

# The Door County Environmental Council News



March 2017



“The mission of the Door County Environmental Council is to advocate for the protection and preservation of Earth’s natural resources for all its inhabitants and future generations.”

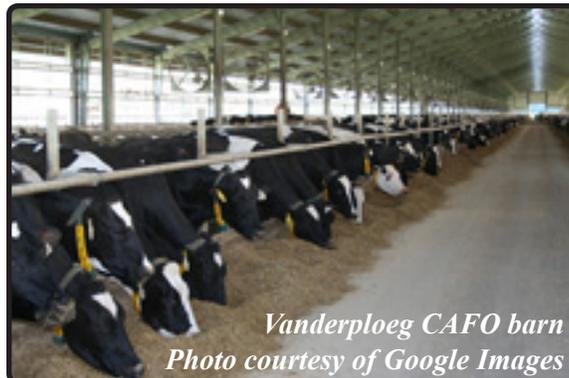
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## CAFO Cafoni

Large industrial scale dairy farms, also known as Concentrated Animal Feeding Operations or CAFOs, are having a huge impact on rural America. The rural landscape used to be dotted with many small family farms with 50 to 200 milk cows within a thriving community. Today many of those small family farms have disappeared and have been replaced by larger high tech industrial farms that can contain thousands of confined animals. Some farmers, in order to stay in the dairy industry, have chosen to invest in the CAFO business model and are now faced with the cost of an expensive technology and the need to maintain maximum production of their product or face bankruptcy. Even as the market value of their product is falling in the marketplace, some are forced to increase their herd sizes and production

just to stay in business. It appears to be an unsustainable situation.

The industrial CAFO model is also creating instability to the farm communities that surround them. High tech farms need fewer employees, less farm equipment, and less support from local sources. Community residents, especially those located close to one of these CAFOs, are being faced with dropping property values, deterioration of the quality of the air they breathe, and the quality of the water they use. Health issues are on the rise within these communities.



*Vanderploeg CAFO barn  
Photo courtesy of Google Images*

These populations that are affected are looking for help from the DNR, EPA, and their state officials, but find little help. It seems that only a massive turn of public opinion through increased awareness will ever turn the tides

of this ever-growing predicament. Here, in Door County, we have an economy that is tremendously tied to tourism and the value of clean water. Right now we are all being threatened by the expansion of Confined Animal Feeding Operations.

In light of the political condition of our state and country the need for citizen involvement through voice and deed is more important than ever. Join one of the many dedicated groups in our community trying to protect this land from abuse. This is a crisis in the countryside affecting every person who drinks water. Our voices and opinions need to be heard en masse. Our elected officials need to feel our pressure. What's in your water? Do you know? You need to have your well tested for pathogens, metals, and other toxic substances. Let's make NE Wisconsin clean again, let's increase our levels of involvement and keep our water safe.

*This article was inspired by the important message presented in the Winter 2016-17 Newsletter of the Clean Water Action Council (CWAC) of Northeast Wisconsin. I urge you to visit their website to read an in-depth account of the CAFO situation in Northeast Wisconsin: CWAC Website: [www.cleanwateractioncouncil.org](http://www.cleanwateractioncouncil.org).*

*by Paul Leline*

## **Understanding the Costs of Concentrated Animal Feeding Operations (CAFOs)**

**T**he dairy industry is important to our state economy, providing milk and

needed employment in rural communities. Until recently, milk production was integrated with crop production in a balanced way that was generally beneficial to farmers and society. However, milk production has undergone a transformation in which a small number of very large Concentrated Animal Feeding Operations (CAFOs) predominate. These dairy CAFOs have imposed significant, but largely unaccounted for costs on taxpayers and communities throughout Wisconsin.

Dairy CAFOs are characterized by large numbers of cows crowded into a confined space, an unnatural and unhealthy condition that concentrates too much manure in too small an area. Many of the costly problems caused by CAFOs can be attributed to the storage and disposal of this manure and the overuse of antibiotics in cows to avoid disease.

