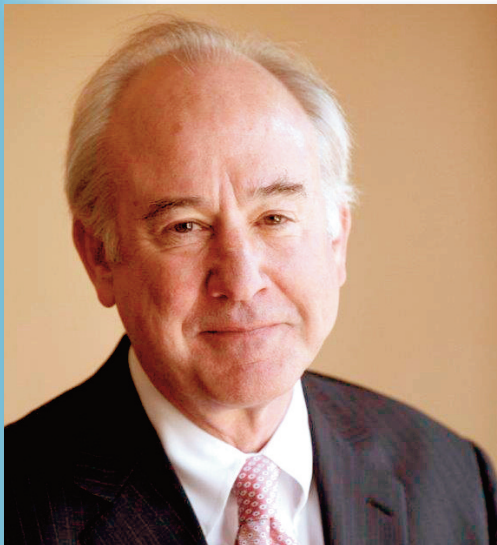




NEW LEGAL TEAM BRINGS HOPE TO IOWANS FIGHTING CAFOS



Attorneys Charlie Speer (L) and Richard Middleton have an impressive record of CAFO wins.

**BY DIANE ROSENBERG
EXECUTIVE DIRECTOR**

Before I tell you the good news, let's briefly review the CAFO situation today.

When over 70 neighbors in the Batavia and Eldon area opposed a 10,000-head hog confinement in their communities, they pleaded with the Valley View Swine owners to not build. They worked with Jefferson County Farmers & Neighbors, Inc. (JFAN) to organize. JFAN poured over the applications to find any possible deal-breaker. In the end, the CAFOs were approved.

Fighting CAFOs in Iowa is a tough business. Iowa legislation favors industrial agriculture over residents and the environment. Although Jefferson County has been fortunate because of JFAN's organization, fighting CAFOs is a challenging process.

The most effective way to stop a CAFO is through a costly lawsuit. Unfortunately, Iowa laws make it more conducive to

fight CAFOs once they are built and causing great distress to neighbors. Often rural communities can't come up with the needed funds to mount a legal fight, and they give up.

Now Iowans across the state have hope. The Charlie Speer legal team is coming to town, joining forces with Fairfield-based attorney David E. Sykes.

Speer is an award-winning environmental attorney from Kansas City who, with his legal team of Richard Middleton of Savannah, Georgia and Peter Bieri of Kansas City, has been fighting factory farms for over 17 years, consistently winning multi-million dollar verdicts.

In April, JFAN's legal counsel David E. Sykes, a business and corporate attorney retained by the Save Batavia Eldon group, invited Speer and his team to join him in fighting Valley View Swine. After several meetings, both lawyers agreed to form a legal team that will bring the expertise and resources of the Speer and

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FIGHT CONTINUES WITH BATAVIA AND ELDON CAFOS

**BY DIANE ROSENBERG
EXECUTIVE DIRECTOR**

Over 70 neighbors in the Batavia and Eldon area have banded together to stop the 10,000-head hog confinements being built by Nick, Shawn and Jeff Adam of Batavia. Valley View Swine will be sited in two locations in between the cities of Batavia and Eldon and just over the Jefferson County border. Site 2 is located close to the American Gothic House and less than half a mile from a church whose congregation has met at its historic location for 172 years. Each site will house 4960 hogs in two buildings.

This is only 40 hogs short of the 5000 threshold that would require longer separations distances.

The neighborhood group, Save Batavia and Eldon, reached out to JFAN at the end of February when they first heard about the CAFOs via rumors. Members set up a meeting on March 1 at the Batavia Town Hall

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In the News.....SPECIAL FOCUS ON ANTIBIOTIC RESISTANCE

ANIMAL/HUMAN MRSA CONNECTION MADE

The genomes of methicillin-resistant *Staphylococcus aureus* (MRSA) bacteria from patients and their livestock were found to be identical in a new study published in *EMBO Molecular Medicine*, reports *Food Safety News*. The findings confirm the transmission of MRSA from animals to humans.

Head researcher Mark Holmes, a senior lecturer in preventive veterinary medicine at the University of Cambridge, along with four collaborators from institutions in the United Kingdom and Denmark, analyzed the link between MRSA found in two Danish farmers and their livestock. While there are several caveats to the findings, "its observations — using whole-genome sequencing — are so fine-grained that their tracing of the bacterial traffic seems to me to be difficult to challenge," writes infectious disease journalist Maryn McKenna in a *Wired.com* article.

