

The Battle over Factory Farms -- It's Time to Take a Stand ⁱ

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We are currently in the midst of a battle for the hearts and minds of the American people – a battle that ultimately will determine the future of farming and food production. A barrage of public controversies have seriously eroded trust in American agriculture. A recent exposé of factory farming in *The Chicago Tribune*¹ is but the latest in a torrent of negative publicity, reflecting growing public concerns about how America's meat, milk, and eggs are produced.^{2,3} The inhumane treatment of animals in concentrated animal feeding operations (CAFOs) tends to capture much of the public attention. However, Americans are becoming increasingly aware of the multitude of environmental, social, and rural economic problems that invariably arise from the industrial approach to animal production – commonly called factory farming. In reality, factory farms have far more in common with factories than real farms.

Growing concerns about today's industrial agriculture are certainly not limited to industrial animal agriculture or factory farms. For example, a 2015 *Fortune Magazine* article: “The war on big food,” begins, “Major packaged-food companies lost \$4 billion in market share alone last year, as shoppers swerved to fresh and organic alternatives.”⁴ The article identifies artificial colors and flavors, pesticides, preservatives, growth hormones, antibiotics, and genetically engineered foods among growing consumer concerns. All of these concerns are linked directly or indirectly to industrial food production, including industrial agriculture – and CAFOs or factory farms are the epitome of industrial agriculture.

If we win the battle against factory farms, we can win the war against industrial agriculture and Big Food. We can create a new and fundamentally better food system. Our foes are formidable because of their economic and political power, nationally and globally. However, they are not as strong as the power of the people – when people come together around a common cause. A verse in the Bible reads: *Therefore take up the whole armor of God, that you may be able to withstand in the evil day, and having done all, to stand firm.* (Ephesians 6-13). This is what we are called upon to do today. We need to arm ourselves with facts, with both scientific data and experiences people who have been forced to live with CAFOs. We need to steel ourselves against the threats of CAFOs to our basic human rights – *and having done all, to stand firm.*

In an attempt to stem the tide of growing public concern, the industrial “agricultural establishment,”ⁱⁱⁱ has mounted a multimillion-dollar propaganda campaign designed to – in their words – “increase confidence and trust in today's agriculture.”⁵ *Food Dialogues* is one initiative

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ⁱⁱⁱ Agribusiness corporations, major commodity groups, American Farm Bureau Federation, USDA, and most State Departments of Agriculture, and agricultural colleges.

of the broader campaign that is sponsored by the U.S. Farmers and Ranchers Alliance. The organization's board members include the American Farm Bureau Federation, John Deere, and the major agricultural commodity organizations. Board members Monsanto and DuPont each pledged \$500,000 per year to the campaign. A recent study by Friends of the Earth documents that various similar "front groups" have been spending more than \$25 million per year to defend industrial agriculture.⁶ The campaigns have hired some of the nation's top public relations firms to try to polish the tarnished public image of industrial agriculture.

The balance of economic and political power is clearly on the side of the industrial agricultural establishment, but hundreds of scientific studies conducted over more than 50 years support the growing public concerns. This research consistently confirms that large-scale confinement animal feeding operations, regardless of whether they are beef cattle, hogs, dairy cattle, or poultry, pollute the air and water and even put the safety of animal food products at risks. The noxious odors from CAFOs contain dozens of toxic substances, including ammonia, hydrogen sulfide, methane, and dust particles carrying numerous chemical and biological contaminants. CAFOs have polluted thousands of miles of streams and countless ground sources of drinking water with excess nitrogen and phosphorus, antibiotics, and infectious biological organisms – some resistant to multiple antibiotics.

Air and water pollution typically are treated as environmental issues, but the pollution from CAFOs represent significant risks to public health. Excess nitrogen in drinking water can kill babies and cause severe health problems for vulnerable adults. The biological contaminants originating from CAFOs include E-Coli O157:H7, Salmonella, Listeria, and Campylobacter. These pollutants not only affect the health of workers and neighbors of CAFOs but can also contaminate drinking water and food products consumed by people living in rural municipalities and distant cities. Growing public health risks from multi-antibiotic resistance bacteria, most commonly associated with the deadly MRSA, could well be the Achilles Heel of CAFOs. Antibiotic resistance destroys the ability of antibiotics to combat infectious diseases and ultimately could reverse the single most important advancement in modern medicine.

