

CAFOs or Communities: A Time of Decision¹

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The “CAFO War” has been raging in rural communities across the Midwest for at least two decades. Skirmishes in other areas of the country go back far longer. The battles began in the 1960s in the South, with public resistance to the corporate takeover of the poultry industry. Large poultry CAFOs in the South – under comprehensive contracts with feed companies – replaced smaller commercial flocks in the Midwest. The South was the logical place to start contract farming, as contracting resonates with the culture of share-cropping. Resistance to the emergence of cattle CAFOs on the High Plains during the 1970s was somewhat limited. The cattle were still fed outside, the climate was dry, the area was sparsely populated, and the Packers and Stockyards Act protected cattle feedlots from corporate contracts.

Contract hog production began in North Carolina in the 1980s and quickly spread across the Southeast. The rural South had become accustomed to pollution from poultry manure by then, but the “lagoon and spray-field” system of manure disposal for hog CAFOs brought a whole new dimension to air and water pollution. As public resistance to further expansion of hog CAFOs in the Southeast grew during the early 1990s, the CAFO corporations began a major offensive in the Midwest – in traditional “hog country.” That campaign has continued. Milk production is the latest sector of the agriculture economy to succumb to the CAFO offensive. Dairy CAFOs began in the West, but have since moved into traditional dairy areas in the upper Midwest. While many of the large dairy CAFOs are still independently owned and operated, they will eventually be brought under corporate control – a key aspect of the CAFO market strategy. The frontlines of the CAFO War are now firmly entrenched in the Midwest.

Replacing independent Midwest hog and dairy farmers with CAFOs has been far more contentious than moving poultry production and cattle feeding out of their traditional production areas. In addition, resistance to poultry and cattle CAFOs have grown as people become increasing aware of their negative environmental, social, and economic impact. As CAFOs have grown in size and numbers, skirmishes have grown into major battles and the battles into an all-out war. The expansion of CAFOs has been slower, but the relentless onslaught of corporate agriculture and its devastation of rural ecosystems, economies, and communities continues. With foreign corporations now in control of the largest pork, poultry, and beef packing operations in the U.S., CAFO are expanding rapidly to accommodate anticipated increases in exports.

The promoters of CAFOs – meaning the “agricultural establishment” have met growing public resistance with growing economic and political force. (The agricultural establishment includes

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the agribusiness corporations, major commodity organizations, the American Farm Bureau Federation, even USDA, State Departments of Agriculture, and the major agricultural colleges.) The corporate integrators have effectively leveraged their growing economic power into growing political power. They have convinced the rest of the agricultural establishment that the industrialization of agriculture is both necessary and inevitable – the future of animal agriculture. And, CAFOs are the epitome of industrial agriculture.

The legitimacy and credibility of the political and academic institutions that promote CAFOs now rests on their winning the CAFO war. This gives CAFO promoters all of the economic and political power – leaving CAFO opponents with only the power of the people. The CAFO war is a classic example of the ongoing struggle between the power of corporation and the power of real people in our American democracy. The outcome of the CAFO wars will quite likely determine the fate of rural America and may well determine the fate of the nation.

The latest political weapon in the CAFO offensive is a new round of “right to farm” legislation, including constitutional amendments. Historically, right to farm laws are written to deny nuisance suits against farmers who use “standard farming practices,” even if these practices harm adjacent property owners or the general public. Kansas enacted the first right to farm law in 1963, prophetically, to protect large feed lots against complaining neighbors. Right to farm laws spread quickly during the 1970s and 1980s. The purported justification was to protect existing farmers from the nuisance law suits of new neighbors as city suburbs spread into traditional farming areas. The laws did not restrict the protected farming practices to currently accepted practices, but also protected whatever practices might be considered “accepted, standard, or modern” in the future – by the agricultural establishment, of course. According to the National Agriculture Law Center, every state now has some form of a right-to-farm law.ⁱ

The right to farm laws, although an obvious deterrent to nuisance suits, have not kept CAFOs from being sued, but only if they were proven to be in flagrant violation of state or federal laws. In the high-profile cases, CAFO corporations, such as Premium Standard Farms, have been sued and forced to settle for large sums of money to compensate for damages.ⁱⁱ While only the most egregious violators have been sued, the corporations want additional protection from nuisance law suits arising from their abusive practices. The result: a new wave of right to farm initiatives.