"The extreme use of antibiotics in

livestock is endangering human health," Representative Louise Slaughter said in a press release. In a letter to Dr. Margaret A. Hamburg, Commissioner of the US Food and Drug Administration, Slaughter said,

"This study adds to the extensive scientific research supporting the connection between the overuse of antibiotics — 80% of which are used on otherwise healthy animals in the United States — and the development of antibiotic resistant bacteria. Evidence that resistant bacteria transfer from animals to humans should be a clear call for significant, meaningful action to protect one of the greatest advancements in medical history — the development of antibiotics."

Slaughter is the author of HR 1150, the "Preservation of Antibiotics for Medical Treatment Act" (PAMTA) that would curtail the use of antibiotics in livestock. (See *JFAN Fall/Winter 2010 Newsletter*.)

HUMANS PASSING DRUG RESISTANCE TO WILDLIFE

A team of researchers from Virginia Polytechnic Institute and State University (Virginia Tech) studying how pathogens move between humans and animals found people are passing antibiotic resistance to wildlife according to a press release by Virginia Tech. The study found that protected areas where humans are limited were especially affected.

Looking at the relationship between mongoose and humans in Botswana, researchers found that

fecal microorganisms were readily exchanged between both groups.

The researchers studied six different mongoose troops, half of which lived in a protected habitat and the other half in villages. "Banded mongoose forage in garbage resources and search for insects in fecal waste, including human sources found in the environment," said lead researcher Dr. Kathleen Alexander, associate professor of wildlife at Virginia Tech.

"Mongoose contact with other wildlife and humans, and the broad occurrence

across the landscape makes this species an ideal candidate for evaluating microbial exchange and the potential for pathogens to be transmitted and emerge at the human-wildlife interface."



Photo: Miika Silfvergerg

Fecal samples were collected from all the mongoose troops in the area, and human samples were collected from sewage treatment facilities, environmental spills, bush latrines, or open-air defecation sites within the home range of mongoose. The team

focused on tracking *E. coli*, commonly found in the intestines of both humans and wildlife.

Hospital data was examined to determine antibiotic resistance in the area and to identify resistance patterns. Nine antimicrobials were evaluated as well as ceftiofur, a drug typically used for livestock but not available in the area.

Fifty-seven percent of the banded mongoose had antibiotic resistant *E. coli* and were resistant to the same drugs as

MONGOOSE *continued on p. 4*

RAW PORK TEAMING WITH SUPER BUGS

Sixty-nine percent of sampled pork contained the bacteria *Yersinia Enterocolitica*, according to a *Consumer Reports* study published in January 2013. *Yersinia Enterocolitica* causes symptoms of abdominal pain, diarrhea, and fever for approximately 100,000 Americans, particularly children, each year.

In addition, 3-7% of the samples found salmonella, *Staphylococcus aureus* or *listeria monocytogenes*, other causes of food borne illness, and 11% were contaminated with enterococcus that can lead to urinary tract infections.

Of the 240 pork products that *Consumer Reports* sampled, 198 contained antibiotic-resistant bacteria that were resistant to one or more antibiotics.

In addition, *Consumer Reports* tested for the presence of ractopamine, a drug used to promote growth and leanness in pigs. Ractopamine is legal in the US, but banned in 160 countries including the European Union, China, and Taiwan. Twenty percent of the pork contained low levels of the drug.

The report also found that the bacteria continued to reproduce even when treated with one or more antibiotics. One hundred twenty-one of the 132 samples containing *Yersinia Enterocolitica* were resistant to

SUPER BUG AWARENESS GROWS IN CONGRESS

In response to the growing concerns over antibiotic resistant bacterial strains, several senators introduced the Antimicrobial Data Collection Act that would give more authority to the FDA to collect data on antibiotic use in livestock, reports *The Consumerist*.

The bipartisan bill, introduced by Senators Kristen Gillibrand (D-NY), Dianne Feinstein (D-CA), and Susan Collins (R-ME), calls for "increased data collection by the FDA, enhanced transparency and public awareness of antimicrobial drug use in agriculture, and strengthened FDA accountability regarding unsafe antimicrobial drug use."

