



How to Protect Your Family and Home From Factory Farms

**A practical guide for dealing
with confined animal feeding
operations in your community**



**Jefferson County
Farmers & Neighbors, Inc.**

How to Protect Your Family and Home from Factory Farms

is published by

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*JFAN fundamentally opposes all factory farms because of their deleterious impacts on communities, the environment, public health, local economies, and quality of life as shown in over 100 scientific studies and professionally authored articles published over the last 50 years. **How to Protect Your Family and Home from Factory Farms** specifically addresses infringing CAFOs – those that are built regardless of community opposition and impact.*

Sometimes websites change links, and the URL's printed in this booklet may at some point break. Please contact JFAN if a link you're trying to access is no longer live. We will send you a new link or the actual study associated with the link.

Important Note: When addressing a CAFO threat, you will have numerous opportunities to engage with the parties involved. Facing a CAFO in your neighborhood can generate strong emotions. For the best outcome possible, we advise you follow these fundamental rules of engagement:

In all communications and in-person meetings, state only accurate facts and concerns, avoid saying anything that could be considered libelous or threatening to any person or persons, and at all times conduct yourself and your community group in a respectful and law abiding manner.

You have the right to express your concerns and enforce your legal rights. It's also to your benefit to maintain a peaceful and civil process at all times.

Front page background photo courtesy of Farm Sanctuary.

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A downloadable version of this booklet may be found on the JFAN website at www.jfaniowa.org.

Introduction

If you're like many Iowans, you've created a comfortable home for you and your family in one of our many rural communities. You may be just starting out, retired, or in the prime of life, enjoying the land, fresh air, and high quality of life that Iowa traditionally has provided.

Then a hog confinement moves next door.

You may feel angry, helpless, and that no one really cares about the harm you are forced to endure. Things like odor, flies, and spilled manure can be overwhelming, yet it seems there is nowhere you can go, and nothing you can do to stop it.

Everyone knows the corporate hog industry is very powerful in Iowa and benefits from laws designed to protect hog facilities at the expense of neighbors who live near their operations. Neighbors that in many cases were there first.

So how do you handle a situation that's making your life miserable and could possibly impact you or your family's health and wellbeing?

How do you keep a proposed factory farm out of your neighborhood?

How can you, an individual resident, contend with the corporate agribusiness machine?

There is good news. There are steps you can take to at least deter factory hog farms and make them accountable for the harm they do.

This booklet will describe your legal rights and offer guidance for protecting your family, home, and health, as well as your property values.

Jefferson County Farmers & Neighbors (JFAN)

This booklet was created by Jefferson County Farmers & Neighbors, Inc. (JFAN), a nonprofit educational foundation comprised of rural and town residents and traditional family farmers. Founded in 2005, JFAN works to limit the proliferation of factory farms in Jefferson County and protect its residents' quality of life.

Since its founding, JFAN has made significant strides in limiting local hog confinements. By developing the comprehensive *JFAN Good Neighbor Guidelines*, educating the community, providing financial assistance grants, and establishing itself as a presence in Jefferson County, JFAN has helped to relocate or deter a variety of factory farms.

The practical recommendations and suggestions offered in this booklet are the opinion of JFAN, based on its experience and efforts in protecting Jefferson County from the infringing and unrestrained growth of factory farms.

In 2009, JFAN provided the Brick Gentry Law Firm of Des Moines a grant to research the legal issues discussed in this booklet. The legal section was updated and expanded in June 2015 by attorney David E. Sykes, PC, of Fairfield, Iowa.

Part One: Starting at the Beginning

What Is a CAFO?

A CAFO – concentrated animal feeding operation – is a giant livestock factory in which hundreds or thousands of animals are housed in large confinement buildings. The animals, predominantly hogs in Iowa, have little room to move and no opportunity to pasture.

In confinements, hogs eat and excrete right where they live, and their waste products fall through concrete slatted floors into vast manure pits beneath the building. These waste pits can store from hundreds of thousands to millions of gallons of raw hog sewage for 6-12 months at a time. The waste putrefies, emitting over 150 gases, many of which are harmful, including ammonia and hydrogen sulfide, and generating another 150 or more toxins.

These gases, toxins and odors are then vented by powerful industrial fans into the atmosphere where they can travel for miles. The untreated waste or “manure” is periodically spread on agricultural fields as fertilizer and is sometimes over-applied to dispose of excess quantities. Some of the fields can be miles away, affecting people not disturbed by the CAFO itself.

Why Should I Be Concerned About CAFOs in My Community?

Hundreds of studies conducted over the last 50 years have produced indisputable evidence that CAFOs have a serious, detrimental impact on the health, safety, and quality of life of neighbors and county residents.

Some of the many documented problems arising from CAFOs include:

Health: Noxious odors from the ammonia and hydrogen sulfide produced by decomposing hog sewage can make you susceptible to respiratory problems, nausea, diarrhea, headaches, burning eyes, confusion, tension, depression, and fatigue. Children are especially susceptible to asthma. This is particularly true for those living within one mile of a CAFO.

Since closely confined animals can breed disease, hogs are routinely fed antibiotics, which have also been found to promote growth. In fact, over 70% of all the antibiotics used in the US are fed to livestock.¹ The American Medical Association², the Centers for Disease Control and Prevention³, and the World Health Organization⁴, among others, have warned that the rampant use of antibiotics in factory farms is contributing to the evolution of antibiotic-resistant bacteria, which they consider a serious impending health crisis.

Several recent studies have linked the development and transmission of the potentially fatal antibiotic resistant bacteria MRSA (Methicillin-resistant *Staphylococcus aureus*) to living near factory farms⁵ or fields⁶ where manure is applied.

For more information on how CAFOs affect health, read “Putting CAFOs in Perspective” by Dr. Kendall Thu in JFAN’s Winter 2007 newsletter at:

www.jfaniowa.org/JFAN-newsletter-Winter-07.pdf

Quality of Life: Many neighbors of CAFOs report that they become prisoners in their homes, routinely unable to breathe fresh air through open windows or enjoy their yards, gardens, and outdoor activities because of the gagging, nauseating odors emanating from the facilities. For many, what was once a haven becomes a living hell. Ask residents in any county heavily populated with CAFOs. You’ll get an earful.

