

Jefferson County Farmers & Neighbors, Inc.
Statement Made at DNR's February 19, 2024 Public Hearing on Chapter 65

My name is Diane Rosenberg. I'm the Executive Director of Jefferson County Farmers & Neighbors.

For 17 years, I've worked with communities all across the state facing a proposed CAFO, and I've seen how the rules and regulations are failing Iowa. But the DNR has an opportunity to step up to strengthen and better enforce regulations during this Chapter 65 revision.

CAFOs are consequential operations, they are not like your local bank or corner retailer. A single 2500 head CAFO can generate three quarters of a million gallons of liquid manure a year – collectively our 24 million hogs generate about 22 billion gallons manure each year. This poses a significant environmental and public health impact across Iowa.

Yet the DNR doesn't adequately treat livestock confinements as consequential operations. We have 751 impaired waterways, drinking nitrate-laden water is linked with a variety of cancers, and Iowa ranks second in the nation for cancer - and that number is growing. These shameful numbers demonstrate the state has to do much better.

There are also enormous financial water quality and public health costs from CAFOs:

- Director medical expenses cost Iowans between \$6-27 million and indirect costs \$35 - \$167 million each year
- Public water supply treatment costs \$165 million and private well treatment between \$4-\$7 million each year

Not only is the CAFO industry damaging waterways and public health, it's putting an enormous financial burden on Iowans. This is why we need stronger regulations to protect Iowa's 3 million citizens and 300,000 waterways.

Yet the DNR and the state are not doing that. In three sets of comments since 2022, JFAN made 64 separate recommendations based on our direct experience working with communities. These would address many of the weaknesses in Chapter 65.

It is incredibly disappointing to see only 4 small ones incorporated, 2 others adopted then rescinded, and a whopping 56 rejected.

Most of the recommendations by the Iowa Environmental Council and other environmental organizations were also rejected.

On the other hand, the industry submitted at least 52 recommendations of which 33 were incorporated into Chapter 65, further weakening its rules and regulations. The DNR is allowing the financial interests of the livestock industry to take precedence at a terrible cost to public health and water quality.

JFAN urges the DNR to adopt all the recommendations JFAN and IEC will be submitting and put the wellbeing of Iowans first, before the financial interests of the multinational livestock industry.

I would like to point out three recommendations in particular:

First, actually close the LLC loophole which the DNR recognized as an issue during its 2019 rulemaking effort. Right now there is no way to legally confirm that common ownership doesn't exist between two adjacent CAFOs held in separate LLCs. The DNR didn't have a solution, so JFAN identified one – requiring an LLC's Operating Agreement.

About a quarter of the CAFOs in Jefferson County are adjacent and are suspected – or have been confirmed – to be commonly owned. Commonly owned adjacent CAFOs skirt stronger regulations, permits, Master Matrixes, and separation distances required for larger confinements. Some avoid manure management plans or any separation distance from residences all together. By requiring an LLC's Operating Agreement, CAFOs will be regulated at their correct size.

Second, replace the antiquated and inefficient paper manure management plan system with an online database of MMPs and develop a geospatial mapping system to plot fields receiving manure. We plot fields in Jefferson County, and we see some fields are in as many as 5 MMPs. The DNR doesn't have a handle on where manure is really going with this outdated paper system, and our water quality shows it. The technology exists; the DNR needs to use it.

Third, karst terrain. Require a 25' vertical separation distance from confinement pits and karst bedrock. The DNR originally adopted a modified version of IEC's 25' recommendation, scaling it back to 5', but then reverted back to the original, inadequate karst language under what can only be assumed was political pressure. This risks a catastrophic pit failure that could seriously damage groundwater that rural residents depend upon for drinking water.

We urge the DNR to treat CAFOs as operations that have consequences for communities and waterways and to adopt all of JFAN's and the IEC's recommendations to Chapter 65. Thank you.