The predominance of CAFOs is not the inevitable result of market forces; it has been fostered by misguided government policy. Alternative production methods can be economically efficient and technologically sophisticated, and can deliver abundant milk while avoiding most of the problems caused by CAFOs. However, these alternatives are at a competitive disadvantage because CAFOs have reduced their costs through subsidies that come at the public's expense, including (until very recently) low cost feed.

CAFOs have also benefited from taxpayer supported pollution cleanup programs and technological "fixes" that may be counterproductive, such as the overuse of antibiotics and biodigesters. And, by shifting the risks of their production methods onto the public, CAFOs avoid the costs of the harm they cause. In addition, the fact that the dairy industry is dominated by

a few large and economically powerful companies makes it difficult for smaller dairy farms to produce milk and get it to market.

The excessive concentration of dairy CAFOs is facilitated by lax enforcement of laws intended to prevent anti-competitive practices. By describing several of the subsidies and other unseen, hidden costs of CAFOs that are imposed on society, this article clarifies the real price we pay, and can no longer afford, for this harmful system. These hidden costs are associated with the damage caused by water and air pollution (along with clean up and prevention), the costs borne by rural communities (e.g., lower property values), and the costs associated with excessive antibiotic use. Subsidies have included payments to grain farmers that historically supported unrealistically low animal feed prices, and payments to CAFOs to prevent water pollution.

We can do better. In fact, there is a new and growing movement among dairy farmers to produce milk efficiently by working with nature rather than against it. More dairy farmers are successfully shifting away from massive, overcrowded CAFOs in favor of modern production practices.

There are a number of policy recommendations that would level the playing field for these smart, sophisticated alternatives by reducing CAFO subsidies and requiring CAFOs to pay a fair share of their costs.

### **CAFOs – Too Big for Our Own Good**

Most of the problems caused by CAFOs are a result of their excessive size and crowded conditions. The problems that arise from

excessive size and density (e.g., water and air pollution from manure, overuse of antibiotics) are exacerbated by the parallel trend of geographic concentration, whereby particular types of livestock CAFOs have become concentrated in certain parts of the country. For example, large numbers of swine CAFOs are now located in Iowa and North Carolina, dairy CAFOs in Wisconsin and California, and broiler chicken CAFOs in Arkansas and Georgia.

We need to be concerned about these excessively large feeding operations because they have become the predominant means of producing dairy products in this country over the past few decades. Although they comprise only a small percent of all dairy operations, CAFOs now produce more than half of our milk. They also produce about two-thirds of the manure from dairy operations, or about 300 million tons per year, more than double the amount generated by our country's entire human population! For the purposes of this article, there are approximately 285 dairy CAFOs in Wisconsin – sixteen in Kewaunee County and two in Door County – producing milk.

### **Better Options Exist**

CAFOs do not represent the only way of ensuring the availability of milk at reasonable prices. However, if CAFOs are not appreciably more efficient than small and mid-sized operations, why are they supplanting smaller farms? The answers lie largely in farm policies that have favored large operations. CAFOs have relied on cheap inputs (water, energy, and feed) to support the high animal densities that offset these operations' high fixed costs (such as buildings). Feed is an important cost for dairy cows, and federal policies have encouraged the production of inexpensive

grain that benefits CAFOs.

Perhaps even more important has been the concentration of market power in the processing industry upon which dairy farmers depend. This concentration allows dairy processors to exert considerable economic control over dairy producers, seen in the form of production contracts and animal ownership. The resulting “captive supply” can limit market access for independent smaller producers since the large majority of cows are either owned by processors or acquired under contract, and processors typically do not contract with smaller dairy producers. Federal government watchdogs have stated that the agency responsible for ensuring that markets function properly for smaller dairy producers is not up to the task.

### **Smart Pasture Operations**

Although there is evidence that confinement operations smaller than CAFOs can be cost-effective and produce ample milk, studies also suggest that sophisticated alternative means of producing milk hold even greater promise. Studies have shown that “smart” pasture operations such as managed intensive rotational grazing (MIRG) can produce milk at a cost similar to dairy CAFOs, but with added environmental benefits. Properly managed pastures, for example, require less maintenance and energy than the feed crops on which CAFOs rely. Healthy pastures are also less susceptible to erosion, can capture more heat-trapping carbon dioxide than feed crops, and absorb more of the nutrients applied to them, thereby contributing less to water pollution. Furthermore, the manure deposited by animals onto pasture produces about six to nine times less volatilized ammonia, an important air pollutant, than

surface-applied manure from CAFOs.