A 2013 U.S. Center for Disease Control and Prevention concluded: "Scientists around the world have provided strong evidence that antibiotic use in food-producing animals can harm public health... Use of antibiotics in food-producing animals allows antibiotic-resistant bacteria to thrive while susceptible bacteria are suppressed or die. Resistant bacteria can be transmitted from food-producing animals to humans through the food supply."⁷ Numerous studies have found significant percentages of livestock and poultry products in U.S. supermarkets to be contaminated with a variety of infectious bacteria some of which are potentially deadly.⁸ A large percentage of the bacteria, including MRSA, have been resistant to multiple antibiotics.⁹

A recent global summit of Heads of State at the United National General Assembly, only the fourth such summit related to a human health crises, concluded: "The high levels of AMR [antimicrobial resistance] already seen in the world today are the result of overuse and misuse of antibiotics and other antimicrobials in humans, animals, and crops, as well as the spread of residues of these medicines in soil, crops and water."¹⁰ The Director-General of the UN Food and Agricultural Organization stated: "Antimicrobial resistance is a problem not just in our hospitals, but on our farms and in our food, too. Agriculture must shoulder its share of

responsibility, both by using antimicrobials more responsibly and by cutting down on the need to use them, through good farm hygiene.”

People in rural areas are often led to believe that they should be willing to bear the risk of living with factory farms because CAFOs are the future of animal agriculture and a logical strategy for rural economic development. More than five decades of rural economic and social reality provide compelling evidence of the direct opposite. Whenever and wherever family farms have been replaced with CAFOs, 90% or more of the independent family livestock and poultry producers have been driven out of business. This has not been a simple matter of competitive markets replacing inefficient family farmers with more efficient CAFOs. Corporate agribusinesses use their contractual arrangements with CAFO operators to manipulate markets in ways that prevent independent farmers of even having access to competitive markets.

Industrial agriculture gains its economic efficiency by consolidating control into fewer management units, meaning fewer farmers, and simplifying and routinizing the production process, meaning lower paid farm workers. While factory farms may increase agricultural production, it takes people, not just production, to support rural communities. It takes people to buy clothes, shoes, cars, and haircuts on Main Street; serve in volunteer fire departments, go to local churches, and send their kids to local schools. We don't need sophisticated economic impact assessment models to tell us what factory farms do to rural communities. We have more than 50 years of real world economic history. Whenever and wherever family farms have been replaced with factory farms, rural economies and communities invariably wither and often die.

People in rural communities are also told they should support factory farming because industrial agriculture is necessary to keep food prices affordable to poor and hungry Americans. Again, this is pure propaganda. The percentage of “food insecure” people in the United States is greater today than during the 1960s – about 15% today compared with 5% in the late 1960s. More than 20% of U.S. children live in “food insecure” households.^{11, 12} Furthermore, the industrial food system is linked to a new kind of “food insecurity: unhealthy foods that lack the essential nutrition to support healthy lifestyles. We are confronted with a growing epidemic of obesity and related diseases, such as diabetes, high blood pressure, heart disease, and a variety of diet related cancers. There is growing evidence that America's diet-related health problems are not limited to poor consumer food choices or processed “junk foods” but begin with a lack of nutrient density in food crops produced on industrial farms.¹³

Animal welfare has garnered most of the negative publicity for factory farms, perhaps because it goes to heart of the controversy. The treatment of farm animals ultimately is an ethical or moral question, not a question of cost-benefit ratios or productivity. In CAFOs, animals are treated as inanimate mechanisms in a factory, not as living, sentient beings or organisms in a herd or flock. The fundamental questions are whether it is morally right for hogs to spend their lives in crates so small they cannot even turn around; whether laying hens should be kept in cages where each has space smaller than a sheet of writing paper; whether farm animals in general should be deprived of the ability to express the innate needs of their species – regardless of the economic implications. People obviously will continue to disagree about the ethics of killing and eating animals, but there is a growing public consensus that CAFOs are the epitome of inhumane treatment of farm animals. It's a matter of ethics and morality.

