



UI STUDY FINDS MRSA IN MIDWESTERN SWINE AND WORKERS



BY DEBRA VENZKE
UNIVERSITY OF IOWA PUBLIC HEALTH EDITOR

The first study documenting methicillin-resistant *Staphylococcus aureus* (MRSA) in swine and swine workers in the United States has been published by University of Iowa researchers.

The investigators found a strain of MRSA, known as ST398, in a swine production system in the Midwest, according to the paper published online Jan. 23 by the science journal *PLoS One*.

"Our results show that colonization of swine by MRSA was very common in one of two corporate swine production systems we studied," said Tara Smith, Ph.D., associate professor of epidemiology in the UI College of Public Health and lead author of the study. "Because ST398 was

found in both animals and humans, it suggests transmission between the two.

"Our findings also suggest that once MRSA is introduced, it may spread broadly among both swine and their caretakers. Agricultural animals could become an important reservoir for this bacterium," Smith added.

Staphylococcus aureus, often called "staph," are bacteria commonly carried on the skin or in the nose of healthy people. MRSA is a type of staph that is resistant to the broad-spectrum antibiotics commonly used to treat it. A recent study estimated that MRSA caused 94,000 infections and more than 18,000 deaths in the United States in 2005.

MRSA has been found in a variety of animals, including horses, cattle, dogs,

MRSA *continued on p. 8*

PLEASANT PLAIN VS. KASKA SCHEDULED FOR TRIAL

After two years of negotiations, a lawsuit brought against James Kaska and JI Pork, Inc. by the Pleasant Plain Property Owners Association is getting ready to go to court.

Twenty-four neighbors are suing Mr. Kaska for building and operating a hog confinement facility close to their homes. The confinement is located between Pleasant Plain Road and Route 1, three miles north of Fairfield. All those represented live adjacent to or within a one to 1-1/2-mile radius of the CAFO.

The lawsuit is scheduled for March 16 at the Jefferson County Courthouse. The trial will be open to the public. Due to recent statewide Iowa Supreme Court administrative rulings, this case may be moved to another county and have a later trial date.

Prior to the lawsuit, several neighbors met with Mr. Kaska to resolve the matter before the facility was constructed. They also requested a nuisance mediation session to come to an agreement. A lawsuit was filed on May 19, 2006 when all attempts at resolution failed.

The lawsuit asserts that the 1250-head **TRIAL** *continued on p. 5*

IN THIS ISSUE

Why "Safety First" Makes Sense	2
Jefferson County Keeps Hogs At Bay	3
Our Activities at a Glance	4
State House Update	5
News Briefs including Rep. Mertz Ethics Complaint, Midnight Rules, Prop 2 and more	6

Volume 4 ~ Spring 2009

President
Jim Rubis

**Editor-in-Chief and
Art Director**
Diane Rosenberg

Contributing Writers
Mark Ohloff
Debra Venzke

Distribution
Terrell Welsh

Legal Counsel
David Sykes
Fairfield, Iowa

Accounting
Fairfield Accounting and Brooks,
Lodden, P.C., Des Moines, Iowa

Webmaster
Eric Randall

This newsletter is published semi-annually by the Board of Directors of Jefferson County Farmers and Neighbors, Inc. (JFAN), which is a 501(c)(3) nonprofit tax-exempt educational foundation.

JFAN
P.O. Box 811
Fairfield, IA 52556
(641) 209-6600
www.jfaniowa.org
jfan@lisco.com

JFAN is a not for profit tax exempt organization. Donations are tax exempt to the full extent of the law as authorized by the IRS. Articles written by guest authors may not reflect the opinions of JFAN. Information contained in the newsletter is intended to be educational and informational and is not intended to give legal advice. If you have specific legal questions regarding issues addressed in this publication please seek the advice of an attorney.

THE PRECAUTIONARY PRINCIPLE: WHY “SAFETY FIRST” MAKES SENSE

Large-scale industrial farms pose enormous environmental and public health risks due to their contribution to air, groundwater, soil and light pollution and their overuse of inputs such as antibiotics, pesticides and synthetic growth hormones. Though serious questions about this system of farming have been raised by scientists and researchers around the world, public health and environmental safety advocates remain saddled with the burden of providing scientific proof of harm before these industries can be regulated, reigned in, or even properly analyzed by our government.