You can read more about these studies in a pamphlet published by the University of Iowa and the Institute for Agriculture and Trade Policy found at:

http://www.iatp.org/files/Concentrated_Animal_Feeding_Operations_Public_.pdf

Environment: Animal feeding operations in the United States produce approximately 20 times or more manure than the amount of human

sewage processed in municipal sewage plants.⁷ In communities with CAFOs, water quality often deteriorates as streams, creeks, and ponds can become contaminated with increased levels of nitrates, phosphorus, microbes, ammonia, and antibiotics from the liquid manure.



An aerial view of hog manure running off an agricultural field into a stream and wooded area

Photo: K. Hudson, Factoryfarm.org

Leaks from confinements and agricultural runoff from spreading manure can pollute local waterways and wells of nearby residences. All too common manure spills can dump a high volume of toxins into waterways causing serious water pollution and fish kills, making streams, ponds, and lakes unsuitable for recreational use. With 751 polluted waterways as of 2014⁸ and 758 documented manure spills since 1996⁹, Iowa has some of the worst water quality in the nation.

Local Economy: Property owners see the value of their homes and property decrease as much as 30-40% when CAFOs move into an area.¹⁰ In addition, every factory farm that opens forces an average of 10 traditional family farms out of business.¹¹ County economies can weaken as people move away, local businesses lose vitality, and sales and property taxes plummet.

The physical infrastructure of communities often declines as hog-laden tractor-trailers drive over roads not built to accommodate their heavy weight and frequent trips. One fully loaded tractor-trailer has the same impact as 9600 cars traveling on an interstate highway¹², and most county roads are gravel. Repairs, which come out of county funds, put an increased burden on local taxpayers, driving up taxes and reducing local services as communities struggle to pay for the extra maintenance.

These are serious reasons to be concerned about a CAFO in your community or neighborhood.

References:

(1) "Hogging It! Estimates of Antimicrobial Abuse in Livestock." Union of Concerned Scientists.
<http://bit.ly/1LYJIXd>

(2) *Putting Meat on the Table: Industrial Farm Animal Production in America*. National Commission on Industrial Farm Animal Production. Pew Charitable Trusts.
www.ncifap.org/_images/PCIFAPFin.pdf

(3) *Antibiotic Resistance Threats in the United States, 2013*. Centers for Disease Control and Prevention.

<http://1.usa.gov/1myFLGv>

(4) *Antibiotic Resistance: Global Report on Surveillance*. World Health Organization.

<http://bit.ly/1nWmF96>

(5) "Residential Proximity to Large Number of Swine in Feeding Operations Is Associated with Increased Risk of Methicillin-Resistant *Staphylococcus aureus* Colonization at Time of Hospital Admission in Rural Iowa Veterans." *Infection Control and Hospital Epidemiology*.

<http://bit.ly/1Cb2iTp>

(6) "National Burden of Invasive Methicillin-Resistant *Staphylococcus aureus* Infections, United States. 2011." *JAMA Internal Medicine*.

<http://bit.ly/1HvPreA>

(7) *Understanding Concentrated Animal Feeding Operations and Their Impacts on Communities*. National Association of Local Boards of Health.

<http://1.usa.gov/1lgWUDy>

(8) Draft 2014 Section 303(d) list of impaired waters (Category 5). Iowa Department of Natural Resources.

<http://bit.ly/1fkn7S2>

(9) "Iowa's Polluted Waters List Jumps to 725 in 2014. "Iowa Citizens for Community Improvement Press Release.

<http://bit.ly/1T7jHAH>

(10) *The CAFO: Implications for Rural Economies in the US*. Dr. William J. Weida. The Global Resource Action Center for the Environment. (February 24, 2004). Department of Agricultural and Resource Economics, Colorado State University, Ft. Collins, CO.

(11) *Fact Sheet: Farming and Trade Policy – What is the Impact on Family Farms*. Grassroots International.

<http://bit.ly/1RSG0rk>

(12) *Excessive Truck Weight: An Expensive Burden We Can No Longer Afford*. U.S. Government Accountability Office study.

<http://archive.gao.gov/f0302/109884.pdf>

If you would like to read additional articles and reports on health, environmental, and economic impact studies, the following websites are good places to start:

www.jfaniowa.org

www.sraproject.org

Part Two: What You Can Do to Fend Off CAFOs Before Pursuing Legal Action

There are many steps you can take to deter a proposed CAFO, or even discourage one from entering your community, before heading toward costly litigation. We recommend you fully explore these options as your first line of defense.

How Do I Keep CAFOs Out of My Community?

1. Get Informed

First, learn as much as you can about factory farms. Start by visiting several websites, such as:

Jefferson County Farmers & Neighbors (JFAN): www.jfaniowa.org
Socially Responsible Agricultural Project: www.sraproject.org
Iowa Citizens for Community Improvement: www.iowacci.org
Iowa Dept. of Natural Resources: www.iowadnr.com/air/afo/afo.html
Sustainable Table: www.sustainabletable.org/issues/factoryfarming
The Humane Farming Association: hfa.org
Food and Water Watch: www.foodandwaterwatch.org/food/factoryfarms/
Humane Society of the United States: hsus.org
Iowa Alliance for Responsible Agriculture (IARA):
www.iowaresponsibleagriculture.org

You can also stay up-to-date on the factory farm issue by subscribing to several newsletters and electronic news digests offered by many of these and other organizations.

Many informative reports have been written about CAFOs. You'll find some on the JFAN website, [**www.jfaniowa.org**](http://www.jfaniowa.org), as well as on the Socially Responsible Agricultural Project website, [**www.sraproject.org**](http://www.sraproject.org), among others. Several excellent books on factory farming also can be found on the JFAN and IARA websites.

2. Stay Alert

Many CAFOs are required to file Manure Management Plans and Construction Permits before they can be built. Plans are submitted and signed off at the County Auditor's Office before they are sub-



Keep an eye out for suspicious buildings going up in your area.

Photo: Ron Nichols, USDA Photography Center

mitted to the Iowa Department of Natural Resources (DNR). Check weekly with the Auditor's Office and with your local DNR field office to see if anyone has filed a new application. During the spring construction season, check twice a week with your Auditor's Office.

Check with your County Recorder's Office periodically for surveys of smaller land parcels, up to 5 acres. These sometimes indicate a coming CAFO, and you can quietly investigate before any forms are filed. Check with your County Auditor's Office for any suspicious land sales as well.

Smaller factory farms with fewer than 500 animal units (<1250 hogs), sometimes called SAFOs (small animal feeding operations), do not have to file permits. Keep an eye out for any suspicious activity in your county, which includes any new buildings that look like confinement operations. Also check the DNR's storm water database periodically for permit applications at <http://bit.ly/1MMEyWi>. Any building construction disturbing more than an acre of land must submit a storm water permit, including SAFOs, and sometimes smaller confinements are found this way.