The legislation also would require the FDA to develop a pilot program examining the relationship between the sales, distribution, and usage of antibiotics in food-producing livestock and the trends of antibiotic resistance.

antibiotics with 52 of those resistant to two or more drugs.

Fourteen samples contained *Staphylococcus aureus*, 13 of those were antibiotic resistant, and one was resistant to between two to four different drugs.

For salmonella, six out of eight samples displayed antibiotic resistance, with three of those samples resistant to five antibiotics.

SUPER BUGS continued on p. 4

BRITAIN'S CHIEF HEALTH OFFICIAL: ANTIBIOTIC RESISTANCE IS A THREAT



Photo: NHS Confederation

Publishing a recent report on infectious diseases, Sally Davies, chief medical officer for England, called for global action to fight antibiotic resistance.

"Antimicrobial resistance poses a catastrophic threat. If we don't act now, any one of us could go into [the] hospital in 20 years for minor surgery and die because an ordinary infection can't be treated by antibiotics," Davies said in a *Huffington Post* article.

Davies calls for all organizations and governments worldwide, including the World Health Organization and G8, to develop efforts to innovate and create a new arsenal of drugs capable of combating new health threats.

She advocates prescribing few antibiotics to use only when needed.

CDC SPEAKS OUT, TOO

The Consumerist reports that the Center for Disease Control (CDC) recently concluded that multi-drug resistance results in \$20 billion in excess healthcare costs per year.

CDC continued on p. 4

IT'S NOT JUST PORK...

The presence of antibiotic resistant bacteria was found in increasingly higher amounts of raw supermarket meat, according to a recent Environmental Working Group (EWG) analysis of governmental tests conducted in 2011. EWG published their report in February.

The antibiotic resistant bacteria *Enterococcus faecalis* was found in 87% of all the meat tested. Federal tests used enterococcus as a gauge to indicate the presence of fecal matter. This bacterium is normally found in the intestines of humans and animals.

The following chart illustrates the degree to which meat samples were found with antibiotic-resistant enterococcus:

Percentage of Meat Samples with Antibiotic Resistant enterococcus	
81%	Ground Turkey
69%	Pork Chops
55%	Ground Beef
39%	Chicken breasts, wings and thighs

Other Problematic Findings:

- 9% of raw chicken samples and 10% of raw ground turkey contain salmonella that was antibiotic resistant 74% of the time. That is an increase from less than 50% of the time in 2002.
- Antibiotic-resistant *Campylobacter jejuni* was found on 26% of raw chicken pieces. Less raw turkey was contaminated, but 100% of the affected samples were resistant to at least one antibiotic. Severe cases of *Campylobacter jejuni* can trigger an autoimmune disease that can paralyze its victims.
- *E. coli* was on 16% of ground turkey and 13% of chicken. 84% of those samples were antibiotic resistant.
- 74% of raw turkey samples from stores were contaminated with *Staphylococcus aureus* and resistant to at least one antibiotic with 70% resistant to three or more drugs.

MONGOOSE *continued from p. 2*

humans. But the prevalence of the multi-drug resistance among protected and village mongoose alarmed researchers.

“The impact of microbial exchange and antibiotic resistance accumulation in mongoose may extend through food webs,” the researchers wrote. “Mongoose are eaten by a large number of avian, reptile, and mammalian predators, including domestic dogs. Thus, the cascading effects of exposure of wildlife species to human-waste-associated microbes can impact an array of susceptible species across an ecosystem and, in turn, increase human exposure, coupling humans and natural systems in complicated ways.”

CDC *continued from p. 3*

In a statement released in November, the CDC pledges,

“To work with regulatory, veterinary and industry partners to promote the judicious use of antibiotics in food animals....To reinforce the judicious use of antibiotics in agriculture by: limiting the use of medically important human antibiotics in food animals; supporting the use of such antibiotics in animals only for those uses that are considered necessary for assuring animal health; and having veterinary oversight for such antibiotics used in animals.”

The CDC does not have any regulatory authority to carry out directives.

SUPER BUGS *continued from p. 3*

“The frequent use of low-dose antibiotics in pork farming may be accelerating the growth of drug-resistant ‘super bugs’ that threaten human health,” wrote the authors.

The National Pork Board debated *Consumer Reports’* findings. “We believe *Consumer Reports* has not accurately portrayed the safety and quality of pork products,” said CEO Chris Novak in *The National Hog Farmer* magazine.