An Alternative

The precautionary principle offers an alternative. It says that “when an activity raises threats of harm to human health or the environment, precautionary measures should be taken, even if some cause-and-effect relationships are not fully established scientifically.”¹ It requires the producer of a questionable product or substance to prove that it is safe before it can be used. Currently in the United States, harm must be scientifically proven before a product is taken off the market. The precautionary principle allows the public to shift that burden of proof to the polluter without having complete certainty of harm. If there is some question about the safety of a new product, that item’s production can be halted to protect society until it is proven to be safe.

One of the most important examples of precautionary principle in action comes from the Rio Declaration from the 1992 United Nations Conference on Environment and Development. The Declaration, which the United States signed, stated:

“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a

reason for postponing cost-effective measures to prevent environmental degradation.”²

Based on a German environmental concept first developed in the early 1970s called *Vorsorgeprinzip*, the precautionary



principle has been used widely in Europe to guide policy makers’ decisions regarding environmental and health issues, and it serves as the foundation of the EU’s environmental policy.³ Europe is widely considered the leader in terms of its use of the precautionary principle, however Canada has also taken significant steps regarding its use, and since 2003 the Canadian government has applied the concept to the development of every policy involving risk, harm or scientific uncertainty. San Francisco’s municipal environmental regulations are based on the principle, as is Massachusetts’ state Toxic Use Reduction legislation.⁴

Even though the concept of precaution can be found in the Occupational Safety and Health Act, the Food Drug and Cosmetic act, and Environmental Protection Agency regulations,⁵ the United States still lags far behind Europe in its commitment to the precautionary principle in national policy-making. Because the application of this principle would require businesses to put human and environmental health before economic gain, many industries associate precautionary principle with financial loss. Lobbyists for

agribusiness and food corporations, and senators and representatives from states with significant numbers of industrial farms are therefore motivated to work against the widespread implementation of this principle.

Sustainable Solutions

Ultimately, the precautionary principle is a logical choice for those who are forced to deal with the consequences of their own actions. Perhaps if the agriculture industry was forced to clean up its pollution itself (rather than passing the cost of cleanup onto taxpayers and society), it would choose to implement the precautionary principle.

Sustainable farmers inherently use the precautionary principle because they are tied to the land, their communities, the welfare of their animals, and are therefore aware of the immediate and long-term consequences of their actions. The sustainable methods they use have been feeding people for centuries, and have proven to be beneficial not only to the farmer, but also to the animals s/he raises, the environment, the surrounding community and society at large.

What You Can Do

Encourage your representatives to order bans and phase outs of dangerous substances and practices. Tell them to support the use of the precautionary principle in setting policies governing agriculture.

Support farms that have reduced pollution at the source by moving to organic and sustainable practices. Don't gamble on your health or the health of your loved ones by buying from corporations willing to put their profits ahead of your safety. Learn more at Sustainable Table (www.sustainabletable.org).

Find a farm near you using the Eat Well Guide (www.eatwellguide.org). Just enter your zip code to locate farms, stores, restaurants and bed & breakfasts serving sustainably-raised meat and dairy products.

For More Information

- Science and Environmental Health Network (SEHN) (<http://sehn.org>) SEHN was founded in 1994 by a consortium of North American environmental organizations (including Environmental Defense, The Environmental Research Foundation, and OMB Watch) concerned about the mis-

use of science in ways that failed to protect the environment and human health. Since 1998, SEHN has been the leading proponent in the United States of the precautionary principle as a new basis for environmental and public health policy.

- *Towards A More Precautionary and More Scientific Approach to Risk Assessment: A Consumer Perspective on Food Safety.* (www.consumersunion.org/food/mmm-cpi800.htm)

- A speech by Edward Groth III, PhD of Consumers Union to the World Congress on Medicine and Health in Hannover, Germany, August 2000.

- *Rachel's Environment & Health News* (www.rachel.org) is a publication of the Environmental Research Foundation, a clearinghouse of news and resources for environmental justice, which provides understandable scientific information about human health and the environment.