The same ethical arguments can be made, and should be made, concerning the negative environmental, social, and rural economic impacts of factory farms. The private property rights of farmers were never meant to include a right to threaten your neighbors' health or well-being by polluting their air and water – regardless of the economic benefits of doing so. Farmers have a moral responsibility to consider the health and well-being of their workers, their neighbors, children in nearby schools, and consumers who ultimately buy and eat the meat, milk, and eggs they produce. Rural communities are not just places where corporations should be allowed to use factory farms to extract the wealth while leaving their chemical and biological waste behind. It is morally unacceptable for corporate shareholders and a few local individuals to become wealthy by destroying rural communities – economically, socially, and culturally. The fact that all of these things are still legal does not make any of them morally or ethically right.

The scientific evidence supporting the indictment of factory farms for their crimes against nature, rural communities, and society in general is clear and compelling. In fact, I think it can be misleading to site a few specific studies when there is so much scientific documentation of the negative environmental, social, economic, and public health impacts or externalities of factory farms. I have started relying instead on “meta-studies” which cite the results of dozens or hundreds of individual studies to draw generalizable conclusions. For example, an extensive 2½-year study of “industrial farm animal production” was commissioned by a highly-reputable, non-partisan organization, the Pew Charitable Trust. Their 2008 report concluded: “*The current industrial farm animal production (IFAP) system often poses unacceptable risks to public health, the environment and the welfare of the animals themselves.*”¹⁴

This prestigious commission included a former U.S. Secretary of Agriculture, along with academic, farming, and industry representatives. In addition to reviewing hundreds of documents, they took oral testimony from experts in various regions of the country. They concluded: “*the negative effects of the IFAP system are too great and the scientific evidence is too strong to ignore. Significant changes must be implemented and must start now.*” Five years later, in 2013, an assessment of the industry’s response to the Pew Report by the Johns Hopkins Bloomberg School of Public Health concluded that few if any positive changes had been made.¹⁵ Meanwhile the scientific evidence supporting the initial indictment continues to grow.

The negative economic and social impacts of industrial agriculture are also well documented. A 2009 Pew report concluded: “Economically speaking, studies over the past 50 years demonstrate that the encroachment of industrialized agriculture operations upon rural communities, results in lower relative incomes for certain segments of the community and greater income inequality and poverty, a less active “Main Street,” decreased retail trade, and fewer stores in the community.”¹⁶ A 2006 study commissioned by the State of North Dakota Attorney General’s Office reviewed 56 articles in peer-reviewed journals and “found detrimental effects of industrialized farming on many indicators of community quality of life, particularly those involving the social fabric of communities.”¹⁷ The only kinds of economic development attracted by factory farms are other environmentally polluting and socially degrading industries.

A 2016 independent study by an International Panel of Experts in Sustainability described the evidence condemning industrial agriculture as “overwhelming.”¹⁸ They cited more than 350

studies in documenting the failures of industrial agriculture and calling for fundamental change. The study concluded: “Today's food and farming systems have succeeded in supplying large volumes of foods to global markets, but are generating negative outcomes on multiple fronts: widespread degradation of land, water and ecosystems; high GHG emissions; biodiversity losses; persistent hunger and micro-nutrient deficiencies alongside the rapid rise of obesity and diet-related diseases; and livelihood stresses for farmers around the world.”¹⁹

The agricultural establishment tries to make Americans believe that factory farms are necessary to “feed the world.” However, the IPES report provides extensive evidence that an alternative non-industrial approach to farming and food production holds the greatest promise of future global food security. They state: “What is required is a fundamentally different model of agriculture based on diversifying farms and farming landscapes, replacing chemical inputs, optimizing biodiversity and stimulating interactions between different species, as part of holistic strategies to build long-term fertility, healthy agro-ecosystems and secure livelihoods. Data shows that these systems can compete with industrial agriculture in terms of total outputs, performing particularly strongly under environmental stress, and delivering production increases in the places where additional food is desperately needed. Diversified agroecological systems can also pave the way for diverse diets and improved health.”

