. Bring along fact sheets and reference materials to leave with your Senator/Representative. You should also leave a list with each group member's name, address, phone number and a summary of your agenda.

### **Meeting Etiquette**

Arrive on time, dress nicely, and be polite. Never insult other Members of Congress. Introduce yourselves at the outset of the meeting. Have your leader give a brief introduction. State your reasons for seeking the meeting. Do not overstay your welcome; cover your points thoroughly and early. If

the official is enjoying the meeting and lets it run over, fine. Be prepared to complete your agenda in the time allotted.

### **Follow-Up**

Follow up promptly with a thank-you letter, and provide any information you promised during the meeting. Use these opportunities to continue to build a relationship with the official and his/her staff. Invite your member to speak at an upcoming meeting or get-together.

Do not be discouraged if you do not see eye to eye with your Representative on every issue; there's always another piece of legislation down the road that he or she may be helpful on. If you didn't get the answer you wanted, keep trying. Remember that these kinds of visits provide an opportunity to gather information as well as air your point of view. Share what you learn with other groups and keep records for future use.

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## **Mother Testifies About Life Near Mega-Hog Confinement in Minnesota**

I have come here today to testify about the health effects from air polluting large hog farms. I live 3/4 of a mile northeast of a 2,500-sow operation with an 18 million gallon lagoon. I also live 1 1/2 miles northwest of a 16,000 nursery finisher operation with a 23 million gallon lagoon.

On July 4, 1995 I realized after seeing my six children, many of my daycare children, and experiencing illness myself for two months, that we were all becoming ill when hog sewer gas odor was present in our yard. I called one of my neighbors and asked her what we could do. She suggested that I call Minnesota Poison Control Center and ask about hydrogen sulfide and methane gases. I made a list of most of the health problems that we had been experiencing such as headaches, nausea, vomiting, irritation to the eyes, respiratory problems, achy joints, dizziness, fatigue, sore throats, swollen glands, tightness in the chest, irritability, insomnia, and blacking out. I asked if methane gas could cause these symptoms. They told me "NO." I asked if hydrogen sulfide could, they said "Yes." I asked what else hydrogen sulfide could do. The only symptoms we were not experiencing were convulsions, seizures and death. I asked what I should do. The Poison Control Center told me to leave my home immediately. I started to laugh nervously and told them that the gas was coming into my home from outside. They told me to leave the area and call Minnesota Pollution Control and the Department of Health. I called both departments the next day and the next day and for several days after. NO ONE would take my complaints seriously. I talked to most of the neighbors and they too were experiencing health problems.

There are 72 families in Norfolk Township; 20 families are experiencing health effects, 29 are complaining of odor, 7 sympathized but wanted to remain neutral, 6 say there is no problem, and 10 were not contacted. My fight began; I researched and researched and I did finally get Minnesota Pollution Control to test the air with H<sub>2</sub>S detector tags in August of 1995. They did find many detects but not at very high levels. I did not feel that the testing method was very accurate and I asked for better testing, but again I was not taken very seriously by either the state or county officials. So I researched some more and found an instrument that I could test with: the Jerome 631x from Arizona Instruments.

With the help of the Land Stewardship Project Members and an odor expert, we set up a testing procedure and testing protocol. Then myself and five other women went out and tested the air of 17 different lagoons in Renville county. 25% of the lagoons exceeded the Minnesota Pollution Controls Air Ambient Standards, which reads: Hydrogen Sulfide shall not exceed 30 PPB for more than 1/2 hour more than two times in a five day period and it shall not exceed 50 PPB more than two times in a given year for more than 1/2 hour. Minnesota State Health Dept. has just proposed a health risk standard not to exceed 50 PPB for more than one hour once a year. They will not guarantee the safety of anything over 50 PPB for more than one hour.

I have enclosed the Minnesota Dept. of Health's evaluation of the air testing our citizens group conducted. In their conclusions and recommendations they state, the levels are high enough to cause the health symptoms mentioned above, especially in children and people with underlying health problems, like asthma. These levels do not constitute an emergency but they do represent a potential health concern. Levels peaking as high as 1,400 have been found in my yard; the hour mean average was

160. The highest level found during my testing was 1,500 with a mean average of 174 for the hour. The recommendation of the health department is that steps be taken to reduce the levels of hydrogen sulfide. Levels of hydrogen sulfide will vary day to day. I believe that the weather is the most bearing factor. I truly believe that if a person living by a large hog farm with a lagoon, would sit with a machine to record hydrogen sulfide in their yard, one would most certainly find at least 50 PPB for more than 1 hour at some time of the year.