Sources

(1) Ticknor, Joel, Raffensperger, Carolyn, Myers, Nancy, *The Precautionary Principle in Action: A Handbook.* www.sehn.org: Science and Environmental Health Network.

(2) United Nations Environment Programme, Rio Declaration on Environment and Development. United Nations Conference on Environment and Development, 1992.

(3) Foster, Kenneth R., Paolo Vecchia, Michael H. Repacholi, "Risk Management: Science and the Precautionary Principle." *Science* 288 (2000).

(4) Snadeker, Suzanne M., "What Is the Precautionary Principle? How is it Taking Shape Nationally and Globally?" *The Ribbon* 8 (2003).

(5) Ibid.

Reprinted by permission of Sustainable Table www.sustainabletable.org

JEFFERSON COUNTY HELPS KEEP HOGS AT BAY

The following map shows how many permits were approved in Jefferson County compared to surrounding counties in 2007-2008. JFAN's effort's to promote our county's quality of life have kept the number of large-scale CAFOs low. Jefferson County ranks at the bottom, along with Henry County, with the smallest growth of large confinements.

Permits are required for CAFOs or open feedlots containing 1000 animal units or more. For swine, 1000 animal units equates to 2500 hogs. (One animal unit equals 2.5 hogs.) In addition, permits are required for all factory farms that use lagoons for manure management, no matter the size.

These figures, taken from Iowa DNR statistics, do not encompass smaller CAFOs or SAFOs (small animal feeding operations, which are 1250 pigs or less). They do not need to apply for permits and are not tracked by the DNR.

CAFOs over 1250 hogs are required to submit manure management plans and open feed lots with more than 2500 hogs are required to submit nutrient management plans. However, the number of new industrial farms that fall into these categories are also not available from the DNR.

2007-2008 New CAFO Permits and Additional Hogs by County

KEOKUK 3 permits > 4,800 hogs (data incomplete)	WASHINGTON 13 permits 23, 274 hogs	
WAPELLO 6 permits 24,000 hogs	JEFFERSON 1 permit 2,400 hogs	HENRY 1 permit 2,400 hogs
	VAN BUREN 4 permits # of hogs unavailable	

OUR ACTIVITIES AT A GLANCE:

JFAN WORKING HARD FOR YOU

Just Published!

New JFAN Booklet: Legal Risks of CAFO Workers in Secondary Roles

CAFO owners and operators are all too aware of the potential for legal liability when their factory farms harm their neighbors. But many working indirectly with CAFOs are not aware of the potential for costly and time-consuming lawsuits.

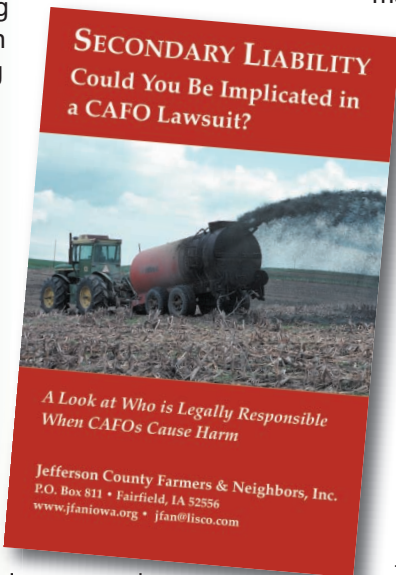
JFAN's new booklet, *Secondary Liability: Could You Be Implicated in a CAFO Lawsuit?* discusses the legal risks for individuals working with CAFOs in a supporting capacity. These include manure haulers and applicators as well as CAFO owners and operators who allow manure to be spread on their land.

This 16-page booklet provides general information on the potential liability for damages and offers guidelines for avoiding legal repercussions.

Secondary Liability: Could You Be Implicated in a CAFO Lawsuit? also includes Iowa DNR guidelines for separation distances for manure application.

JFAN is currently distributing this booklet to manure haulers and applicators, county boards of supervisors, government officials, environmental organizations and environmental attorneys throughout the state.