### **The Many Hidden Costs of CAFOs**

#### *Feed Grain Subsidies*

CAFOs have been indirectly supported by huge taxpayer-funded feed grain subsidies that compensated grain farmers for excessively low prices. Because feed makes up such a large part of CAFOs’ costs, lower grain prices can have a big impact on the total cost of production. Over the past few decades, federal farm bills have progressively moved toward policies that let grain prices fall, often below the cost of production, and compensated farmers for much of the difference. Without such subsidies, grain farmers would not have been able to continue selling their product at such low prices, which benefit CAFOs. Farms that raise animals on pasture and those that grow their own grain do not usually receive as much of a subsidy as the CAFO industry. Pastures themselves are not subsidized at all, so the sustenance that livestock derive from pastures receives no government support.

During the past few years, grain prices have approached or even risen above the cost of production. Under these conditions, CAFOs no longer benefit from grain subsidies, but the problem of increasing concentration in the processing industry persists. This may make it difficult for CAFO alternatives to gain substantial market share without changes in government policy.

#### *Pollution Prevention Subsidies*

Another farm bill program, the Environmental Quality Incentives Program (EQIP), provides CAFOs with another important subsidy. Beginning in 2002,

CAFOs were no longer explicitly excluded from EQIP funding, and the maximum funding level for individual projects has increased dramatically to \$450,000. Several criteria used to prioritize projects such as manure disposal actually favor CAFOs over pasture based operations. California, the state with the most dairy CAFOs, spends millions of dollars of its allocated EQIP subsidies each year to address dairy manure issues.

#### *Water Pollution from Manure*

Disposal of dairy CAFO manure on an insufficient amount of land results in the run off and leaching of waste into surface and groundwater. This situation has contaminated drinking water in Kewaunee County and many other rural areas. Several manure lagoons have also experienced catastrophic failures, sending tens of millions of gallons of raw manure into streams, killing millions of fish. Smaller but more numerous spills cause substantial losses as well.

The two primary pollutants from manure, nitrogen and phosphorus, can cause eutrophication (the proliferation and subsequent death of aquatic plant life that robs freshwater environments [e.g., the Bay of Green Bay] of the oxygen that fish and many other aquatic organisms need to survive). Although it is difficult to account for all of the social benefits (such as fisheries and drinking water) lost due to CAFO pollution, it is reasonable to assume the losses are substantial.

#### *Air Pollution from Manure*

Airborne ammonia is a respiratory irritant and can combine with other air pollutants to form fine particulate matter that can cause

respiratory disease. Because ammonia is also re-deposited on to the ground mostly within the area from which it originates, ammonia nitrogen deposited on soils that have evolved under low-nitrogen conditions may reduce biodiversity and find its way into water sources. Ammonium ion deposition also contributes to the acidification of some forest soils. Animal agriculture is the major contributor of ammonia to the atmosphere, and the substantial majority of this ammonia likely comes from confinement operations, since manure deposited by livestock on pasture contributes proportionately much less ammonia to the atmosphere than manure from CAFOs.

#### *Harm to Rural Communities*

CAFOs are sited in rural communities that bear the brunt of the harm caused by CAFOs. This harm includes the frequent presence of foul odors and water contaminated by nitrogen and pathogens, as well as higher rates of respiratory and other diseases compared with rural areas that are not located near CAFOs. One study determined that each CAFO in Missouri has lowered property values in its surrounding communities by an average total of \$2.68 million. It is not possible to accurately extrapolate this value nationally due to the many differences between localities.

#### *Antibiotic-resistant Pathogens*

Estimates have suggested that considerably greater amounts of antibiotics are used for livestock production than for the treatment of human disease in the United States. The massive use of antibiotics in CAFOs, especially for non-therapeutic purposes such as growth promotion, contributes to the development of antibiotic-resistant pathogens that are more difficult to treat.