CAFOs between 500 and 1000 animal units (1250 – 2599 hogs) are only required to file a Manure Management Plan and a Construction Design Statement. A CAFO this size does not go through a permitting process, and construction can start in as little as a month following submittal to the DNR.

CAFOs over 1000 animal units (2500+ hogs) are required to file a Manure Management Plan, Construction Design Statement, a Construction Permit, and a Master Matrix in counties that adopt the Master Matrix. The DNR has up to two months to approve CAFOs of this size.

If you see a suspicious building going up, immediately alert all your neighbors. Hold meetings to discuss the situation, and determine a course of action. If a CAFO is proposed, see page 11 for steps you can take.

3. Be Prepared: Organize Your Community

Communities that are well organized and active are the most successful in keeping out CAFOs. For example, JFAN's activities in Jefferson County have prevented several confinements because operators felt it "wasn't worth the hassle" of dealing with disgruntled neighbors.

Join an existing grassroots organization that would be willing to take up the CAFO cause. Or form your own. JFAN developed a training program that can teach you how to develop and run an organization modeled on JFAN's approach. (See page 16.)

Make sure your organization stays in touch with other local groups, and create working alliances whenever possible. Large numbers and a unified front are important when dealing with CAFOs. The Iowa Alliance

for Responsible Agriculture is a new coalition of local, state, and national organizations fighting CAFOs in Iowa. Their website, www.iowaresponsibleagriculture.org is an excellent source of resources and support.

Hold community-wide informational meetings to educate and alert residents about the factory farm issue. Follow up with organizational meetings to develop ongoing strategies for preventing CAFOs. Ask people who have been affected by CAFOs in their neighborhood to speak. They generally make moving presentations that make the issue real to listeners.



Informational meetings are an excellent way to educate your community and generate support for your efforts.

Stay visible in the public eye with public events, letters to the editor, publications, and emails. Counties and communities that have successfully fought off CAFOs have been vocal and persistent.

A CAFO Is Coming to My Neighborhood. What Should I Do?

Learn as much as you can about the new facility from other neighbors, the DNR, and your own observations. Get copies of all forms submitted to the Auditor's Office and DNR. The DNR can also give you information on the owner's name, the location and size of the facility, and whether they have filed a Manure Management Plan. For more information on researching the facility, see "Step Three: Gather the Facts" on page 22.

Alert all neighbors in a two-mile radius. Your county plat book is a good place to start to create a list of residents, but keep in mind that even the recent books can sometimes be one or two years out of date. Keep track of neighbors' concerns and where they stand on the CAFO – for, against, or indifferent.

Organize a community meeting with neighbors to share information and discuss initial concerns and possible strategies.

Start a petition, capturing the email and phone number of neighbors. This will be useful for demonstrating neighborhood opposition as well as developing a contact list. The JFAN website has a petition that you can download and modify.

Once the owner is identified, open communication is generally the best initial approach. Arrange for a friendly, respectful, and private meeting between the potential CAFO operator and your group of neighbors to discuss your concerns.

Prepare your points and strategy ahead of time to maximize your effectiveness. A well thought-out presentation may discourage a potential CAFO owner if he thinks he will run into a lot of opposition from the community. Show your signed petition to the CAFO owner, but do not give away a copy of the petition in order to protect your signatories. Let the owner know in a firm but friendly way if you are considering legal action.

The *JFAN Good Neighbor Guidelines* on page 28 were created to help farmers and neighbors come up with appropriate sites for livestock confinements. They include the Iowa Pork Association's Best Management Practices. Use them as a basis for discussion.

When a mutually respectful dialog is established, harmony between neighbors can be maintained. Sometimes a potential CAFO owner will even reconsider his or her plans.

If a CAFO Operator Persists in Moving a Confinement Forward....

Hold regular public meetings informing the community of the problem, and gather the support of other concerned citizens.

With your organization, develop a comprehensive and persistent strategy to oppose the CAFO. Network with other local opposition groups, and devise an overall approach that unites all organizations opposed to the CAFO.

Contact business owners and owners of local tourism attractions who will be affected, and invite them to join your opposition group. They could have a lot to lose if an unwanted CAFO encroaches.

Review the CAFO's Manure Management Plan, and make sure it is sufficient. A number of plans do not provide complete or accurate information. Some plans don't even adequately meet the needs of the land. Because the DNR doesn't track Manure Management Plans on a database, some CAFOs wind up applying manure to fields already receiving manure from other confinements (double dipping).

Get copies of Manure Management Plans of nearby CAFOs, and compare the lists of fields to identify double dipping. Check to make sure the Manure Management Plan is calculated correctly as the DNR does not have the staffing to review each Manure Management Plan in detail.

Notify the DNR about any inconsistent findings. JFAN has a periodic training program that can help teach you how to read Manure Management Plans. (See page 16.)

Evaluate how the CAFO may affect the waterways in the area. Find out if there are any threatened or impaired watersheds in the vicinity of the CAFO. New or expanding CAFOs are prohibited in the drainage areas of impaired waterways unless strict standards are met. Research if the CAFO is proposed on highly erodible land, karst, or alluvial soils. Assess and discuss the situation with your local DNR.

You can view the list of all Iowa's impaired waterways at
<http://bit.ly/1fkn7S2>

Generate responsible publicity about your concerns with the CAFO. Engage in a community-wide letter writing campaign. Take out ads, generate posters, and put up yard signs expressing your legitimate concerns. Some CAFO owners may reconsider siting options or will back down with public scrutiny.

Share all concerns you have about the CAFO with your county supervisors, and encourage community members to contact them to express their concerns.

An important rule of thumb: In all communications, group meetings, and in-person meetings with the CAFO owners and their representatives, state only accurate facts and concerns, avoid saying anything that could be considered libelous or threatening, and at all times conduct yourself in a respectful and law abiding manner

If your county has adopted the Master Matrix, obtain a copy of the CAFO operator's Master Matrix scoring sheet from your County Auditor. The Master Matrix is a 44-question scoring system that requires CAFO operators to meet somewhat stronger air, water, and community impact standards. Review the Master Matrix carefully to see if the applicant has filled it out accurately and if the applicant is deserving of the points taken.