Consumer Union, the policy and advocacy arm of *Consumer Reports*, released a response, “Given *Consumer Reports* findings of *Yersinia* in more than two-thirds of pork samples, we think that pork producers, rather than complaining about test results, should start trying to reduce this pathogen. USDA should also begin to regulate it.” Currently, the USDA doesn’t test for *Yersinia*.

Consumer Reports sampled 40 pork brands from around the country.

CHINESE PORK PRODUCER TO ACQUIRE SMITHFIELD

To satisfy its expanding demand for US pork, China’s largest meat processor, Shuanghui International, is purchasing Smithfield Foods for \$4.7 billion. If approved by US regulators, the deal would be the largest Chinese acquisition of a US company in history, reports *Reuters*.

Several lawmakers and organizations are concerned about food safety and environmental issues that the merger poses. China has experienced several food safety scandals over the past 10 years including passing off rat meat as pork and recently clogging the Shanghai River with thousands of decomposing hog carcasses.

Two years ago, Shuanghui was found selling pork containing a banned feeding additive to make its meat leaner.

Smithfield Foods is no stranger to environmental issues, either, having polluted North Carolina waterways with millions of gallons of manure, according to Food & Water Watch.

The purchase is controversial, too, because of the growing concern of foreign acquisitions of US companies. The Committee on Foreign Investment in the United States, a secretive committee that reviews the impact of foreign purchases on national security, will look closely at the acquisition. While some feel the purchase will be cleared, others cite the acquisition’s impact on the safety of the US food supply,

CAFO *continued from p. 1*

to educate community members about the impacts of the confinements and asked JFAN to attend. Members of the Adam family were also invited to address questions, and they brought along representatives of Tri Oaks and Cargill. It’s JFAN’s understanding that Tri Oaks will be supplying the hogs that will then be sold to Cargill.

While members of the Adam family addressed questions, they were clear that

a disruption in food shipments to the US military, or the role of the Chinese government in Shuanghui as potential hurdles.

“To have a Chinese food company controlling a major US meat supplier, without shareholder accountability, is a bit concerning,” said Senator Chuck Grassley in a *USA Today* article.

State laws that prohibit foreign land ownership could also pose roadblocks. Smithfield’s pork processing facilities and slaughterhouses would not be an issue, however, land used for manure lagoons, feed crops and other supporting



purposes could be problematic. Iowa is among eight states – including Wisconsin, South Dakota, North Dakota, Minnesota, Missouri, Nebraska and Oklahoma – that have land owned by Smithfield as well as prohibitions against foreign interests owning agricultural land.

The hog production division of Smithfield foods has been operating at a loss, while it’s two other divisions – packaged meats and fresh pork – have experienced rising earnings. While it has been facing mounting pressure to offload its hog production business, as recently as April, the company said it wouldn’t sell to avoid increasing costs and upsetting customers.

Additional sources: International Business Times and PilotOnline.com

they intended to build even though their neighbors were against the facilities. Nick Biggs of Tri Oaks’ Marketing and Relations Team fielded most of the questions.

Save Batavia and Eldon held two more community meetings, one in Batavia and one in Eldon, and members of JFAN’s Board of Directors were invited to speak.

JFAN also attended a public hearing at the Wapello County Courthouse on March 12, in which we submitted public comments with seven specific concerns

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OUR ACTIVITIES AT A GLANCE:

JFAN WORKING HARD FOR YOU

BY DIANE ROSENBERG
EXECUTIVE DIRECTOR

JFAN Meets with EPA Leaders

Last October, JFAN gave a presentation to two key members of the Environmental Protection Agency (EPA) Region 7 office during a meeting in Des Moines hosted by Iowa Citizens for Community Improvement (CCI), Sierra Club, and Environmental Integrity Project. The meeting was a follow-up to the EPA report criticizing the Iowa Department of Natural Resources (DNR) on how it regulates factory farms and the DNR's proposed work plan addressing its shortfalls.

Approximately eight groups shared how the DNR is falling short of protecting the environment. JFAN addressed the way in which the expansion to Ryan Robertson's CAFO, Brighton Finishers, was conducted and provided a detailed written report to the EPA.

In February, the three environmental groups organized a second meeting with the EPA, and this time Karl Brooks, Director of the Region 7 office, was present. JFAN attended, providing informal comments and furnishing an updated report on Brighton Finishers.