Many of the bacteria found on livestock can cause food-borne diseases in humans. Furthermore, recent evidence strongly suggests that some methicillin-resistant *Staphylococcus aureus* (MRSA) and uropathogenic *E. coli* infections may also be caused by animal sources. These pathogens collectively cause tens of millions of infections and many thousands of hospitalizations and deaths every year.

### **Conclusions and Recommendations**

The costs we pay as a society to support CAFOs, in the form of taxpayer subsidies, pollution, harm to rural communities, and poorer public health, is much too high. For example, conservative estimates of grain subsidies and manure distribution alone suggest that CAFOs would have incurred billions of dollars in extra production costs per year if these expenses were not shifted on to the public. The amount would undoubtedly be much higher if truly adequate manure distribution was required. Although we do not have good national data for other costs quantified, and some that have not been quantified (such as water and energy use and water purification costs), they could amount to billions of dollars more per year.

Technological solutions to specific CAFO problems have been proposed, such as feed formulations that would reduce manure nitrogen, lagoon covers that would reduce atmospheric ammonia, and “biogas” capture and production that would reduce methane emissions from manure, but these are only partial solutions and would generally add to the cost of production. None of these technologies solve antibiotic resistance, loss of rural income, or the ethical treatment of animals. By comparison, sophisticated CAFO alternatives can provide plentiful

milk at similar prices, but with many fewer of the problems caused by CAFOs.

The bottom line is that society is currently propping up an undesirable form of animal agriculture with enormous subsidies and a lack of accountability for its hidden costs. Once we appreciate the role these subsidies, along with government policies, play in shaping the way our food animals are raised, we can also see the environmental, health, and economic benefits to be gained from redirecting agriculture toward smart pasture operations and other desirable alternatives. Public policies that support CAFOs at the expense of such alternatives should be eliminated, and policies that support these alternatives should be implemented. Needed actions include:

- strict and vigorous enforcement of antitrust and anti-competitive practice laws which cover captive supply, transparency of contracts, and access to open markets.
- strong enforcement of the Clean Water Act as it pertains to CAFOs, including improved oversight at the state level or the takeover of responsibilities currently delegated to the states for approving and monitoring and the enforcement of National Pollution Discharge Elimination System (NPDES) permits; improvements could include more inspectors and inspections, better monitoring of manure-handling practices, and measurement of pollution prevention practices.
- development of new regulations under the Clean Air Act that would reduce emissions of ammonia and other air pollutants from CAFOs.

- replacement of farm bill commodity crop subsidies with subsidies that strengthen conservation programs and support prices when supplies are high.
- reduction of the current \$450,000 EQIP project cap to levels appropriate to smaller farms, with a focus on support for sound animal farming practices.
- revision of regulations to facilitate larger numbers of smaller processors, including the elimination of requirements not appropriate to smaller facilities, combined with public health measures such as providing adequate numbers of federal inspectors or empowering and training state inspectors.
- substantial funding for research to improve alternative animal production methods (especially pasture-based) that are beneficial to the environment, public health, and rural communities.

*Adapted from "CAFOs Uncovered: The Untold Costs of Confined Animal Feeding Operations," Doug Gurian-Sherman and Union of Concerned Scientists, 2008.*

## Right to Farm in Wisconsin

Over the last ten years we have seen dramatic increases in the number and size of dairy CAFOs (Concentrated Animal Feeding Operations) expanding into northeastern Wisconsin. In fact, right now a 10,500 animal unit CAFO is being proposed for Door County. Serious concerns over the potential pollution of surface and ground water related to CAFOS and our fragile Door County geology have been raised. Often, when challenged, the large agricultural proponents of CAFO expansions

have asserted their right to farm and the Wisconsin Right to Farm Law in defense of such expansion. What exactly is this Right to Farm Law, and how does it affect the rest of us?