Do not make the same mistakes that Minnesota and other states have – protect your citizens' health. Because of the odor and health effects, we have banned lagoons and earthen basins in Renville County. We have also limited the number of animal units to no more than 2,000 animal units. If the producers cannot fix the problems by this legislative session, I am sure we will get lagoons and earthen basins banned throughout the state. There is not a reasonable setback distance for these lagoons. At least four to seven miles would be required to protect the health of all citizens. Enclosed also is the Minnesota Pollution Control's letter to Valadco, the co-op owner of the feedlots near my home. MPCA states they are a nuisance and they are also posing a health threat.

Minnesota is now taking me seriously; I hope and pray you will too. The air is not healthy in Minnesota by these feedlots, and corrective actions are being enforced. I am living by much smaller operations than what you are permitting in your state. You are not doing any favors for these large hog farms either. They will be subject to lawsuits, boycotting, and failure.

My children cry in their sleep, hold their heads and tummies. My children tell me, "Mommy I never feel better anymore." You have a duty to protect your citizens' health. I fear for your citizens' health and safety. These health problems are real and serious.

## Testimonial from Illinois

Dear County Board,

First let me commend you for your efforts to give your community a voice in their destiny. While the current Illinois livestock rules have many loopholes and omissions, citizens still have the US Constitution to allow them to gather, petition, and speak freely.

Next, I would like to tell you of our neighborhood's experience with large-scale hog production.

We heard all the claims you will hear. State of the art, asset to the community, it won't smell, we'll follow all the rules.

We knew the 2,400 sows had arrived by their odor wafting on the air. If this had been their only notable presence and the only time we sensed them, we would have lived happily ever after. But as time went on, the noxious gases began to fill the previously clean country air more and more often. Calls to the non-resident owners were ignored.

The concentration of livestock simply makes air pollution inevitable. There are many preventative measures that a corporation can take, but remember that none of them are mandatory. The law provides a peer review of "odor" cases. With this distinction, the industry also ignores the scientific fact that gas emissions are harmful.

A typical response to the gases can come in many forms. Some days we will walk outside and vomit on the sidewalk. Other times we will get headaches, congested sinuses, sore throats, watery eyes, or upset stomachs. These symptoms can last for hours. The polluted air will coat your nose, mouth and throat with a sickening film that also can last hours. One day, my husband was working on a tractor at the back of our farm, closer to the livestock factory than our house. He felt his chest seize and tighten. He thought perhaps it was a heart attack, but quickly the noxious gases registered and he knew he could no longer work in that area. We have spent several thousand dollars to enclose our screened porch with glass to prevent the gases from penetrating our house. Those days we leave our windows open are few. We run our air conditioner or furnace nearly every day. We are at the mercy of the humidity and wind currents. We never leave the windows open at night or when we are away. The gases soak into carpeting, curtains, and wallpaper and are too hard to remove if the wind brings them in. A stout wind can force the gases in around closed doors and windows. There's nothing like waking up choking on the factory's air.

Neighbors at a quarter and three-quarter miles from the site report similar episodes. Those closer have a higher rate of exposure and symptoms. These problems occurred with the pit system first used at the site.

The site started with a pit system before they finished the four-acre cesspool. The Illinois EPA field staff has been very helpful and respectful of the problem that this site is causing. An air pollution violation was issued some time ago, but the enforcement at the state level is lacking. Just as we have seen water pollution handled elsewhere in this county.

This site says they are using pit additives to reduce problems, but the problem continues to occur for neighbors, particularly those closer to the site. Note: A Tri Oak site in our county has sickened neighbors and the corporation has done nothing to force the operator to clean up.

We farm and raise livestock. We live a mile from the livestock factory, and farm up to less than a half mile away. We know the struggles of farmers to make ends meet and try new forms of income. We know the temptations to simply seek employment with a corporation. But, becoming an employee is a **choice**. A choice that should not endanger a **community**. A choice that should not take precedence over the health, needs and desires of a community as a whole. The Illinois Pollution Control Board has ruled a site a nuisance if they interrupt the person's use of their property even one day. This definition, however, has applied to other industries. (This is another example of the chokehold that this industry has on Illinois regulators.)

The health problems of gas emissions are well documented, as are the water pollution risks. The Center for Disease Control in Atlanta, Georgia has a half dozen well-documented cases of miscarriage caused by swine waste nitrate contamination in drinking water wells in Indiana nearly 6 years ago. Now research is showing a link between nitrates and prostate cancer.