The EPA is weakening its stance with the DNR, says Adam Mason of CCI, pulling back from their threat to rescind the state's authority to administer the Clean Water Act. As a result, Mason says Governor Branstad and DNR Director Chuck Gipp haven't yet signed the work plan into action.

Mason says that CCI and the other groups are planning to ramp up pressure on the EPA and are considering to move forward with a lawsuit against the federal agency.

JFAN Continues to Help Neighbors Statewide

Neighbors fighting CAFOs continue to learn about JFAN and reach out for help. Many people find out about us through our website and tell us it is a useful source of knowledge and hope.

Recently, JFAN provided information to individuals in Linn and Black Hawk Counties fighting hog and cattle confinements, respectively, as well as to a group in South

Dakota fighting a 4000+ sow operation owned by a Minnesota-based integrator. We recently advised a JFAN-like group in Poweshiek County on JFAN's model and successes and are in discussions about statewide collaborative efforts.

While keeping our focus predominately on Jefferson County, we are increasing our ability to help others throughout the state. A new grant increases the Executive Director's hours and will help us reach out to other communities on a more active basis. In addition, our organization was recently approached by Charity Advantage, a nationally-based website development company. They are providing JFAN with a free conversion to a new, more powerful website platform as part of their charitable donation program. This upgrade will increase our online capabilities and outreach.

There is growing awareness throughout the state that systemic changes need to be made to address the problems of factory farms. JFAN is pleased to be part of this growing movement.

KK Finishers Strikes Out Again

For the fourth time in a year and a half, the Jefferson County Board of Supervisors failed the Master Matrix for KK Finisher's 1200 head expansion. The CAFO north of the city of Pleasant Plain, owned by Ryan Robertson, currently has 2480 hogs. The expansion would have swelled the count to 3680.

The most recent application process took place in early June. Robertson took points for the same questions as on the failed third attempt submitted in December 2012.

JFAN analyzed a letter from the DNR that listed all the questions on the third application that weren't awarded points and compared those with the new application. The new Master Matrix provided some additional information on some of the questions, but for many of the questions that failed previously, the answers were the same.

We identified seven questions that seemed problematic and recommended a total of 105 points be deducted during a June 3 Board of Supervisors meeting that scored the application. The supervisors agreed with four of the questions and deducted 60 points. Since Robertson only took

440 points to begin with, the Master Matrix immediately failed and the supervisors decided against holding a public hearing.

The DNR will review the Master Matrix next to make its own assessment. Unless a county fails a Master Matrix, the DNR does not do its own review.

During the third application attempt, JFAN also did a thorough analysis of the Master Matrix and manure management plan. We disputed the validity of four questions, and the supervisors agreed with our assessment and failed the application. When the DNR conducted its own review, an official told JFAN that he was likely going to fail the Master Matrix for insufficient documentation.

However, the DNR first offered Pinnacle, Robertson's engineering firm, an opportunity to approach the supervisors to ask if they would be willing to review a revised Master Matrix under that application and then gave KK Finishers a 30-day extension.

It's JFAN's opinion that this offer did not follow Chapter 65, Section 459.304, 5b of the Iowa Code that outlines the DNR's duty to reject an application when they are not going to approve it and that the DNR bent the rules. We addressed this point with the DNR, but they didn't agree.

JFAN then met individually with each of the supervisors in February. We discussed our disappointment with the DNR for not following its own regulations and our concerns with how the DNR and Robertson handled the expansion applications for KK Finishers and, particularly, Brighton Finishers in 2012. We also discussed Robertson's documented violation history. Encouraging them to consider all these points when making their decision, we said that we strongly felt it was not in Jefferson County's best interests for them to review a revised Master Matrix. Each of the supervisors listened in an open manner to the points we shared.

Shortly thereafter, the DNR told JFAN that the supervisors did not accept a revision. Eventually, the DNR denied the expansion.

JFAN truly appreciates the manner in which the supervisors handled these two Master Matrix reviews. Each supervisor, including former Supervisor Steve Burgmeier who participated in scoring the third application before he left office, gave a comprehensive and responsible review of the Master Matrixes. They were very open to JFAN's comments and discussions throughout the entire process.

JFAN will continue to monitor progress on KK's fourth application as it proceeds through the DNR review.