*Snowy farm*

*Photo by Mike Bahrke*

Well, first a little history. Wisconsin Statute 823.08, commonly known as the Wisconsin Right to Farm Law, was first passed by the Wisconsin Legislature in 1981. Additionally, significant changes to strengthen the law were made in 1995. The purpose of the statute was to provide a measure of protection for law abiding farmers from lawsuits, or the threat of lawsuits, which were the normal consequence of agricultural activity. These normal consequences of agricultural activity include such things as odors, noise, dust, flies, slow moving vehicles, etc., claimed by some to be a nuisance.

The statute does not, however, create a “right” to conduct any agricultural activity or the right to pollute. In fact, the statute includes a statement of public purpose. In it, the legislature expressed a belief that local units of government are in the best position to prevent conflicts in land use through effective zoning, and urges local units of government to use their zoning powers accordingly. So, the statute known as the Right to Farm Law does not explicitly create a “right” to farm.

Rather the law provides that: if an agricultural use meets criteria contained in the statute, the court may not hold that the agricultural use is a nuisance. Also, the defendant farmer can recover costs of civil actions, including legal fees, if the agricultural use is found by the court not to be a nuisance. Finally, even if an agricultural use is held by the court to be a nuisance, the available remedies, otherwise available to the plaintiff, are limited by statute.

Indeed, the Right to Farm Law gives farmers much protection from nuisance law suits. There are, however, two significant limitations to the law. The state statute says that if agricultural use meets criteria defined in the law, the court cannot find the actions of the producer to be a nuisance if two conditions are met. Those conditions are that the plaintiff bringing the suit cannot have “come into” the nuisance. In other words, if the agricultural operation in question has been continuously occurring for a longer time period than the party complaining, it holds standing.

The second condition is that the agricultural use does not pose a “substantial threat to public health or safety.” If it does, the Right to Farm Law does not protect the violator. So, if the court determines that the agricultural use was substantially interrupted, or if the agricultural use presents a substantial threat to public health or safety, the plaintiff may proceed with legal action. Of course this does not guarantee that the plaintiff will prevail. It only means that the plaintiff may attempt to prove that the agricultural use constitutes a nuisance.

As CAFOs, with 10,000 animal units or more attempting to expand into Door County, citizens are frightened and concerned. Does the Right to Farm Law

mean we effectively can do nothing about huge, potential sources of surface and ground water pollution? No, it does not. But given that the law exists, likely the best way to protect the environment, public health, economic vitality, and the tourism industry is by enacting rules, laws, and actions through local government at the town, village, city, and county levels.

That is exactly what the Wisconsin Legislature envisioned when they passed the Right to Farm Law. Farmers absolutely have a right to be protected from nuisance lawsuits. They do not, however, have a right to negatively impact the health or economic well being of the public. They also, like everyone else, have no right to pollute.

*By Steve Eatough*

## **DCEC is Reaching Out**

**B**y reaching out to other organizations, DCEC is able to multiply its advocacy for the environment. Attending programs and sharing materials with like-minded and complementary groups promotes two way education and action. A few examples:

DCEC presented a program to Boys & Girls Club of Door County with working demonstrations on how subsoil characteristics and depth affect both surface water and groundwater quality. With emphasis on how geology such as the karst structure in Door and Kewaunee Counties and the central sands area of Wisconsin interferes with the natural purifying action between what is applied to the topsoil and what ends up in the groundwater, factors promoting runoff into streams, lakes and other surface water were demonstrated. The model also clearly illustrated how chemical

contamination is not prevented from reaching the aquifer when applied to the topsoil. Another model showed how excessive pumping of groundwater can deplete the aquifer and also affect surface water levels, stressing that when removal of groundwater exceeds recharge from rain and other sources, aquifer levels are not sustainable.

The Breakfast Rotary heard a DCEC member explain light pollution, light trespass, and adverse effects of excessive light at night on safety, wildlife, and human health as well as excessive energy use. The attendees were left with the charge to be aware of outdoor light fixtures in their daytime travels and how they would relate to pollution of the night sky as well as glare and unwanted coverage. Then again, they should be aware of those same fixtures as they travel at night.

In both of these cases, DCEC was advocating for the environment by educating beyond the Council membership so that others will be informed when presented with opportunities to make their voices heard on behalf of the environment.