Contrary to popular belief, food for more than 70% of the people in the world still comes from small, largely subsistence family farms.²⁰ Agroecology and other sustainable approaches to farming could easily double or triple the yields on such farms allowing the rest of the world to feed itself.²¹ Developing countries have learned the lessons of the Green Revolution. A recent global report by 500 scientists from 50 countries suggested that “obesity is [now] a bigger health crisis than hunger.”²² Wherever industrial agriculture has been spread around the world, hunger has persisted, and diet-related health problems similar to those in the U.S. have followed. The so-called developing countries don't want or need factory farms to displace their small farmers and leave their poor people hungry while production from factory farms is exported to more profitable markets elsewhere in the world.

The challenge of the future for farmers in the U.S. is not to increase agricultural productivity but instead is agricultural sustainability. Thousands of new farmers, calling themselves organic, ecological, regenerative, holistic, biodynamic, or just family farmers, are in the process of creating the new sustainable American food system. They likely still produce something less than 10% of America's food, but they represent the fastest growing sector in the American food system. Furthermore, American farmers already produce far more than enough crops and livestock to provide adequate food for everyone. We simply need to focus on producing food for domestic consumption rather than feed and fuel, reducing food waste, and making sure everyone has enough food, regardless of his or her ability to earn enough money.

The only real questions remaining is whether the economic rights of corporations and factory farmers to make money will continue to take priority over the basic human rights of all people to a clean air, clean water, safe food, and the peaceful enjoyment of their homes. The advocates of industrial agriculture obviously are aware of the predominance of scientific evidence validating growing public distrust of the American food system. Their national PR campaign seems little more than a “holding action” against growing public concerns. They know

that factory farms would not be economically viable if they were effectively regulated to protect the public from their negative impacts. So factory farm advocates are using their political power to establish legislative protections that would prevent effective regulation of factory farms in particular and industrial agriculture in general. Their legislative agenda includes a wide variety of generic pro-industrial agriculture legislation.

For example, during the 1990s, 13 states passed “food disparagement laws” – commonly called “veggie libel laws.”²³ These laws make it easier for food producers to sue anyone for libel who criticizes the safety or healthfulness of specific foods or systems of production. Even if these cases don’t hold up on court, as with the Oprah Winfrey case, they cast a chilling effect of potential food critics – including scientists and others who might affect the credibility of the food industry. “Ag-gag”²⁴ laws are another example of generic legislation. At least six states have enacted various laws that forbid the undercover filming or photography of any activity on farms without the consent of their owner. These laws are targeted specifically to whistle-blowers who have documented animal cruelty in factory farming operations. Again, some state laws have been declared unconstitutional, but the intimidation of uncertainty remains.

Stronger “right to farm laws” are the most important current legislative initiatives. All 50 states already have some form of right to farm law. The early laws, beginning in the 1980s, were enacted to minimize the threat to nuisance litigation and prohibitive state and local government regulation of “normal farming practices.”²⁵ However, more recent laws go far beyond those initial laws by prohibiting the legal restraint or effective regulation of any farming practices that the agriculture establishment might choose to define as “normal farming practices” – which obviously includes factory farming. Some states have written right to farm laws into their state constitutions and other states are actively considering similar constitutional amendments. I think the ultimate strategy is to transform existing “state right to farm laws” into “state constitutional rights” that will take priority over the basic human rights promised by the U.S. Constitution.

Admittedly, the U.S. constitution doesn’t mention the right to clean air, clean water, and safe, wholesome food. However, the rights of the people of the United States are not limited to rights specifically named or enumerated in the Constitution. In fact, the 9th amendment to the Constitution states: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” These “other” rights, in addition to those named, are to be “retained by the people.” Some of those other rights were later added to the Constitution, such as the prohibition of slavery and women’s right to vote. Others have been interpreted by the courts to be covered under enumerated rights, such as freedom of speech and religion and the right to privacy. Fundamental rights such as self-determination and self-defense have simply been accepted without challenge – as self-evident.

The American Declaration Independence names some rights that were considered so self-evident they were not enumerated in the Constitution. It states: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.—That to secure these rights, Governments are instituted among Men.” The rights of self-determination and self-defense were not included in the Constitution because they were “self-evident.” What

can be more important to the basic right to *life* than the right to clean air, clean water, and safe food? The fundamental purpose of government is to protect these rights.