LEGISLATIVE UPDATE – SOME GOOD NEWS AMONGST THE BAD

BY DIANE ROSENBERG
EXECUTIVE DIRECTOR

A couple of bills worth noting came out of the 2013 legislative session as well as a ruling that weakens environmental oversight.

“Mothball” Bill Passes

A controversial bill that would allow CAFO owners to store manure in unused buildings easily passed both the House and Senate and was signed into law by Governor Branstad.

HF 512, the “Mothball” bill will enable CAFO owners to scale back their operations and temporarily retire unused barns, reducing state feed and manure reporting requirements. The bill was pitched as a way for CAFOs to operate when circumstances requires downsizing, such as a child going off to college. Instead of permanently closing a building, which involves cleaning out and filling in a pit, a CAFO can remain unused and then be brought back up to full capacity if, for example, the student graduates and comes back to the operation.

However, the unused buildings will also be available to store manure when other CAFO pits get too full.

Environmental groups including Iowa Citizens for Community Improvement (CCI), Iowa Farmers Union, Iowa Chapter of Sierra Club, Des Moines Water Works, and Food & Water Watch all opposed the bill.

“This bill rewards bad management,” says Adam Mason of CCI. “It’s a big loophole for CAFO owners.”

Mason says that during a committee meeting on the bill, a pork industry lobbyist revealed that ever since the manure ban on snow-covered ground came into effect five years ago, many CAFO operators were having trouble keeping up with storing the amount of manure they generated.

For the first five years of the manure ban, CAFO operators could request permission to apply manure on snow-covered ground in an emergency, but after five years that exception was eliminated. “During that time they should have been building additional storage or reducing their herd of hogs,” he said.

Mason said there is a huge concern about groundwater pollution. There is no requirement to inspect facilities before

manure is put in the unused pit, and winter is a more likely time that manure will be stored in the mothballed units. “The buildings will not be heated, the manure will freeze, expand, and risk cracking the walls. When the manure melts in the spring, manure could go through a crack and right into groundwater,” he says.

Representative Chuck Isenhardt who opposed the bill was quoted on Radio Iowa saying CAFO operators will “seek this option as a fall-back to making the investments in their own facilities.”

ABI Rule Lets DNR Be Lax

The Environmental Protection Commission (EPC) passed a rule in January weakening environmental oversight that was opposed by 86% of all



Iowans who submitted comments. Dubbed the “ABI Rule” after the corporate lobby group Iowa Association of Business and Industry (ABI) who pushed for the change, the rule gives the Department of Natural Resources (DNR) the latitude to take a hands-off approach to enforcing violations.

Now instead of issuing a Notice of Violation and a fine for environmental infractions, such as a manure spill, the DNR can simply send a letter to a violator stating that they need to come into compliance with regulations.

“The EPC wrote into code what the DNR is already doing under Director Chuck Gipp and Governor Branstad,” says Mason. It states that the DNR will “ensure compliance within the least restrictive means possible.”

Mason said that prior to the past year, there were 40-50 Notice of Violations issued. In 2012, there was just one.

The rule passed in the Legislative Review Committee.

One of the US Environmental Protection Agency’s (EPA’s) points of contention in their 2012 DNR review was the lax enforcement of existing regulations.

For First Time in 7 Years, DNR Budget Increases

Under pressure from the EPA to improve the state’s environmental oversight, the Iowa legislature passed agriculture and natural resources appropriations that include \$700,000 to hire seven new factory farm inspectors at the DNR.

Currently, the DNR employs 10 full-time inspectors. The new additions will bring the total up to 17, but still does not meet the high of 23 inspectors employed in 2004.

The increase resulted from a 2012 investigative report of the DNR by the EPA. The EPA found the DNR deficient in the number of field staff necessary to enforce the Clean Water Act for factory farms. In response, the DNR created a work plan that proposed hiring 13 new inspectors, but Governor Branstad included only five in his original budget proposal.

Iowa Citizens for Community Improvement closely follows the legislative session and was a primary source of information for this article.

CAFO continued from p. 4

about the CAFOs. These included issues concerning four additional semis that will travel each week on roads that are already in poor shape, a track record of infractions for all three of the Adam owners, the potential of a spill from an umbilical pipe that would cross Rock Creek in order to apply manure, and the possibility of uncapped wells to be within the separation distance of the confinement at Site 2.