Board members have also attended meetings of and presentations by other environmental groups including the Climate Change Coalition of Door County and the Door County Invasive Species Team. They participated in a National Geographic activity discussing the relationship among ecotourism, business, and the environment. DCEC joined with representation from several groups to informally unite as Protect Our Water Door County (POWDC) which shares information and action alternatives to protect our environment from adverse effects of Concentrated Animal Feeding Operations (CAFOs) over our karst topography. DCEC has listened to the Forest Recovery Project and attended

meetings of some pertinent county board committees. They also attended the first annual meeting of Peninsula Pride Farms, not as a participant, but to be informed about how the organization claims to be addressing groundwater and surface water contamination regardless of the source, not just agricultural.

In each of these activities, DCEC makes its presence known and offers availability as a resource to interested individuals and groups to further the mission of the Council.

The current political climate reemphasizes the critical need for DCEC to be a respected and effective advocate for our fragile environment. Outreach is expected to help accomplish that. If readers have suggestions or requests for a presentation to a group, let a board member know. If a DCEC member would like to contribute an article for the next newsletter, please submit to the board for consideration.

*By John J. Beck*

## **Emerald Ash Borer Update**

The Wisconsin Department of Agriculture, Trade and Consumer Protection has updated the list of communities where the presence of the Emerald Ash Borer has been confirmed. Several new communities have recently been added to the list:

- Crawford County -- Town of Seneca
- Green County -- Village of Albany, Village of New Glarus
- La Crosse County -- Town of Hamilton

- Monroe County -- Town of Byron
- Sheboygan County -- Town of Greenbush, Town of Herman

Additional new locations are expected to be found. The complete list and an interactive map are available at [www.emeraldashborer.wi.gov](http://www.emeraldashborer.wi.gov).

## Facebook Friends

In our last newsletter, we published our Door County Environmental Council Concentrated Animal Feeding Operation (CAFO) Position Statement. Since then, several DCEC members have inquired about other organizations, similar to DCEC, that share our concern over the increasing number and size of CAFOs in Wisconsin, as well as protecting the quality of water in our state. Here is a list of just a few of the other organizations and water groups in the state. You can “like” their Facebook pages, become informed, and stay engaged!

**Rome/Saratoga Friendly** <https://www.facebook.com/romesaratoga/?fref=ts>

**Kewaunee CARES** <https://www.facebook.com/KewauneeCares/?fref=ts>

**Crawford Stewardship Project** <https://www.facebook.com/CrawfordStewardshipProject/?fref=ts>

**St Croix Defending Our Water** <https://www.facebook.com/groups/602347079932786/>

**Green County Defending Our Farmland** <https://www.facebook.com/gcdefendingourfarmland/?fref=ts>

**Farms Not Factories** <https://www.facebook.com/farmsnotfactoriesWI/?fref=ts>

**Friends of the Central Sands** <https://www.facebook.com/FriendsofCS/?fref=ts>

**Grassland Butter Boycott (Dunn County):** <https://www.facebook.com/groups/grasslandbutterboycott/>

**Saratoga Concerned** <https://www.facebook.com/SaratogaConcerned/>

**Central Sands Water Action Council** <https://www.facebook.com/CentralSandsWAC/?fref=ts>

**Clean Water Action Council of Northeast Wisconsin** <https://www.facebook.com/cleanwateractioncouncil/?fref=ts>

**Sustain Rural Wisconsin Network** <https://www.facebook.com/srwnshare/?fref=ts>

## New: DCEC Twitter Account

In addition to our DCEC website ([www.dcec-wi.org](http://www.dcec-wi.org)) and DCEC Facebook Page (*The Door County Environmental Council at [www.facebook.com/The-Door-County-Environmental-Council-793102617392133/](http://www.facebook.com/The-Door-County-Environmental-Council-793102617392133/)*), we recently created a DCEC Twitter account ([\*\*https://twitter.com/DCEC15\*\*](https://twitter.com/DCEC15)) as another way to communicate quickly with DCEC members and followers. Please become a follower of our DCEC Twitter account!

## DCEC Leadership

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