Individual copies are free, and bulk copies may be ordered for \$1 each from JFAN. It is also available as a downloadable PDF on our website www.jfaniowa.org. To request copies, please contact JFAN at P.O. Box 811, Fairfield, IA 52556, 641-209-6600, or email us at jfan@lisco.com.



New CAFO Alert in Jefferson County

Jefferson County farmer Tony Adrian is moving ahead with plans to construct a new hog confinement housing 2400 swine in northern Jefferson County. The confinement would affect 18 families in the neighborhood. The facility would be located in Section 19 of Penn Township, eight miles north of Fairfield and one mile east of Route 1.

Mr. Adrian, who is partnering with Tri-Oaks, has met with several neighbors, many of whom have expressed strong opposition to the CAFO. Mr. Adrian's home is in the vicinity of the proposed facility, but a number of neighbors live closer to the proposed confinement than Adrian.

It is reported that Adrian reviewed three potential sites for his CAFO, including the property where his home is located. He has not divulged his third site.

A group of neighbors have organized to oppose the CAFO and met with JFAN and Iowa Citizens for Community Improvement (CCI) in February to explore their options. The neighborhood group is considering action to deter construction, including legal action.

Since the CAFO will contain no more than 2400 pigs, it does not have to meet the Master Matrix and is not subject to a public hearing. It does need to submit a manure management plan for state approval.

Although Mr. Adrian is from a multi-generational farming family, this is his first confinement operation. He has indicated that if this operation is successful, he may construct additional facilities.

JFAN will keep the community updated with new developments on this CAFO.

Financial Assistance Grants Available

JFAN provides financial assistance grants to help families fight CAFOs in their neighborhood. These grants help families with lawsuits that they may bring

against CAFO owners and operators.

To obtain an application, visit the JFAN website at www.jfaniowa.org or contact us at P.O. Box 811, Fairfield, IA 52556, 209-6600, or email us at jfan@lisco.com.

Grants Available for Alternative Farming

JFAN also offers a limited number of grants up to \$1000 to help farmers move towards alternative and sustainable animal production systems. These grants can be used for education or for help in setting up new facilities.

All applications will be considered. To download an application, please visit our website at www.jfaniowa.org. You can also contact us at P.O. Box 811, Fairfield IA, 52556; 641-209-6600; or via email at jfan@lisco.com.

JFAN Grant Supports Sierra Club Water Study

The Sierra Club Leopold Group conducted a water study of Walnut Creek last year to determine if nearby CAFOs were polluting the waterway. Walnut Creek, in northeast Jefferson County, is located in an area concentrated with factory farms.

The study examined if manure runoff or groundwater seepage caused an increase in the nutrient level of the creek. Beginning last March, five water samples were taken within 24 hours of a major rain event over a six-month period. Collections were taken both upstream and downstream of the CAFOs.

The lab results showed that during several months there were increased levels of ammonia, E.coli, and nitrates with elevated concentrations downstream of the confinement facilities. Since Walnut Creek is not classified as a designated stream, the results were not significant enough to cause the Iowa DNR to take any action.

Beginning in 2006, 26,000 miles of Iowa's waterways received a designation status, such as recreational use, that qualifies them for additional protection. New EPA guidelines may enable Walnut Creek to obtain designation in the future. (See www.iowadnr.gov/water/standards/summary.html for more information on water designation.)

According to Jack Eastman, a member of the Leopold Group involved in the sampling, the results show that more water

testing is necessary. Many variables, such as the timing and location of manure applications, can impact on results, he says.

This study provided a valuable baseline for further tests. Eastman is hopeful that a year-long bi-weekly testing program can be implemented to further explore the impact of the CAFOs on the creek's water



Photo: istockphoto.com

TRIAL *continued from p. 1*

facility generates massive amounts of animal waste that harm the health, safety, and quality of life of the plaintiffs, the public, and the environment. It states that the facility proposes a significant risk of groundwater contamination and has the potential to seep into the aquifer that supplies Jefferson County's drinking water.

Plaintiffs also charge that the foul, unhealthy odor with its harmful airborne particulates emanating from the facility is a nuisance and threatens the health of all the families involved.