As I have documented, reams of research reports from highly credible scientific institutions clearly link factory farms to major public health risks associated with polluted air, polluted water, and contaminated food. Despite the fact the evidence is compelling, defenders of industrial agriculture often argue there is not yet a “scientific consensus.” This is what I call “the tobacco defense.” The tobacco industry argued for decades that there was no “scientific consensus” linking tobacco smoking to public health risks, although volumes of scientific studies and even their own research indicated otherwise.

A basic difference between the tobacco controversy of 30 years ago and the CAFO controversy of today is highly credible scientific information is readily available to anyone. The conclusions drawn by scientists from virtually every significant study regarding the negative impacts of CAFOs are readily available on the internet – including the articles published in refereed journals. The American people are perfectly capable of drawing their own conclusions and arriving at a scientific consensus on their own – and the rights of self-determination gives them the constitutional right to do so.

In the case of tobacco, people at least had an opportunity to move away from smokers, although it might have meant giving up commercial air travel and eating in most restaurants. Moving away from a CAFO often means that neighbors must give up their long-time homes or others must forego the opportunity to live in areas outside of a protected municipality. Americans have a basic human right to the opportunity for a decent quality of life, to the pursuit of *happiness*, without being forced to flee their once-decent neighborhoods.

The only thing that keeps me traveling the country and speaking out about the inevitable negative environmental, social, economic, and public health impacts factory farms is the people I meet whose lives have been literally destroyed by being forced to live downwind or downstream from a factory farm. The stories of real people who have been deprived of their rights of life, liberty, and the pursuit of happiness always linger in the back of my mind. The CAFO controversy is not just a disagreement about data or the weight to give to conflicting scientific evidence. It ultimately is a matter of people – intelligent, informed, thoughtful, caring, people – being deprived of their basic human rights. I’m originally from Missouri, the Show Me State, and when I see people whose lives are being destroyed by factory farms, I believe it.

The battles over factory farming are battles over conflicting ethical and moral values. The economic rights of factory farmers are being given priority over the basic human rights of their neighbors and society in general. Some are still searching for middle ground upon which to develop and implement a mutually acceptable set of regulations. However, the agricultural establishment is firmly committed to preventing effective regulation of factory farming. There is no middle ground. To compromise is to admit defeat. It’s time to choose sides.

It’s time for us to stand up for our basic human rights before others allow our rights to be taken away. We need to continue opposing “bad laws” and defending private property rights in court, but we can’t allow our time and energy to be totally depleted by legislative battles and

legal actions that promise no long run solutions. The scientific evidence against factory farming is already “overwhelming”. We need to put the industrial agricultural establishment on the defensive by advocating a legislative agenda that will hold government accountable for fulfilling its fundamental purpose of securing our constitutional rights.

First, we need to act boldly by advocating a nation-wide moratorium on CAFOs, to give people time to inform themselves on the nature of the threats and of their basic human rights to clean water, clean air, and safe, healthful food. We then need to propose a national “right to farm” law that will preempt all current state right to farm laws, and specifically exclude CAFOs and other industrial agricultural systems from the legal definition of “farm.” We need to propose a CAFO tax to create a “superfund” and then start closing down and cleaning up after CAFOs wherever they threaten the rights of their neighbors. We need to replace current government policies that support factory farms and industrial agriculture with a farm bill that supports independent family farms and sustainable animal agriculture. We need to build a public consensus to support our agenda by letting people know we don’t need factory farms to feed Americans or feed the world. We need a food system that meets the needs of all in the present without diminishing opportunities for the future.

The Declaration of Independence clearly states that governments are established for the purpose of securing the God given rights of people. The 10th Amendment of the U.S Constitution states: “The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, *or to the people.*” Our federal and state governments thus far have failed to use their power, or perhaps don’t feel they have the power, to protect our constitutional rights in the case of factory farming. In either case, “we the people,” must find a means of using the powers granted to us by our constitution to claim our constitutional rights to life, liberty, and the pursuit of happiness. It’s time to take a stand. As for me, for as long as I am able to stand, I will stand against factory farms. I will take my stand on the side of the people.

End Notes:

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