The objectives of the new legislative initiatives are not limited to stopping nuisance lawsuits. They are designed to build a “fire wall” against growing concerns among the general public, not just rural residents, about the negative impacts of industrial agriculture on food safety, the environment, public health, animal welfare – the list is long and growing. The agricultural establishment first responded to food safety concerns in 13 states with the Veggie Libel Laws of the 1990s.ⁱⁱⁱ These laws make anyone who questions the safety of the American food system subject to costly law suits. The case against Oprah Winfrey is the most notable example of the Veggie laws. The outcome of that case might have been different for anyone with less money to defend themselves, having a chilling effect on would-be food critics in academia or the media.

The Ag-gag Laws of the 2000s are ongoing efforts to blunt growing public concerns for the inhumane treatment of animals in CAFOs.^{iv} The agricultural establishment is particularly concerned about the entry of large animal welfare organizations, such as the Humane Society of

the U.S., into the CAFO wars. In an effort to counter growing public rejection, 30 states have adopted some form of legislation legally restricting unauthorized access to agricultural facilities. State legislatures in Utah and Iowa have made a criminal act of recording undercover videos of animal cruelty in CAFOs.^v Similar legislative initiatives are pending in several other states. These laws clearly are responses to growing public rejection of hog gestation crates in CAFOs. Nine states now have laws phasing out the use of gestation crates and several large retailers have promised to quit purchasing pork from companies that use gestation crates.^{vi} Constitutional “right to farm amendments” would enshrine “current, standard, or modern” production practices and might well overrule legal bans on gestation crates and other inhumane practices.

Lacking support from their state and federal governments, many people in rural areas have attempted to protect themselves with local ordinances. The vast majority of states are Dillon's Rule states, which means counties and municipalities must have permission from state legislatures to address issues such as CAFOs – which legislators have been unwilling to give.^{vii} Virtually all agricultural states have some form of legislation assigning responsibility for regulating agriculture to the state level, specifically prohibiting local control of agriculture.

Missouri perhaps has been the most successful in using local control as a defense against the onslaught of CAFOs. Eighteen Missouri counties have health ordinances regulating CAFOs, and eight additional counties have other forms of local regulations affecting CAFOs. The Missouri courts have thus far upheld the rights of counties to regulate CAFOs with health ordinances, because the state has failed to address the health issue. Several attempts by the state legislature to nullify local health ordinances have failed. A Missouri right to farm amendment would nullify these ordinances. Such an amendment will go before Missouri voters on August 5, 2014.

That said, I still believe that regaining local control is the best strategy for the war against CAFOs. In fact, our ability to shift the balance of political power at state and federal levels ultimately depends on our effectiveness in changing public attitudes in our local communities – both rural and urban. The war against CAFOs is ultimately a war for the hearts and mind of the American people. That war will be won, as are all such wars, by people connecting personally with other people, their neighbors, in their local communities. CAFOs cannot prevail without the confidence and trust of the people.

Large nonprofit organizations, such as the HSUS and Sierra Club, have funds to provide significant logistical support, such as advertising and legal services. They also have experience in “grassroots” political organizing, particularly in critical urban areas. However, it will be up to the ordinary people and community leaders in rural and urban communities to give credibility to the larger organizations in the war for hearts and minds. The CAFOs wars provide an important opportunity for communities to come together around an issue of common concern. The large corporations that now control much of government know that only “we the people” have the power to force them to conform to the social and ethical standards of civil society. If we lose the war on CAFOs, we will lose many of our communities, and if we lose our communities, we may well lose our democracy. CAFOs or communities; now is our time of decision.