In addition, the lawsuit contends that the facility has reduced property values of the 14 homes owned by the families named in the Association.

The plaintiffs are requesting the facility be shut down in addition to financial damages.

JFAN'S GOOD NEIGHBOR

GUIDELINES

www.jfaniowa.org/GoodNeighbor-Guidelines.htm

UPDATE ON CAFO LEGISLATION AT THE IOWA STATEHOUSE

BY MATT OHLOFF
IOWA CITIZENS FOR COMMUNITY IMPROVEMENT

This has been a fairly quiet session where CAFO-related legislation is concerned. Nonetheless, two bills have been introduced that could affect where factory farms are located and how they could be effectively challenged.

HF 3: Local Control Bill

HF 3 would allow county boards of supervisors to adopt zoning ordinances for large CAFOs. It would enable counties to deny factory farm permits based on preserving and protecting natural resources, lessening congestion and overcrowding of factory farms, and protecting the health and welfare of the public.

HF 3 was assigned to the House Agriculture Committee and assigned to a subcommittee of three members (Reasoner, S. Olson and Bailey). As of mid-February this subcommittee had not met to discuss HF 3.

HF 223: Anti-Nuisance Lawsuit Bill

This bill would place restrictions on nuisance actions or proceedings involving farm operations. It would severely limit the ability of those adversely impacted by CAFOs to take nuisance action.

HF 223 has been assigned to the House Agriculture Committee and assigned to a subcommittee of three members (Reasoner, Marek and S. Olson) As of mid-February, this subcommittee has not met to discuss HF 223.

Manure Application on Frozen Ground Rulemaking Update

Last spring, Iowa's rivers and streams saw one of the highest levels of nitrates and other pollutants on record. This was largely due to melting snow and ice and the subsequent manure runoff from factory farms into the state's waterways. This will continue to happen year after year, and Iowa's waterways will continue to become increasingly polluted, if this issue is not addressed.

In response to last year's event and Iowa's growing list of impaired waterways, Iowa Citizens for Community Improvement

(Iowa CCI) submitted a rulemaking petition to the Iowa Department of Natural Resources (DNR) and the Environmental Protection Commission (EPC) to ban the practice of manure application on frozen or snow covered ground for any livestock facility with over 500 animal units.

The DNR responded by drafting their version. This rule has a number of loopholes and would be extremely difficult for the DNR to adequately enforce.

The EPC is currently accepting comments from the public in regards to this rule until March 27. See JFAN's website at www.jfaniowa.org for the wording of the rule. Please contact the members of the EPC to support CCI's petition to ban the practice of applying manure on frozen or snow covered ground:

Shearon Elderkin

Shearon.Elderkin@dnr.iowa.gov

Susan Heathcote

Susan.Heathcote@dnr.iowa.gov

Charlotte Hubbell, Vice-Chair

Charlotte.Hubbell@dnr.iowa.gov

Paul Johnson

Paul.Johnson@dnr.iowa.gov

Henry Marquard, Chair

Henry.Marquard@dnr.iowa.gov

Suzanne Morrow, Secretary

Suzanne.Morrow@dnr.iowa.gov

David Petty

David.Petty@dnr.iowa.gov

Marty Stimson

Marty.Stimson@dnr.iowa.gov

Gene Ver Steeg

Eugene.VerSteeg@dnr.iowa.gov

Livestock Odor Control Bill Update

Last year, despite strong opposition, the state legislature passed the Livestock Odor Control Bill. This would designate \$22.7 million over a five-year period to study odor reduction methods for CAFOs and would pay CAFO owners to voluntarily adopt odor-control technologies that have already been proven to work.

Though the bill passed, it was not funded. Iowa CCI has been tracking the bill during this session, and indications are strong that the General Assembly will not fund it this year.

Diane Rosenberg of JFAN contributed to this article.

NEWS BRIEFS

FROM IOWA, THE US AND BEYOND

Ethics Complaint Filed Against Representative Mertz

Iowa Citizens for Community Improvement (Iowa CCI) has filed an ethics complaint against State Representative Dolores Mertz, a Democrat from Ottosen who heads the Agricultural Committee in the Iowa House. The complaint says her two sons' 4000 head CAFO in Kossuth County pose a conflict of interest and that she should be removed as head of the committee.