When a corporate employee says that they will follow all rules, in Illinois they know that there are no construction standards for buildings, and no inspections. Those rules are tied up at the Illinois Pollution Control Board. Therefore, there are no enhanced standards for environmentally sensitive areas like a flood plane. A flood plane is a flood plane no matter what state designation it is given by a governmental body. Geologically, it is a threat to build a manure storage site on such a sensitive area.

Concrete cracks, as testified by a field representative from the Illinois EPA at a community meeting in Fulton County. Monitoring wells are not required for pit systems, and therefore your community will not know of pollution problems for many years, and possibly only after several people are sickened.

You are right to stand together and speak about your concerns. You are right to tell the side of the story that the industry will not acknowledge.

In closing, "Patriotism" is not just wrapping oneself in the flag during a national crisis. It is coming together to protect our communities for the good of all. Patriotism is dumping tea in a harbor to protest an unjust tax. Patriotism is coming together to protect this country's resources and people, and protest an unjust law like the Livestock Management Facilities Act.

We will be a truly great nation when governing bodies stand for their communities, not corporations and business bottom lines. Only by standing up to be heard will you be able to tell state politicians that enough is enough. We need legislation that allows communities to govern themselves.

## Forming a Nonprofit Organization: A Checklist

Every nonprofit organization must have a carefully developed structure and operating procedures in order to be effective at fulfilling its purpose. Good governance starts with helping the organization begin on sound legal and financial footing in compliance with the numerous federal, state, and local requirements affecting nonprofits.

- ✓ **Determine the purpose of the organization.** Every organization should have a written statement that expresses its reason for being. **Resources:** Board members, potential clients and constituents.
- ✓ **Form a board of Directors.** The initial board will help translate the ideas behind the organization into reality through planning and fundraising. As the organization matures, the nature and composition of its board will also change.
- ✓ **File articles of incorporation.** Not all nonprofits are incorporated. For those that do wish to incorporate, the requirements for forming and operating a nonprofit corporation are governed by state law. **Resources:** Your secretary of state or state attorney general's office.
- ✓ **Draft bylaws.** Bylaws - the operating rules of the organization - should be drafted and approved by the board early in the organization's development. **Resources:** An attorney experienced in nonprofit law.
- ✓ **Develop a strategic plan.** The strategic planning process helps you express a vision of the organization's potential. Outline the steps necessary to work toward that potential, and determine the staffing needed to implement the plan. Establish program and operation priorities for at least one year. **Resources:** Board members; planning and management consultant.
- ✓ **Develop a budget and resource development plan.** Financial oversight and resources development are critical board responsibilities. The resources needed to carry out the strategic plan must be described in a budget and financial plan. **Resources:** financial consultant.
- ✓ **Establish a recordkeeping system for the organization's official records.** Corporate documents, board meeting minutes, financial reports and other official records must be preserved for the life of the organization. **Resources:** Your secretary of state or state attorney general's office.
- ✓ **Establish an accounting system.** Responsible stewardship of the organization's finances requires the establishment of an accounting system that meets both current and anticipated needs. **Resources:** Certified public accountant experienced in nonprofit accounting.

- ✓ **File for an Internal Revenue Service determination of federal tax exempt status.** Nonprofit corporations with charitable, education, scientific, religious, or cultural purposes have tax exempt status under section 501(c)(3) - or sometimes section 501(c)(4) – of the Internal Revenue Code. To apply for recognition of tax exempt status, obtain form 1023 (application) and publication 557 (detailed instructions) from the local Internal Revenue Service office. The application is an important legal document, so it is advisable to seek the assistance of an experienced attorney when preparing it. **Resources:** Your local IRS office, an attorney.
- ✓ **File for state and local tax exemptions.** In accordance with state, county, and municipal law, apply for exemption from income, sales, and property taxes. **Resources:** State, county, or municipal department of revenue.
- ✓ **Meet the requirements of state, county, and municipal charitable solicitation laws.** Many states and local jurisdictions regulate organizations that solicit funds within that state, county or city. Usually compliance includes obtaining a permit or license and then filing an annual report and financial statement. **Resources:** state attorney general's office, state department of commerce, state or local department of revenue, or county or municipal clerk's office.

**Other steps include:**

- Obtaining an employer identification number from the IRS
- Registering with the state unemployment insurance bureau
- Applying for a nonprofit mailing permit from the US Postal Service
- Obtaining directors' and officers' liability insurance