Margaret Wheatley, one of the leading thinkers in the U.S. on institutional change, recently returned from an extended retreat where she focused her attention on the major trends shaping

U.S. society: “A growing sense of impotence and dread about the state of the nation. The realization that information doesn't change minds any more. *The clarity that the world changes through local communities taking action—that there is no power for change greater than a community taking its future into its own hands.*”^{viii} I believe the three trends are as relevant to our ongoing war on CAFOs as to our ongoing struggles to keep democracy from becoming an oligarchy, plutocracy, or more accurately, a *corpocracy* – meaning rule by corporations.

First, I see the growing sense of impotence and dread among many of the “foot soldiers” in the war against CAFOs. We always seem to be on the defensive, and the offense forces mounted against seem to have endless reserves of economic and political power to continue their battles indefinitely. Each new offensive seems bolder and more aggressive than the last, like amending state constitutions to protect corporate interests instead of simply passing laws. With the expansion of animal agriculture exports in to growing markets such as China and Korea, domestic consumption no longer seems to place a limit on CAFO expansion.

We are winning enough skirmishes to keep the most faithful of our warriors engaged, but there is little sense that we are actually winning the war. That said, we should recall that in the war for U.S. independence from Great Britain, the revolutionaries lost most of the skirmishes and failed to win any decisive battles until the one that counted most; when Washington met Cornwallis at Yorktown. The communist rebels in Viet Nam did not win any decisive battles until the fall of Saigon. Even the Tet Offensive was beaten back, but the rebels won the war. We are now seeing similar results in Iraq and Afghanistan, where U.S. and allied offensives apparently failed to win the hearts and minds of the people. While there may be little reason for optimism in the war against CAFOs, there is still every reason for hope.

Second, I agree with Wheatley that information no longer changes minds, at least not for issues such as global climate change, genetically modified organisms (GMOs), and certainly not for CAFOs. For decades, the proponents of CAFOs consistently called for decisions based on “sound science.” The bits of research available early on had come from the agricultural colleges – the academic allies of corporate agriculture. Now, a large and growing body of scientific information from highly credible academic institutions provides compelling evidence against CAFOs for a long list of ecological, social, and economic crimes with which they been charged. Now that science has turned against them, CAFO proponents have resorted to a multimillion-dollar, nationwide propaganda campaign.

The agricultural establishment is now resorting to PR to salvage the public image of industrial agriculture to shore up crumbling consumer confidence in America's factory farms and the corporate global food system.^{ix} The U.S. Farmers and Ranchers Alliance alone reportedly has an \$11 million annual budget pledged by the agricultural establishment, including the major commodity organization, the USDA (using farmers' check-off funds), and large agribusiness corporations – including \$500,000 each annually from Monsanto and DuPont.^x The focus of CAFO promoters has shifted away from trying to sway public opinion with information, which was also turning against them, to relying on a professional propaganda campaign.

Countering pro-CAFO propaganda with anti-CAFO propaganda is not a strategy we either can or should pursue. We have the truth on our side, and we must continue to tell the truth we

already know about CAFOs. We also need to try to make consumers and the general public aware of new information as it becomes available. We simply cannot rely on existing or new information to bring about the necessary changes in government regulations until we have strong support for our cause from the general public. It will take time, energy, and commitment to develop the necessary public support.

I increasingly have come to rely on comprehensive studies or broad reviews of research rather than specific studies. Such studies create the correct impression that our concerns are rooted in a growing scientific consensus, which is true. For example, A comprehensive assessment supported by a 2008 Pew Charitable Trust report cites more than 200 sources in drawing its conclusions: *The current industrial farm animal production (IFAP, i.e. CAFO) system often poses unacceptable risks to public health, the environment and the welfare of the animals themselves... 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.*^{xi} Five years later, a follow-up concluded: that instead of addressing the problems “*the Administration and Congress have acted “regressively” in policymaking on industrial food animal system issues.*”^{xii}

A recent comprehensive study and report by the Center for Disease Control and Prevention relies on dozens of studies linking CAFOs to antibiotic resistant bacteria, such as MRSA: *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. Resistant bacteria can be transmitted from food-producing animals to humans through the food supply. Resistant bacteria can cause infections in humans. Antibiotics should be used in food-producing animals only under veterinary oversight and only to manage and treat infectious diseases, not to promote growth.*^{xiii}