Iowa CCI says Mertz's family and financial ties bias her legislative decisions regarding animal confinements. Mertz receives rent from her two sons, Peter and David Mertz, to spread manure on her farm.

Hugh Espy, Iowa CCI Executive Director, says Mertz has not supported bills to strengthen construction standards for CAFOs or to increase the distance between homes and confinements.

Mertz is a 20-year member of the House and has been chair of the House Agricultural Committee for the last three. House Speaker Pat Murphy of Dubuque says he has no plans to ask her to step down from her position.

The House Ethics Committee is reviewing the complaint, according to Representative Helen Miller, chair of the committee.

Jefferson County Gives OK to Master Matrix

In January, the Jefferson County Board of Supervisors approved the Master Matrix for 2009. The Master Matrix is a 44-question scoring system developed by the State Legislature that requires CAFO operators to meet air, water, and community impact standards. Counties throughout Iowa vote each year to renew their participation in the system.

Eighty-seven of Iowa's 99 counties adopted the Master Matrix for this year. Washington and Keokuk counties, two counties with some of the highest concentrations of CAFOs in southeast Iowa, have not.

To see a map of the counties that approved the Master Matrix for 2009, visit www.iowadnr.gov/afo/files/09cermap.pdf.

Organic Regs Developer Chosen for No. 2 USDA Post

President Barack Obama selected Tufts University professor Kathleen Merrigan to fill the deputy secretary role at the Department of Agriculture. Merrigan helped to develop the organic food labeling rules during the Clinton administration.

As second in command, Merrigan will oversee the daily operations of the USDA.

Merrigan worked with Senator Patrick



Leahy in 1990 to pass a law recognizing organic agriculture. From 1999-2001, she headed the USDA's Agriculture

Marketing Service where she helped to develop the agency's rules on what constituted organic foods.

She was an analyst with the Henry A. Wallace Institute for Alternative Agriculture and a consultant with the UN's Food and Agriculture Organization from 1994-1999. Prior to that, she served on the US Senate Agriculture Committee from 1987-1992.

Since leaving the USDA, Merrigan has been teaching at Tuft University's Friedman School of Nutrition Science and Policy. She earned a doctorate from Massachusetts Institute of Technology in environmental planning.

After a lukewarm response to Secretary Tom Vilsack's appointment as head of the USDA, sustainable agriculture advocates and progressives are reacting enthusiastically to her selection.

Regional CAFO Rejected

The Iowa DNR denied a permit application for a 4900-head hog factory in southern Appanoose County this fall. The confinement's application fell short of

enough Master Matrix points and also did not meet legal requirements. Appanoose County is approximately 60 miles southwest of Jefferson County.

Rule Exempts CAFOs from Reporting Toxic Emissions

Reacting to pressure from agricultural lobbyists and lawmakers from agricultural states, a midnight Bush Administration rule exempted factory farms from reporting the release of hazardous air emissions to the Environmental Protection Agency.

It does require large animal feeding operations* to report certain types of releases to local and state agencies, however.

The rule pertains to air emissions normally produced by livestock manure; it does not affect emissions caused by other sources, such as containment ruptures.

Prior to the rule, federal law had long required factory farms to notify government officials when toxic pollution levels from manure exceed public safety thresholds.

The EPA contends that the reports pose an unnecessary burden to livestock producers since local emergency responders don't use them when attending to an event. Environmental groups, local air quality agencies, and other lawmakers say the reports serve an important role in making CAFO operators accountable for the pollution they produce.

An increasing body of scientific evidence shows these toxic substances, ammonia and hydrogen sulfide, can cause respiratory illness, lung inflammation, and increased vulnerability to asthma.

One of President Obama's first acts was to halt all last-minute Bush administration rules until the new White House team conducted a legal and policy review of the rules. Rules enacted within the last 60 legislative days of the Bush administration, which extends as far back as May or June 2008, can be tossed out. A decision on this rule has not yet been reported.

* A confinement with 2500 swine weighing 55 pounds or more or 10,000 swine weighing less than 55 pounds.

