

FOR IMMEDIATE RELEASE

CONTACTS: Sierra Club: Eric Huber (303) 449-5595 or Ken Midkiff (573) 256-5705;

NRDC: Melanie Shepherdson (202) 302-7306 or Elliott Negin (202) 289-2405;

Waterkeeper Alliance: Robert F. Kennedy Jr. (914) 422-4343 or Jeff Odefey (914) 674-0622 ext. 204

Environmentalists Sue EPA over New Factory Farm Pollution Rule

Groups Say Rule Violates Clean Water Act, Threatens Public Health

SAN FRANCISCO (March 10, 2003) – A new Bush administration farm pollution rule violates the Clean Water Act by allowing large-scale livestock farms to continue to foul the nation’s waterways with animal waste, according to a lawsuit filed late Friday by three environmental organizations. Among other things, the groups charge the new rule shields factory farms from liability for damage caused by animal waste pollution.

The groups, Sierra Club, NRDC (Natural Resources Defense Council) and the Waterkeeper Alliance filed the suit in San Francisco’s Ninth Circuit Court of Appeals. The new rule was issued by the Environmental Protection Agency in mid-December under a 1992 consent decree between the agency and NRDC.

“The Bush administration has once again put corporate profits ahead of environmental protection,” said Robert F. Kennedy Jr., president of the Waterkeeper Alliance and an NRDC senior attorney. “These new regulations maintain ‘business as usual’ for corporate agriculture, and leave thousands of American communities unprotected against pollution from livestock factories.”

Thirty years ago, Congress identified concentrated animal feeding operations as point sources of water pollution to be regulated under the Clean Water Act’s water pollution permitting program. The scale of animal production at individual operations has dramatically increased since then, and factory farms today produce 500 million tons of manure a year. As a result, the regulations that EPA developed in the 1970s are outdated and inadequate. The Clinton EPA proposed a new rule with initiatives that would have protected the environment, but the Bush administration stripped them from the final rule after agribusinesses complained.

Under the Bush administration rule, animal factories can continue to dump millions of gallons of liquefied manure into open pits, called lagoons, and then spray the liquid over fields. Typically the manure runs off the fields into nearby streams or seeps into underground water supplies, polluting water with viruses, bacteria, pesticides, antibiotics, hormones and excessive nutrients. The rule exempts this contaminated runoff from Clean Water Act standards by calling it “agricultural stormwater.”

“If animal waste runs off into the nearest creek, the Bush administration calls it ‘agricultural stormwater’ and says that’s acceptable,” said Eric Huber, a Sierra Club attorney and lead counsel in the case. “But what looks like deregulation upstream looks like raw sewage downstream.”

Furthermore, the Clean Water Act requires industrial animal factories to obtain permits limiting discharges of animal waste into waterways. Under the Bush rule, however, factory farms write the part of their permits that limit spraying manure on fields without state or federal review or approval – and without notifying the public. The new rule also does not require factory farms to monitor groundwater or prevent animal waste from leaking into groundwater and contaminating drinking water wells.

“Polluters can’t be trusted to write their own permits,” said Melanie Shepherdson, an attorney with NRDC’s water program. “It’s like asking high school kids to write their own tests. They’ll make it too easy to comply, and they won’t protect public health.”

Environmentalists had urged EPA to adopt a rule that would keep animal waste out of rivers and lakes, hold corporate owners responsible for spills, and guarantee adequate public participation. The groups say EPA’s new rule fails to meet these basic requirements.

“We can do better than the Bush administration’s plan,” said Ken Midkiff, director of Sierra Club’s Factory Farm Campaign. “When technology and existing law can keep animal waste out of our rivers, why should Americans have to settle for a plan that allows meat companies to pollute more?”

###

Inspired by their personal connection to nature, the Sierra Club’s more than 700,000 members work together to protect the planet. The Sierra Club is the oldest, largest, and most influential grassroots environmental organization in America.

The Natural Resources Defense Council is a national, non-profit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more than 550,000 members nationwide, served from offices in New York, Washington, Los Angeles and San Francisco. More information is available through NRDC’s Web site, <http://www.nrdc.org/>.

Waterkeeper Alliance is a national umbrella organization representing more than 100 local Waterkeeper programs in communities from coast to coast. Member programs act as citizen patrols to protect our waterways and the communities that depend upon them. More information is available at <http://www.waterkeeper.org/>.