

The Carolina Shag--One Step Forward Two Steps Back

North Carolina residents have been challenged to accommodate a large number of hog and chicken CAFOs. The CAFO pollution brought to this beautiful state of rivers, forests, mountains, fresh air, and ocean beaches has damaged nearby private properties, neighbors' wellbeing, and the public natural resources.

Residents, environmental organizations, and attorneys have faced huge meat, dairy and egg corporations while protesting the CAFO harms to human life, and they've won in court.

These legislative two-steps, cited below, continuously occur across American farmland states. Right-to-farm laws are beefed up by new amendments, further protecting Big Ag from the harm they do to families. In North Carolina the damage can be severe:

“In eastern North Carolina, the adverse effects of living close to industrial farms are well-documented. A study conducted by the Environmental Health Scholars at Duke University School of Medicine and published in the NC Medical Journal found that communities located near hog CAFOs had higher all-cause and infant mortality, resulting in more deaths due to anemia, kidney disease, tuberculosis and septicemia. These residents also experience higher rates of hospital admission, emergency room visits and low birth weight infants.

Nitrogen from the unlined pits of hog waste seeps into waterways and contributes to groundwater and well pollution. Ever since an industrial hog farm was established a quarter of a mile from her house in the unincorporated community of Waycross, Elouise Stokes Jacobs hasn't been able to drink her own water.”¹

In a recent North Carolina example, soon after a major win against Smithfield Foods and their CAFOs, the dance began. The legislature came back with a law that capped recoverable damages to the value of a plaintiff's home and made it harder for harmed families to bring a lawsuit against a CAFO. Folks suffering from the excessive untreated animal excrement pollution are now prevented from achieving fair settlements for their major damages.

The Rural Empowerment Association for Community Help, the North Carolina Environmental Justice Community Action Network, and Waterkeeper Alliance went to court on behalf of injured residents.

“The three non-profit organizations argued on appeal that the amendments violated private property rights in North Carolina's constitution, obstructed the fundamental right to enjoy property and that capping recoverable damages breached the constitutional right to a trial by jury. Finally, the organizations contended that the amendments provided private protections just for the hog industry.”²

The 3-panel Court of Appeals ruled against the residents. The state Supreme Court declined to hear the challenge to the 2017 and 2018 amendments to the state's Right to Farm Act. Justice Anita Earls, however, disagreed as quoted in the Order.

“This petition raises significant issues of great public interest to the people of North Carolina, as it involves the constitutional rights of property owners who allege they are harmed by industrial hog farm operations. Petitioners raise fundamental constitutional questions that have not been previously decided by this Court. Our statutes provide that parties have a right to appeal in cases directly involving substantial constitutional questions. Therefore, I dissent from the Court's dismissal of this appeal without consideration of the merits and in the alternative, I dissent from the denial of the petition for discretionary review.”²

Still, every case that residents bring to court wakes up our judicial system to the harms currently being caused by Big Ag's CAFO food system. More Americans will wake up to understand that an unfair and environmentally unsustainable farming model is used to produce much of the meat, eggs, and dairy we consume. An overhaul is needed.

When Big Ag pulls up their pants and tightens their belt against more restrictions, while dancing with their friends in state legislatures, we will know they figured they got caught. More of the public will also understand that this food system is unhealthy and unsustainable.

References

¹ NC Health News—"Unchecked growth of industrial animal farms spurs long fight for environmental justice in Eastern NC", by Melba Newsome, October 20, 2021
<https://www.northcarolinahealthnews.org/2021/10/20/environmental-justice-and-industrial-farming-in-eastern-nc/>

² National Hog Farmer, "North Carolina Supreme Court dismisses Right to Farm Act challenge"
Compiled by staff | Dec 19, 2022
<https://www.nationalhogfarmer.com/news/north-carolina-supreme-court-dismisses-right-farm-act-challenge>