With one exception, all 60+ comments made at the tension-packed meeting opposed the CAFOs.

JFAN worked extensively providing much informational support and a \$5,000 financial assistance grant. JFAN also submitted letters to the *Fairfield Ledger* and *Ottumwa Courier* and prepared some information

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NEWS BRIEFS

FROM IOWA, THE US AND BEYOND

PETA Exhibit Gives Students Taste of Gestation Crates

College students across the country are learning what it's like to be a confined hog through an elaborate exhibit developed by People for the Ethical Treatment of Animals (PETA) reports *Yale Daily News* and PETA. The goal of the presentation is to educate students about the source of their meat.

PETA's hands-on presentation includes sow gestation crates like the ones found on factory farms. Students can shut themselves inside the cramped cages to learn how uncomfortable they are.

The exhibit features a screening of *Glass Walls*, a video narrated by Paul McCartney that reveals livestock abuse. Information is also provided on animal intelligence.

The exhibit was organized by Peta2, PETA's youth outreach division. Peta2 manager Ryan Huling said in the *Yale Daily News*, "Students are horrified to learn that cows have their throats slit when still fully conscious. [For many], this is the first time they're hearing about what the meat industry is really like. They can understand the torture that goes into

every chicken nugget."

Students will also receive samples of vegan foods and free vegetarian/vegan starter kits with recipes and tips for helping the earth, animals, and their own arteries by going meat- and dairy-free, according to a PETA press release.

Deadly New Pig Virus Hits Iowa

A deadly pig virus with origins in Europe has inexplicably spread to the US, reports the *Ames Tribune* and the *Global Post*. Porcine Epidemic Diarrhea Virus (PEDV) has affected factory farms throughout the US, including Iowa.

Newborn pigs are most susceptible to PEDV. Symptoms of the disease include severe diarrhea and vomiting, and the baby pigs, whose immune systems can't fight off the virus, become too dehydrated and weak to survive. Within the close, cramped conditions of factory farms, affected Iowa CAFOs are seeing mortality rates between 40-90%. Hogs that weigh at least 30-40 pounds have lower mortality rates.

PEDV has affected the Chinese pork industry for several years. In 2010, it was particularly hard hit, losing one million baby pigs to the virus reports *Reuters*.

How the virus entered the US is a mystery to the USDA and raises concerns about biosecurity in the US. The US imports pigs from Canada, but Canada hasn't recorded any documented PEDV cases. However, it also doesn't specifically test for this virus.

The pork industry says the virus won't spread to humans or other animals and that it is safe to eat the meat of infected pigs. The virus spreads by oral contact, not airborne exposure, and does not spontaneously occur in nature.

Iowa's Impaired Waterways Increase

Iowa's waterways continue to get dirtier. The EPA-approved DNR 2012 Impaired Waters list now contain 479 water bodies, compared to 446 in 2010, with a total of 605 impairments according to an EPA press release and IowaSierraClub.org.

Seventy-three water bodies were removed from the 2010 list, but 78 new waterways were added. The list is compiled every two years, and the EPA approves the final list.

To see a map of the waterways, visit <http://tinyurl.com/pfgv423>.

A list of the water bodies can be found at <http://tinyurl.com/ozpgmsr>. Note that this list only contains Category 5 waterways: those that require a water quality improvement plan.

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**Thank you for all you do
to support JFAN!**

TEAM *continued from p. 1*

Middleton Law Firms to fight this case and to consider other cases in Iowa.

What makes this so promising is that cases will typically be handled on a contingency fee basis. Clients will not have to come up with funds for legal fees, and the legal team will only be compensated if they win monetary damages for their clients. That is a huge opportunity for rural communities.

Sykes is no stranger to fighting CAFOs. He worked with JFAN for eight years and represented clients opposing CAFOs for five. He will continue his ongoing general practice in addition to his work with the Speer legal team.

Sykes provides some insights and opinions as to what a partnership with the Speer legal team will mean for Iowa.

What recourse do people have today when a hog confinement moves into their neighborhood?

JFAN has done a good job helping communities mobilize and organize against a CAFO. They developed the Good Neighbor Guidelines that incorporates the Iowa Pork Producers Association Best Management Practices. This encourages all sides to communicate and work out acceptable sitings far away from residences and public buildings. This approach is an important first step and can sometimes stop a confinement.