The Master Matrix requires 440 out of 880 points to pass, resulting in automatic approval by county supervisors regardless of their concerns. Frequently applicants claim just enough points to pass the Matrix. If the applicant has claimed points on some questions for which he is not truly entitled, he may lose enough points to fail the application. The DNR can still approve the proposed construction, but failing the Master Matrix requires the DNR to review the Matrix, which they otherwise don't do. If the DNR deems the Master Matrix insufficient, the agency can fail the application.

Attend the Master Matrix scoring session, generally conducted by your county supervisors, zoning manager or a representative of the county public health department. Present any issues you see with points taken, and make a case for them to be removed. Encourage the supervisors to deny points if they are not sure about an answer, and remind them the DNR will then do their own review. If you determine the Master Matrix doesn't have enough points to pass, urge your supervisors to fail the Matrix and recommend the DNR fail the application.

Tell your supervisors you want a public hearing to discuss concerns with the CAFO that includes a public comment period.

Submit written comments to the DNR field office about any concerns or problems you see with the CAFO application. Verbal comments made at a public hearing are not always passed on to the DNR. Although it doesn't happen too often, if there are valid concerns about the CAFO apart from the Master Matrix, the DNR can fail the application even though the supervisors have passed the Matrix.

A longer-term strategy involves evaluating other operating CAFOs to see if they are following through with all the promises made on their Master Matrix scoring sheet. If it's found that they have not met all their requirements or claims, file a complaint with your local DNR field office so the operator is required to live up to his/her promises. Word gets around about community involvement and ongoing vigilance.



Activities that result in publicity can help increase awareness about the factory farm problem in your area.

Photo: Diane Halvorsen

Talk to local farmers who are trucking or spreading CAFO manure, and objectively give them a copy of JFAN's booklet, *Secondary Liability: Could You Be Implicated in a CAFO Lawsuit*, that explains their risks. The booklet is found online at www.jfaniowa.org. Print copies can be requested from JFAN.

Get press coverage from your local newspapers and radio stations. Develop a local and regional media list, and send out press releases reporting how the CAFO will harm your community and what your organization is doing to stop it.

Make your campaign as visible as possible with posters, T-shirts, bumper stickers, signs, fliers, and tables of information set up at community events.

It's crucial to raise funds to support your campaign strategy or potential litigation. Fundraising efforts will also create more publicity for your cause.

Ask for help. There are many more approaches you can weave into your strategy than we can cover here. It's challenging to fight off an infringing factory farm, and Iowa has several organizations that can help you with that process. The Socially Responsible Agricultural Project, a national organization, has an 18-member staff, including three in Iowa, who are poised and ready to help communities threatened by factory farms. Iowa Citizens for Community Improvement, a statewide organization, also has several experienced organizers to help communities fight off CAFOs. JFAN offers a comprehensive training program and a comprehensive manual to teach community groups how to protect their neighborhoods. See page 16 for contact information on all these groups.

One Important Point: Document all your activities, and save all your correspondence. If you need to pursue legal action, all your efforts will help during the litigation process. Stick with the facts and avoid libelous comments, even in your notes.

The Bigger Picture: Making Changes Through the State Legislature

Iowa's state laws concerning CAFOs favor corporate farms over the vast majority of innocent citizens and family farmers who struggle for existence. A 1946 law prohibits counties from zoning land or buildings used for agriculture. In a long succession of cases interpreting this law, the courts have said that counties can't zone hog confinements regardless of their size and nature.

Public opinion is changing about the hog industry. The recent Iowa State University Annual Animal Industry Report for 2006 states:

"Pigs once viewed positively across Iowa may now be viewed negatively. Pigs in rural Iowa were once called 'mortgage lifters,' and pig manure odor was the 'smell of money.' But in 2004, the ISU Rural Life Poll found that when rural Iowa residents were asked their preferences about rural development activity, hog confinements ranked below prisons, solid waste landfills, slaughter plants, and sewage treatment plants as desirable rural development."

Mark Honeyman, Professor of Animal Science and
Mike Duffy, Professor of Economics, Iowa State University

You can read more in "Iowa's Changing Swine Industry," AS Leaflet R2158, found at: www.ans.iastate.edu/report/air/2006pdf/R2158.pdf

A law passed during the 1998 Iowa legislative session went further, taking away counties' rights to make local decisions on agricultural

matters. Clearly, in JFAN's opinion, something has to change at the state level to give local neighborhoods, communities, and counties the right to have a say in what is built around them.

As a constituent, make your voice and your voting power known to your state representatives. Demand a return to local control in conjunction with stronger factory farm regulations. Tell them you want greater funding for the DNR, whose job it is to ensure CAFO regulatory compliance. Keep in mind that strong legislation developed on a statewide level could eliminate the need for costly local control battles every few years.

Write, call, and meet with your state legislators to present your concerns and demands. Talk with your county supervisors, and tell them you want them to lobby for tighter regulations and local control.

Join some of Iowa's activist organizations that lobby the legislature, and forge statewide campaigns. The larger these organizations become, the more they can challenge the agribusiness' stranglehold on the state legislature. A list of such organizations can be found at the JFAN website at www.jfaniowa.org/other_organizations_fighting_cafos.aspx. From letter writing to lobbying to organizing rallies, get involved, and encourage others to do so as well. When legislators hear from enough people, their attention turns to their demands. With sustained efforts, you can help make changes through the state legislature.

Organizations that Can Help You Fight CAFOs

Socially Responsible Agricultural Project (SRAP)

SRAP works throughout the U.S. helping communities protect themselves from the negative impacts of factory farms. Its 18-member staff includes engineers, lawyers, media consultants and community organizers who are poised and ready to help any community anywhere that is threatened by a factory farm.

Contact: (503) 362-8303 (SRAP Hotline)
info@sraproject.org
www.sraproject.org

Iowa Citizens for Community Improvement (Iowa CCI)

Iowa CCI is a statewide organization comprised of "everyday people who talk, act, and get things done on issues that impact us the most." One of Iowa CCI's main focus areas is factory farms, and their community organizers help communities mount an opposition to new or expanding confinements.

Contact: 515-282-0484
iowacci@iowacci.org
www.iowacci.org

Jefferson County Farmers & Neighbors, Inc. (JFAN)

JFAN is a local educational foundation based in Jefferson County, Iowa that offers a comprehensive training program and accompanying manual – including an independent Manure Management Plan training segment – to teach communities how to protect their neighborhoods. We also provide initial telephone support and will help connect you with organizations that can help you in your fight. At your request, we will travel to your community to train your group.

