



IOWA CHAPTER

## **Why Voluntary Compliance Is Not Effective for Industrial Livestock Factories**

### **What is voluntary compliance?**

Large agricultural groups promote voluntary compliance as the means to solving water and air pollution problems in Iowa. By arguing for voluntary compliance, they are also pledging that the operators of industrial livestock factories do not require regulations since they will voluntarily do what is appropriate to protect Iowa's water from pollution and to keep Iowa's air healthy.

Voluntary compliance strips government regulators of its hammers to force regulatory compliance, including fines, state-forced recalls of agriculture products, closing non-complying businesses and other penalties for operators who do not abide by the laws.

### **Voluntary compliance is not effective.**

Voluntary compliance in Iowa is code for no compliance, or compliance if the industrial livestock factory<sup>1</sup> owner chooses to comply.

Complicating the situation for industrial livestock factories is that the farmer does not own the animals. The owner contracts the farmer to care for the animals and provides the feed. The farmer is responsible for disposing of the waste, disposing of the deceased animals, and housing and feeding the animals. The farmer oversees the operation of raising the animals based on the owner's dictates.

Large numbers of hogs, poultry and other livestock are raised in one building; alternately thousands of beef cattle are raised in open feedlots, or pens with no growing grass. The amount of waste produced is so large that the farmers have problems disposing of it. As a result, manure is placed on fields that will be planted with soybeans even though soybeans do not need to have nitrogen fertilizer. Manure is so heavily applied on the ground that it runs into rivers and streams, impairing water quality. The neighbors suffer health problems that accompany the excessive exposure to high concentrations of ammonia, hydrogen sulfide and fine particulate matter (PM 2.5).

The current regulatory scheme has not kept pace with the practices of the industrial livestock factories. All Iowans suffer as a result.

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<sup>1</sup> Industrial livestock factories are also known as concentrated animal feeding operations (CAFOs) or factory farms.

## **Impaired waters**

The federal Clean Water Act requires the state to issue a list of waters that do not meet all state water quality standards. The pollutants include factory wastewater discharges, sewage wastewater discharges, industrial livestock factory pollutants and soil particles that have washed off the land.

The Department of Natural Resources issues permits to manufacturing plants and sewage treatment facilities that limit what can be discharged into a water body. Industrial livestock factories have not been required to have permits, with the exception of open feedlots. Collectively, industrial livestock factories are neither voluntarily reducing water pollution nor voluntarily cleaning up the rivers and streams.

Water issues keep getting worse, as illustrated by the number of waters added to the impaired waters list. The DNR is required to test and report Iowa's water quality to the EPA. As more testing is conducted, more waters are added to the impaired waters list.

## **Discharges**

Industrial livestock factories are, by law, prohibited from discharging. The Iowa Department of Natural Resources investigates manure spills and determines the fines and penalties assessed for each spill unless it exceeds \$10,000 at which point the Environmental Protection Commission votes to refer the offender to the Attorney General. Nevertheless, assessed penalties are so minor that they do not usually deter the offender or other industrial livestock factory operators.

Year in and year out, the manure spills and fish kills continue to occur.

The solutions to preventing water pollution attributed to applying manure on farm fields are simple:

- build more or larger storage receptacles to hold the manure;
- reduce the numbers of animals so that there is adequate storage capacity for manure and thus does not have to be applied to frozen ground on an emergency basis;
- acquire more land for spread fields in order to handle the amount of manure produced and to allow a rotation of corn and soybeans instead of raising corn on the land year after year.

## **Conclusion**

The livestock factory industry has repeatedly proven that it is incapable of self-policing its own pollution control and prevention resulting in ineffective compliance. Voluntary compliance results in no pollution control but increased pollution. An operator not already complying is an operator who wants voluntary compliance.

The Iowa Chapter supports strong environmental regulation of the CAFO industry, strong enough to force compliance, with adequate staff to oversee the industry and to ensure that regulations are followed.