Unfortunately, given the recalcitrance of many CAFO operators, litigation is sometimes the only option to defend oneself.

Why is bringing in this legal team a win for Iowa?

These attorneys are reputed to be some of the top anti-CAFO environmental attorneys in the nation, winning multi-million dollar settlements for hundreds of clients over the last 17 years.

Most importantly, they have a passion about their work, feel very deeply about their cases, and get very involved with their clients. They currently have cases in seven states and have significant resources to go the distance with CAFO integrators.

As an attorney licensed to practice in all Iowa courts, I will organize the cases from Iowa, working very closely with the entire legal team.

How will this alter the way cases are approached in Iowa?

This will be a game changer. Most litigation in Iowa involves hiring law firms on an hourly basis, and the cases can run six figures. This is where communities have been blocked. They can't come up with those funds.

With this national legal team's entry into Iowa, if a case is taken on a contingency basis, a client's finances are dramatically reduced. This levels the playing field.

Charlie and his team have a reputation that when they commit, there is no backing off. We now have big players who can hold their own with the multi-billion dollar integrators like Cargill, Prestage, etc. This signals a major shift for Iowa.

How do you think this might change things for CAFO opponents and factory farming?

Rural communities are targeted since corporate interests know they have difficulty defending themselves. This will now allow the communities to go head-to-head with integrators.

It may also discourage CAFO operators from going ahead with a confinement, given the marginal return on CAFOs.

This gives Iowans hope. Not only is there JFAN, but now there is a legal team coming from out-of-state, winning multi-million dollar settlements, and working on a contingency basis. Iowans now have a realistic option for dealing with a factory farm in their neighborhood.

For more information, contact JFAN at 641-209-6600 or email: jfan@lisco.com.

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CAFO *continued from p. 6*

sheets used by the group to educate others. We also supplied our newsletters, booklets, and over 30 CAFO books, which went like hotcakes at the community meetings.

Since the CAFOs were sited in Wapello County, no Master Matrix was involved. (Site 1 is only 200' over the Jefferson County border, and Site 2 is within ½ mile.) Wapello County traditionally does not adopt this additional regulatory tool. This gave neighbors less opportunity to stop the CAFO or, at the very least, hold it to a higher standard.

JFAN also conducted numerous discussions with Iowa Department of Natural Resources (DNR) officials in an attempt to find a flaw in the applications that would not

meet Iowa's weak regulations. A manure management plan was revised at least once because of problems JFAN identified.

JFAN also doggedly pursued the chance that there were uncapped wells at Site 2 when an Eldon resident recalled a farmstead located exactly at the CAFO site when she was a child. Shallow wells must be plugged within 200' of a confinement, so JFAN examined historic aerial maps and worked with the resident to see if the Wapello County Engineer's Office had any records indicating plugged wells. No records existed before 1998. We sent all our research in a formal letter to the DNR engineer, DNR attorney, and two officials at the Region 7 EPA Office.

The situation posed a conundrum for the DNR who initially weren't sure how to determine if any wells existed close enough to the confinement.

In the end, the DNR analyzed a combination of information retrieved from their well database and Geographical Information Systems, and they overlaid historic maps on the existing site plan. They determined the likely place of a well was 350 feet away from the proposed CAFO building, making it 150' beyond the minimum separation distance. However, the DNR said it was not uncommon for a second well to be on a property, closer to a livestock barn or grazing field, and they could not guarantee an additional well had not been there. Yet the agency made the assumption there was no second well in that area. Shortly thereafter, Site 2 was given the green light a few days after Site 1 was approved.

The approval of Valley View Swine, with all its inherent problems and widespread community opposition, illustrates how weak Iowa's regulations and laws are in protecting the quality of life of Iowa residents and how the business interests of three individuals trump the legitimate health, quality of life, and economic concerns of the residents of two communities.

Save Batavia and Eldon has not backed down, and the fight isn't over. The group retained the legal services of Fairfield attorney and JFAN legal counsel David E. Sykes who brought in the CAFO-fighting legal team of Charlie Speer and Peter Bieri of Kansas City and Richard Middleton of Savannah, Georgia to work the case together. (See article on page 1). Save Batavia and Eldon intends to file a lawsuit once the facilities are built and the nuisance that the CAFOs will likely create is felt.