Contact: 641-209-6600

jfan@lisco.com

www.jfaniowa.org

Part Three: When All Else Fails... Consider Legal Action

Sometimes no matter what you do, a CAFO gets built. In JFAN's opinion, Iowa laws and regulations favor industrial agriculture over individuals, communities, and the environment. This can be a very frustrating and disheartening experience. But this is not the end of the road.

Don't get Discouraged. Get Legal.

Once a CAFO is operating, there are laws in place to protect you and your family from any infringements the confinement may have on your rights as a citizen. Nuisance and Trespass are two legal theories that can provide your family and home with possible protection from nearby CAFOs.

Finding an Attorney

Find an attorney who is experienced in environmental law and who has experience opposing CAFOs. If the lawyer is part of a practice, try to get a sense if the attorney's partners and fellow attorneys are representing corporate agricultural clients and if you feel there may be a conflict of interest.

Lawsuits can be very costly, so try to work with a lawyer who will consider work on a contingency or partial contingency fee basis or who will provide you with "pro bono" work (free of charge) otherwise your case may be very expensive. There are some Iowa lawyers currently working in this capacity.

Filing a lawsuit lets everyone – CAFO owner, corporate supplier (also called the "integrator"), agencies, politicians, and corporate ag organizations – know that you mean to protect your rights as a homeowner and your community of homeowners.

Step One: Know Your Legal Rights

Iowa Statutes

Note: Laws can change over time so it is always best to consult an attorney on these matters whenever possible. The following is offered as general information and not intended in any material way to be a legal opinion.

Although the Iowa legislature has long favored agribusiness interests, it has been forced to pass some protection against facilities that are likely to cause environmental harm or nuisance to their neighbors. Iowa law requires facilities of a certain size to obtain a Construction Permit. Once built, the facility must operate within certain minimal standards.

For CAFOs with 1250 or more hogs, specific separation distances are required from several protected areas. Generally, liquid manure, including that which originates from a CAFO, may not be applied to farmland within 750 feet of a business, church, school, or residence ("protected proximity") not owned by the farmer. However, farmers may apply manure to land within this protected proximity if the manure is injected directly into the ground or incorporated into the soil within 24 hours.



Applying manure to cropland.

Manure application to land within 200 feet of a body of water, and 800' in the case of a high quality water resource, is prohibited unless the manure is injected directly into the soil and adequate erosion control measures are in place. Farmers also may not apply CAFO manure within 250 feet of a protected proximity, 100' of a property boundary line, and 800' of a high quality water resource when using low-pressure spray irrigation that meets certain requirements.

Manure may only be applied to frozen or snow-covered cropland if the P index is less than 2 and if land slopes are either less than 4 percent or where control practices are sufficient to prevent runoff from reaching surface water during winter. Down gradient tile intakes must be blocked. A 2009 law prohibits manure from being spread on any frozen or snow-covered ground for part of the year except when there is an emergency. Spreading manure on snow-covered ground is banned from December 21 to April 1; manure spread on frozen ground is banned from February 1 to April 1. SAFOs are exempt from this law. In general, DNR holds that

frozen and snow-covered ground manure application should be avoided where possible.

Violations of any of these statutes can be the basis of legal action. Keep in mind that these statutes do not apply to all facilities. However, there are legal remedies that do, and they are the most effective in protecting your property from harm from a confined animal feeding operation.

Iowa Common Law: Nuisance

There are two legal theories that provide additional legal protections to neighbors, and both have always been part of the common law of Iowa. They are the laws of nuisance and trespass. Nuisance is an activity that someone is doing on their property that is injurious to health, indecent, unreasonably offensive to the senses, or interferes with your comfortable enjoyment of life or property.

While not wholly settled, there is a doctrine in nuisance law called the “coming to the nuisance” doctrine, which may bar claims against operations that existed before you moved to your property. In other words, the nuisance must come to you. If you moved to the nuisance, you may then be barred from complaining about it.

Dating back to the early 1900’s, the Iowa Supreme Court has generally held that the unsanitary conditions and stench related to the presence of manure may so interfere with a neighbor’s right to the quiet enjoyment of one’s life and property that it could constitute a nuisance.

In 1987, Iowa courts first addressed the land application of manure typically used by modern farmers, holding that spreading manure within several hundred feet of a neighbor’s home is unreasonable and constitutes nuisance, and that a neighboring land owner harmed in such a manner will be entitled to a court injunction prohibiting this type of manure use. See *Valasek v. Baer*, 401 N.W.2d 33 (Iowa 1987). Remember, if nuisance is the basis of your claim, it may be important to establish that you were there before the facility was built.

In addition to damage caused by manure spills and runoff, neighbors of farmers who use liquid manure fertilizer may also hold a farmer liable for damage that results from manure transportation. In 1990, a farmer was held liable when an accidental manure spill ruined a neighbor’s crop of sweet corn. See *Weber v. IMT Insurance Company*, 462 N.W.2d 283 (Iowa 1990).

JFAN’s booklet, *Secondary Liability: Could You Be Implicated in a CAFO Lawsuit*, specifically covers liability issues related to manure application.

Iowa Common Law: Trespass

The other legal basis for protecting your property is the law of trespass. Trespass is defined as an unlawful interference with the right to exclusive possession or physical invasion of the property of another. Under Iowa common law, a person may not encroach upon your land. Activities like walking on another person's land, driving over it, building on it, or dumping waste on it would be examples of common law trespass.

It should be noted that the invasion of a person's land by odors is not a trespass, but is covered by nuisance law, while actual physical invasion by manure, flies, or traffic could constitute a trespass.

Environmental Legislation

Both federal and state governments have passed legislation touted as protecting the environment. Some of these laws are well known, such as the "Clean Air Act," the "Clean Water Act," etc.

Unfortunately, it is difficult to sue under the provisions of these acts, and enforcement of the provisions that apply to agricultural activities is generally non-existent.

The most successful challenges of large confinement facilities in Iowa have been based on nuisance and quality of life concerns. Such cases can often be tried in state courts, typically in the county where the CAFO and neighbors reside. There is ample current case law that supports your right to bring a nuisance action.

What is important to remember about both nuisance and trespass laws is that both apply to all facilities, regardless of size. If the facility is determined to be a nuisance or responsible for a trespass, you are entitled to recover the damages you have suffered.

Right to Farm Act

In response to successful nuisance actions, the Iowa legislature, along with almost every other state in the country, passed a series of statutes commonly referred to collectively as the Right to Farm Acts. The Iowa Right to Farm Act provides immunity from liability for nuisance if the nuisance is not the result of negligence by the CAFO operator.