A Canadian study sponsored by the World Society for the Protection of Animals cites numerous studies documenting inhumane treatment of animals in CAFOs: “*In the 20th century, intensive agriculture (ILOs i.e. CAFOs), broke the ancient rule that militated in favour of good welfare for farm animals. No longer was it necessary to respect animal nature... Modern agriculture put animals into environments for which they were ill-suited, yet still assure production and profitability. Modern intensive production practices were first criticized on animal welfare grounds in the 1960s. Research in the subsequent 50 years has shown that these criticisms were well-founded.*”^{xiv}

A 2006 study commissioned by the State of North Dakota Attorney General's Office reviews 56 socioeconomic studies documenting the negative social and economic impacts of CAFOs on rural communities: “*We conclude that public concern about the detrimental community impacts of industrialized farming is warranted. This conclusion rests on five decades of government and academic concern with this topic, a concern that... has grown more intense in recent years, as the social and environmental problems associated with large animal confinement operations have become widely recognized. Five decades of social science research which has found detrimental effects of industrialized farming on many indicators of community quality of life, particularly those involving the social fabric of communities.*”^{xv} There have been no significant studies since that cast any doubt on these conclusions.

Finally, I agree with Wheatley: *There is no power for change greater than a community taking its future into its own hands.* I believe we should focus our efforts in the CAFO war on issues of broad public concern, such as public health, animal welfare, and communities – not because we will succeed in the political arena, but because such issues have the power to change prevailing public opinions and attitudes.^{xvi} We can use these issues to promote a wide range of policy initiatives, such as opposing right to farm amendments, and in the process, form local advocacy groups and political coalitions. Local crises, such as threats posed by CAFOs, can bring concerned citizens together in a common cause. I have often said the CAFO war is creating the future leader of rural America. By focusing on broad public concerns, coalitions can be formed between rural and urban community groups, with support from the large nonprofit organizations. The CAFO War can help build strong communities – rural and urban.

As Wheatley observed, there is nothing more empowering than taking our future into our own hands, and when a community takes its future into its own hands, there is no greater force for change. People in both rural and urban communities must find the courage to stand up for their basic human rights of self-determination and self-defense, regardless of what their laws or constitutions may allow. Whenever individuals are faced with situations that a “reasonable person” would find threatening to their life, health, or essential welfare, they have a basic human right to defend themselves – without asking for legal permission.

There are occasions when individuals must act collectively, as communities, to defend their rights against common threats. Any “reasonable person” or “reasonable community” now has more than just cause to feel threatened by CAFOs. The public health risks of CAFOs are real and can and have destroyed the health and even lives of individuals within communities. MRSA, which clearly is cultured in and spread by CAFOs, now kills more people than AIDS in the U.S. In such situations, people have no moral imperative to wait for the laws to change to take action to defend themselves. If we must later defend ourselves in courts of law, we must demand our actions be judged by a jury of our peers, our neighbors, as in cases of personal self-defense – not by paid consultants, bureaucrats, or judges. Reasonable people will not condemn community leaders for defending the basic human rights of their members.

The preponderance of scientific evidence against CAFOs will eventually become so large that it cannot be denied by the legal system, as did the evidence linking tobacco smoking to public health. It took several decades to change tobacco policy even after the evidence against the tobacco industry was clear. We need to continue to inform the citizenry of the negative impacts of CAFOs on the overall health and well-being of both rural and urban residents and communities until our citizens' army becomes so large it simply cannot be denied. Even if we lose a political battle, we will be forming enduring personal relationships within and among communities that can empower us to fight the next battle, and the next battle, and with each battle, strengthening our communities and coalitions, until eventually we win the War. In the words of Margaret Wheatley, “Having observed [this empowerment] process in so many different communities has led me to eagerly affirm: Whatever the problem, community is the answer.”

End Notes

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