Groups Challenge EPA Ruling Help Sought with Lawsuit

A coalition of six groups, represented by the environmental law firm Earthjustice, filed a lawsuit against the US Environmental Protection Agency on January 15 arguing that the exemption will harm peo-

ple living and working near factory farms.

The Center for Food Safety (CFS), one of the coalition members, is currently looking for people who may want to help with this lawsuit. They are specifically looking for individuals who live within a few miles of one or more CAFOs, especially small or medium-size confinements, and who spend time outside, either in their yard, walking in their neighborhood, or other outdoor activities.

Anyone meeting that criteria who would like to speak with the CFS should email office@centerforfoodsafety.org with "CAFO" in the subject line.

CAFO Owners Can Now Decide If They Need a Permit

Another midnight rule by the Bush administration allows factory farms to avoid construction permits if they claim their facility will not discharge animal wastes into streams, lakes, or rivers.

The EPA hailed this rule as being tougher on factory farms since it calls for a "zero discharge standard." For the first time it requires CAFOs to submit manure management plans to prevent nutrients from discharging into waterways as part of the permitting process.

However, federal or state authorities do not need to review a CAFO operator's decision as to whether or not a permit is required.

Benjamin Grumbles, Assistant EPA ad-

ministrator for water, said in a statement that the new rules provide a "strong national standard for pollution prevention and environmental protection while main-



Photo courtesy of USDA NRCS

taining our country's economic and agricultural competitiveness."

Environment groups point out that some of the nation's largest polluters are now in charge of policing themselves.

Eric Schaeffer, director of the Environmental Integrity Project and a former EPA enforcement official, says that the new rule allows industrial farms to avoid the Clean Water Act altogether by certifying they have voluntarily taken steps to avoid discharging wastes into waterways.

It is unclear what the certification process will entail and whether enforcement actions would be taken against operators who certify they don't need a permit, then fail to achieve certification.

CAFO Gets Yes, No, Yes

Two hog confinements in Dallas County, housing a total of 15,000 hogs, were given the green light after a regulatory journey approved, denied, then again approved the facilities.

After achieving enough points on the Master Matrix, Granger farmer Robert Manning, Jr. received Iowa DNR approval last year to construct two facilities.

However, in response to an appeal by the Dallas County Board of Supervisors, the Environmental Protection Commission (EPC) rejected the permit in August. Saying the Matrix standards were too low, the EPC claimed the CAFOs would further degrade the already highly polluted Racoon River watershed. The watershed feeds into the Des Moines River, which supplies drinking water to 400,000 Iowans in the metropolitan Des Moines area.

Mr. Manning appealed the surprise decision, and the case was headed to court. To avoid a lengthy legal battle, additional closed-door negotiations between Mr. Manning and the EPC yielded yet another reversal. The EPC approved the CAFOs with the inclusion of several environmental protections: tree lines, grass buffers, emergency plans, and restriction on when manure from the confinement could be spread. The committee says that the agreement will provide greater protections for the environment.

NEWS BRIEFS *continued on p. 8*

MAIL IN DONATION FORM

Please cut out this form and mail it with your tax-deductible donation to:

JFAN, Inc.
P.O. Box 811
Fairfield, IA 52556

Donation Amount: \$25.00 (for JFAN Annual Membership)
 \$ _____

Name _____

Street _____

City/State/Zip _____

Phone _____ Email _____

Checks payable to: Jefferson County Farmers & Neighbors, Inc.

Donate Online

To make a credit card donation using PayPal, go to www.jfaniowa.org
Click on "What you can do" then click on "Make a Donation"
and follow the simple instructions.

MAKE A DONATION!

Please support JFAN with your generous tax-deductible donation. JFAN has been approved by the IRS as a 501(c)(3) tax exempt educational foundation. All donations to JFAN are tax-deductible to the full extent of the law. Please consult with your personal tax advisor about any questions you may have about your donation. JFAN will send out receipts only for donations over \$250.

MRSA continued from p. 1

cats and swine. Previous studies have shown that many swine and swine farmers in Canada and the Netherlands are colonized with MRSA. However, the UI study was the first to investigate carriage of MRSA among swine and swine farmers in the United States.