There have been three such statutes passed in Iowa, Iowa Code § 352.11 which was declared unconstitutional in 1998; Iowa Code § 657.11, which was declared unconstitutional as applied in 2004, and Iowa Code § 172D, which only applies to feedlots and has not been challenged as unconstitutional. Either § 657.11 or § 172D could potentially be relied on as a basis for barring a nuisance action, under the proper circumstances.

Remedies for Various Stages of CAFO Development

When you are confronted with the need to legally defend yourself and your family from the damages caused by a hog confinement facility, it will arise in one of the following three ways:

1. An existing facility is the source of the problem.
2. An existing facility is expanding, and the expansion is the problem.
3. A proposed facility is going to be built.

Under 1 and 2 above, the facility is already in existence, so your remedy may be limited to monetary damages. However remedial issues to improve the offensive nature of the CAFO may also be a justified claim.

In the case of number 3 above, if the facility has not yet been built, your remedy would theoretically be an injunction prohibiting the operators from going forward with the



A CAFO can house up to thousands of animals living in very close quarters.

Photo: Farm Sanctuary

construction of the confinement. You may not be entitled to damages because, until the facility is operating, there would be no damages. These cases are often not filed because of the difficulty in proving the likelihood of damages that have not yet occurred and the potential overall cost.

Practically speaking in Iowa, very few, if any, courts have granted injunctions for an anticipatory nuisance. It is not a recommended legal strategy at this time for these reasons. In the unlikely event a court granted such an anticipatory injunction and you ultimately failed to prove it was a nuisance, you may be liable for any income the defendants lost in the interim.

Regardless of what stage the facility is in, if your action is based on nuisance, Iowa law requires that you first file for mediation with the offending parties. Unfortunately, many times the owner of the facility has no interest in accommodating neighbors, and the mediation turns out to be unproductive. In situations where the CAFO owner is uninterested in mediation, they may agree to waive this requirement, but more likely they will force you to pursue this mandatory mediation process before you are allowed to sue them in a court of law.

Step Two: Determine Who Is Responsible

When you are harmed by the construction and/or operation of a factory hog facility, there is usually more than one responsible party. The owner and the operator of the facility are liable for any damages caused by the wrongful operation of the facility. If the facility is sited on leased land, or if the land on which the manure application takes place is leased, both the operator and the landowner may be held responsible. Often the hogs themselves are owned by a larger corporate entity, typically referred to as the “integrator.” The integrator may also be liable for causing a nuisance if they exercise enough control over the way in which the hogs are kept and raised at the facility.

Recently, the Iowa Supreme Court ruled that an aggrieved property owner who is harmed by manure-related damage or nuisance may recover not only against a farmer, but also against the farmer’s landlord. See *Tetzlaff v. Camp*, 715 N.W.2d 256 (Iowa 2006). To be liable, the landlord must know that the manure usage will take place and that the use will likely constitute a nuisance to neighbors.

In addition, any person who transports the manure could also be liable for any spills. If the facility is under contract with any other entities, those entities could also be liable, depending on the amount of control they exercise over the facility operation. (See JFAN’s booklet, *Secondary Liability: Could You Be Implicated in a CAFO Lawsuit?*)

To summarize, depending on the facts of your case, the property owner, the facility operator, the manure transporter, the corporate supplier/integrator, and the owner of the farmland where the manure is applied may be liable for the harm caused to you and the nearby home or landowner. Even the contract purchaser of the hogs may be liable if it exercises sufficient control over the operation.

These are all complex issues and are mentioned here only for your general understanding. In a practical sense, pursuit of any of these types of claims should only be considered upon the advice of competent legal counsel familiar with these types of situations.

Step Three: Gather the Facts

As soon as you identify a current or potential problem, gather together all available information on the facility. You need to know the size of the facility, the property owner, the facility operator, whose land is being or going to be used for manure disposal, and how the manure is being or is going to be applied.

Lets start with the easy question first. Who owns the property? If you don’t know, contact the County Assessor’s Office and ask them to assist

you in identifying the property owner. If you can furnish them with the location of the property, they will be able to identify the owner. A list of all county officials can be found on the website of the Iowa State Association of Counties at **www.iowacounties.org**. This site is useful because it will also give you the phone numbers for the County Board of Supervisors, the County Recorder, and the County Auditor.

Once you obtain the name of the property owner, you need to determine the capacity of the proposed confinement facility. If the CAFO is large enough – 1250 hogs (500+ animal units) or more – the owner will need to submit a Manure Management Plan and Construction Design Statement to the County Auditor and to the local DNR field office. If it's over



Gather information on the CAFO from several sources. You may even need to speak with the CAFO owner to get some hard-to-locate information.

Photo: Iakov Filimonov / Shutterstock.com

2500 hogs (1000+ animal units), a Construction Permit also must be submitted as well as a Master Matrix in counties that adopt this additional requirement. Get a complete copy of all forms. You can get much of the information you need from them.

With smaller CAFOs (under 1250 hogs) that don't have to file Manure Management Plans or Construction Design Statements, you can speak directly with the CAFO owner to obtain details regarding construction

and operation of the facility. If the CAFO owner is not forthcoming, you may need to talk to neighbors or other community members to search out the information.

You will also want to identify the corporate supplier/integrator. Again, speaking directly with the CAFO owner may be your best bet as the integrator does not have to be listed on any DNR forms. If the CAFO owner will not share this information, ask other community members who may have spoken with the owner.

The DNR has summarized regulations according to the size of a CAFO as follows:

“Types of confinement feeding operations: Based on size and storage type, there are three basic categories of confinement feeding operations:

“Permitted - A Construction Permit is required prior to building, modifying or expanding all sizes of operations that use unformed

storage. A Construction Permit is also required prior to building, modifying, or expanding an operation that uses formed storage if the final animal unit capacity will be 1,000 animal units or more [2500 or more hogs]. See pre-construction requirements and design standards.

“Non-permitted - Formed Manure Storage - A Construction Permit is not required for building, modifying or expanding a confinement feeding operation with a proposed animal unit capacity from 500 to 999 animal units [1250-2499 hogs] that uses formed storage. However, pre-construction requirements and design standards must be met before construction begins. See pre-construction requirements.

“Small - Formed Manure Storage - Neither a Construction Permit nor a Manure Management Plan is required for small operations, 499 or less animal units [<1250 hogs], that use formed manure storage, but some pre-construction requirements apply. See requirements.”¹³

Check out all of the information contained in the documents submitted by the facility operator to the DNR to verify accuracy. For example, make certain that farmland identified for manure disposal has not already been identified in a previous application. You can find the current requirements for confinement feeding operations as well as open feedlots on the DNR website at:

www.iowadnr.gov/Environment/LandStewardship/AnimalFeedingOperations.aspx

Although SAFOs do not have to file a Manure Management Plan, they must observe land application separation distances, correctly dispose of dead animals, retain all manure on site between periods of land application, and report any manure releases. They also must maintain specific separation distances from waterways and wells in siting the building. See [fs_distreq_constrctn-5.pdf](#) for all separation distances.

Operations that plan to build or expand an existing site may be required to comply with the construction requirements, and operations sited within counties under the Master Matrix have additional responsibilities. Regardless of size, no operation can create a nuisance or a trespass against the property of another.

If you are in a situation where a nuisance or trespass is already occurring, it is helpful to begin documenting the nuisance or trespass. This means consistently recording when you observe CAFO manure being spread, spills, excessive odors or truck traffic or any other acts by the operator that may be contributing to the interference with your right to use and enjoy your property. Keep a calendar or journal noting when your life is interrupted or interfered with by the CAFO as all this information will be invaluable in litigation.

(13) www.iowadnr.gov

Step Four: Contact a Lawyer

A property owner who believes that a neighboring farmer may be using CAFO manure in an unlawful manner – or any manner that results in a nuisance or property damage – should not attempt to personally resolve the matter.



A lawyer can help protect your rights should all preliminary efforts to resolve a CAFO fail.

Because the circumstances surrounding every case are unique, an attorney should be contacted for advice before any action is taken. Using the cases and other material referenced in this booklet as a starting point, an attorney may be able to help you enforce your rights and seek recovery for damages.

The legal action necessary to stop the harm and obtain compensation for whatever damages have been suffered is generally not complex, however depending on the circumstances of your case and the parties involved, it can quickly become more involved. Many Iowa trial lawyers are familiar with nuisance and trespass claims. Claims based on violations of statute are discernable by them.

Remember, no one should be able to operate a facility on his or her property if that facility unreasonably prevents you from the use of your property. Knowing this in general is one thing; however, enforcing your rights, the use of an attorney and the potential costs involved can only be discerned by a careful review on a case-by-case basis.

Disclaimer:

This information is intended to provide helpful information about the law. However, this information is general, and is not intended to be a substitute for the advice of a lawyer. Small differences in individual circumstances can be very important in resolving legal problems, and the general guidance provided by this feature cannot take such differences into account. Please also realize that the law changes quickly, and the timeliness and accuracy of the information contained in this article cannot be guaranteed. If you have a legal problem, do not attempt to solve it based on the information contained in this article—seek the advice of a qualified attorney.

CAFO Action Checklist

AVOID CAFOS

Get Informed:

- ___ Read websites
- ___ Subscribe to newsletters
- ___ Read reports on CAFOs
- ___ Read books on CAFOs

Stay Alert:

- ___ Check 1-2 times / week with the County Auditor for new CAFO applications
- ___ Check weekly with the DNR field office for new CAFO applications
- ___ Check periodically with the County Recorder's Office for suspicious surveys or County Auditor's Office for suspicious land sales
- ___ Watch for suspicious building activity in your county
- ___ Alert neighbors and hold meetings when necessary

Organize:

- ___ Create a grassroots group
- ___ Hold informational meetings
- ___ Hold organizational meetings
- ___ Network with other community organizations
- ___ Always conduct yourselves in a responsible, legally appropriate and civil manner including respecting the rights of all parties involved

FEND OFF NEW CAFOS

- ___ Send out a letter informing residents within a 2-mile radius of a new or expanding CAFO
- ___ Learn about the facility
- ___ Identify the owner
- ___ Review JFAN's Good Neighbor Guidelines
- ___ Meet with the owner
- ___ Hold respectful and law abiding public meetings to help educate the community
- ___ Develop a comprehensive strategy
- ___ Reach out to other organizations for help
- ___ Review CAFO's Manure Management Plan, Construction Design Statement, and Construction Permit

- ___ Review Manure Management Plans of neighboring CAFOs for double dipping
- ___ Evaluate effect on waterways
- ___ Conduct thorough review of Master Matrix (if applicable) and share findings with county supervisors
- ___ Demand county supervisors hold a public meeting with a comment period
- ___ Organize a letter writing campaign to local newspapers
- ___ Employ other publicity outreach efforts
- ___ Petition farmers to not take free manure from any CAFOs
- ___ Generate press coverage
- ___ Stay visible with supporting materials
- ___ Raise funds
- ___ Document all activities
- ___ Whenever possible obtain the services of an informed attorney to help guide the actions of your group

INFLUENCE LOCAL AND STATE LEGISLATION

- ___ Write to and meet with state representatives
- ___ Support legislation that strengthens CAFO regulations
- ___ Join Iowa environmental organizations seeking to legally protect individuals and the environment

PURSUE LEGAL ACTION

- ___ Review your legal rights
- ___ Determine who is responsible
- ___ Gather all available information on the facility
 - ___ CAFO owner
 - ___ Landowner
 - ___ Corporate supplier (integrator)
- ___ Contact a lawyer

Jefferson County Farmers and Neighbors

Good Neighbor Guidelines

Introduction

Iowa has a long and strong agricultural tradition, with crop and livestock farming representing an important and integral part of the Iowa economy and its way of life. Unfortunately, the growth of modern, industrialized agriculture can carry with it undesirable side effects that impinge on the quality of life of Iowa residents.

Jefferson County Farmers & Neighbors (JFAN), a community coalition of rural and town residents and traditional family farmers, is continuing to work together with all segments of the County to protect our quality of life. JFAN promotes sound livestock practices that ensure a clean environment, good health, and the preservation of local property values.

Originally requested by local livestock farmers, JFAN created the “Good Neighbor Guidelines” for building acceptable livestock confinements within the County. Although JFAN is a strong supporter of sustainable farming methods and encourages all future operations to embrace these methods, the guidelines were developed to practically address these requests.

The guidelines have already been used to the satisfaction of both farmers and neighbors. It is JFAN’s desire that they continue to be adopted by anyone intending to build new confined livestock operations within the County, whether they be SAFOs (small animal feeding operations – less than 500 animal units, i.e., 1250 hogs) or CAFOs (confined animal feeding operations).