For the study, investigators analyzed nasal swabs of 299 swine and 20 swine workers from two different production systems in Iowa and Illinois. At Production System A, the overall prevalence of MRSA was 70 percent in swine and 64 percent in workers. At Production System B, all swine and human samples were negative for MRSA.

The researchers could not determine why System A had a high prevalence rate of MRSA among its swine and swine handlers, but listed several differences compared to System B. First, the systems raised different breeds of swine. Second, System A was an older, more established operation that had approximately twice the number of animals as System B. Third, both systems imported sows from different sources, raising the possibility that ST398 may have been introduced via live swine or pork products.

Other research has shown that ST398 accounts for 20 percent of all MRSA detected in the Netherlands, demonstrating the importance of considering livestock and other animals when examining the epidemiology of MRSA.

"Iowa ranks first in the nation in swine production," Smith said. "Transmission of MRSA on swine farms or in veterinary facilities could complicate efforts to reduce MRSA transmission statewide and beyond."

The investigators recommended that future studies assess the risk of MRSA disease among swine workers and their contacts, survey retail meat products for MRSA contamination, study larger populations of swine and humans to define the epidemiology of MRSA within swine operations, and assess MRSA carriage rates in other livestock.

PLoS One is an international, peer-reviewed, open-access, online publication published by the Public Library of Science (PLOS), a nonprofit organization.

For a copy of the full report visit www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0004258.

NEWS BRIEFS continued from p. 7

Mr. Manning said he plans to fertilize the 7000 acres he farms with his father and brother with the manure generated from the CAFOs.

A neighbor has since sued to block construction of the confinement.

California and New Jersey Protect Farm Animals

California: In November, California passed Proposition 2, a ballot initiative that bans gestation crates (pens too small for hogs to move around in), battery cages (small cages packing in five or six chick-



ens), and veal crates, in which calves are continuously chained for months, on factory farms. Sixty-three percent voted for the Prevention of Farm Animal Cruelty Act, which will create more humane conditions for livestock on factory farms.

Health issues and animal welfare were the driving forces behind proponents' support of Proposition 2. California egg farmers said the proposition would drive up egg prices by 20% and effectively cause farmers to relocate their operations to another state. A study done by the University of California, Riverside said increased production costs would rise less than one cent per egg.

The campaign to pass Proposition 2 galvanized a number of organizations, garnering national coverage and support. Producers in California will have until

2015 to convert their operations for hens, calves, and gestating sows.

New Jersey: The New Jersey Supreme Court issued a unanimous landmark decision to require more humane treatment of factory farm animals. The court said that a number of widespread factory farm practices could not be considered "humane" simply because they were routinely done. The practices, such as "tail docking", where tails are cut off from cattle, must now be reassessed and will be banned if they are determined inhumane.

Getting a Taste for Sustainable Farming

An urban vegetarian environmental attorney turned rancher is now author of *Righteous Porkchop*, a searing look at factory farming in America. Nicolette Hahn Niman's well-documented book is based on first hand encounters with both traditional and factory farming.

Niman was Robert F. Kennedy Jr.'s attorney-of-choice for his Waterkeeper Alliance "hog campaign." As Kennedy's legal steward, Niman dove into the inner workings of the factory farming industry in North Carolina, discovering deplorable livestock conditions and devastating environmental damage. She took on big ag giants and subsequently organized a national reform movement to change farming practices.

Niman's journeys also took her to alternative and traditional farms where ranchers treat their livestock humanely, farm sustainably, and form collectives to market their meat.

Righteous Porkchop balances the horrors of confinements with the promise of traditional sustainable farming. Niman profiles innovative and cost-effective sustainable farming methods and offers guidance on why and how to choose meat raised through sustainable practices.

"After working as an environmental lawyer...I became convinced that the public's lack of awareness on the issue was the greatest obstacle to change," she writes on the HarperCollinsPublishers website. "I decided to try to write a book that would change that, one that would appeal to a general reader who knew little to nothing about the issue."

And along the way, you'll learn how this vegetarian environmental attorney winds up married to cattle rancher Bill Niman, founder of Niman Ranch.