These guidelines do not override, but are meant to augment, all Iowa Department of Natural Resources (DNR) rules and regulations. While we believe the Master Matrix that has been adopted by the County falls short of appropriate guidelines, particularly in the way it is scored, we do support the spirit of the Master Matrix and believe its guidelines should apply to all confinement operations, regardless of size.

Finally, the Iowa Pork Producers Association has developed its own “Best Management Practices,” which we also strongly support and include, verbatim, in the best management practices section of these guidelines.

JFAN is not a regulatory body and cannot commit for the entire County. Ultimately, Iowa may enact strong local control laws, legislation that JFAN supports. In the interim, it is JFAN’s belief that if these guidelines are adopted by the local livestock community, the County will enjoy improved communications between livestock operators and residents, a safer and more enjoyable environment, and in areas where a

CAFO/SAFO is acceptable to all, a smoother and less costly path to construction and operation for the landowner.

Guideline Points

1. Neighbor Notification and Approval

- a. Obtain approval of neighbors within one mile prior to construction – It is the neighbors closest to a CAFO/SAFO that are most directly impacted and most likely to object to an operation. Prior to construction, establish who the neighbors are within a one mile radius of the confinement, and notify them of site plans and any impact (odor, fan noise, air quality, etc.) the facility may have on surrounding properties. Obtain approval from 100% of these neighbors. (Article 36 of the Master Matrix)

2. Location and Concentration of CAFO/SAFO

- a. Build in your own backyard - Taking into account each of the guidelines listed in this section, the Operator should attempt to build in his or her own backyard first. Manure from the CAFO/SAFO should also be spread in his or her surrounding fields first.
- b. Site in low density areas - Siting should be aimed at locations in lowest population density areas of the County, as this will obviously minimize the impact of the operation on County residents.
- c. Limit the size of the operation - Operator should seek to limit the operation in a given area to a maximum of 1,200 hogs. One of JFAN's goals is that Jefferson County remains free of the large-scale hog confinements that have greatly impacted the quality of life for rural lowans in neighboring counties.
- d. Ensure reasonable levels of hog concentration in an area. In general, operators should limit CAFO/SAFO construction so as to ensure that the concentration of hogs does not exceed 1,200 head per square mile. Rural neighbors are much more likely to accept a CAFO/SAFO if they have confidence that more will not follow later. There is obviously a significant difference between one 1,200-head facility in a given area and ten such facilities.
- e. Setbacks from towns and institutions:
 - i. Towns – Limit construction sites to areas at least three miles beyond the boundaries of any incorporated towns.
 - ii. Public institutions – Limit construction to no closer than two miles from any public use buildings or areas (e.g. recreational facilities, hospitals, schools, churches, etc.) and any concentrated residential or commercial areas that lie outside an incorporated town.
- f. Setbacks from water:
 - i. Maintain a minimum setback of 1,250 feet from any drainage

- way, water source, creek, stream, river, lake, well (abandoned or in use), reservoir, or other body of water (with the exception of ponds located on the operator's own property).
- g. Do not locate site on highly eroded land or land that has the potential for high erosion.

3. Handling of Manure and its Application

- a. Applicators should be certified according to DNR specification. This should apply for any size operation.
- b. To minimize odor and potential runoff problems, "knife in" all applications. Operators should avoid the use of sprinklers in any applications.
- c. Manure application setbacks:
 - i. Residential setbacks – Obtain approval of neighbor/resident regarding applications that are less than 1,250 feet from a residence.
 - ii. Waterway setbacks – In addition to DNR guidelines, Operator shall use due care and best practices such that any runoff will not negatively impact waterways.
- d. Notify neighbors at least three weeks prior to application. This will allow for neighbors to plan their outdoor activities accordingly (picnics, barbeques, etc.).
- e. Manure Spills – Clean up spills immediately on your property and others, especially public right of ways.

4. Best Management Practices - as written and published by Eldon McAfee, Iowa Pork Producers Association legal counsel, in the Iowa Pork Association magazine

- a. Make every attempt to get to know neighbors. Realistically assess the situation with neighbors before building or expanding an operation.
- b. Listen to and sincerely respond to neighbor concerns – even if they seem unfounded or beyond the producer's control at the time. Consider all reasonable suggestions to address the concerns.
- c. Meet with concerned neighbors to explain your operation. Participate in mediation if requested by neighbors. Never give up trying to resolve the situation.
- d. Be aware of and comply with – or better yet exceed – all legal requirements for the operation. Design and construct the operation to minimize its impact on neighbors. This includes locating as far from neighbors and public areas as possible, designing sites that are not visible to neighbors, and utilizing the latest design technology to minimize odor (e.g., tree shelter belts and biofilters). Work with advisors, such as a manure management specialist, attorney, or entomologist, to design and site your operation to minimize impact on neighbors.

- e. Stay current on new technologies and management practices to minimize odor, flies, etc. Attend meetings and seminars on these topics.
- f. Use best management practices, including keeping facilities as clean as possible, making sure manure storage structures are being operated according to current industry standards, and using products that reduce odor and flies in buildings and manure storage.
- g. Direct inject or incorporate manure within a short period of time following application. If manure must be applied and soil conditions will not allow injection or incorporation, contact neighbors beforehand and let them know your dilemma and why you can't inject or incorporate this time.
- h. Avoid applying manure near neighbors, if possible. Notify neighbors prior to applying manure, and offer to postpone application if neighbors have special activities planned.
- i. Apply manure when wind, temperature, and other weather conditions are less likely to cause odor to reach neighbors.
- j. Apply manure as few times as possible throughout the year. This is a major advantage for newer confinement operations that have enough storage capacity to allow manure to be applied once each year.
- k. Avoid manure on roads, and as much as possible, avoid leaving mud, etc. on roads. If neighbors live on gravel roads, offer to pay for application of products to keep dust down.
- l. If more land is needed for manure application, consider offering the manure to neighboring farmers.
- m. Although many producers are not interested in owning residential property, consider purchasing acreages that are for sale near your operation. The residence can either be rented out or re-sold with a deed restriction establishing a nuisance easement or covenant.
- n. Require all manure applicators, input suppliers, livestock haulers, etc. to follow good neighbor practices. Most are more than willing to pay careful attention to their activities if they know of your neighbor's individual concerns. Inform employees about good neighbor practices and make sure they follow them.



JFAN

JEFFERSON COUNTY FARMERS & NEIGHBORS, INC.

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