

## **Big Ag's Big Chill on Small Towns** Wisconsin

Rural municipalities across Wisconsin have witnessed the alarming damages that come from CAFOs. Several of them got together and formed the Large Livestock Town Partnership, a committee that examines the environmental impact of CAFOs. “The Partnership's goal is to share the expertise and expenses needed to develop the strongest ordinance possible to protect local public health and property values.”<sup>1</sup>

To protect their areas from CAFO harms, they first instituted CAFO moratoriums to temporarily put a hold on CAFO construction while the towns had time to study CAFO requests for siting and the implications for their community-well-being. The partnership researched CAFOs using unimpeachable sources and have created an extensive report on potential harms.

Next, the partnership crafted ordinances. They researched their own area's geology, water, population census, and other pertinent facts. Each of the extensive local ordinances presented their purpose and findings publicly along with their research. Laketown's CAFO ordinance can be read here.<sup>2</sup>

Then came Big Ag's response—a threat to sue the towns that the CAFOs want to “call home.”

“Farther south in Wisconsin, another county is reeling from letters threatening legal action. Crawford County, which borders Iowa, enacted a CAFO moratorium in 2019 but did not renew the moratorium after studying the issue for a year. Forest Jahnke, a coordinator with the Crawford Stewardship Project, said the decision to not renew the moratorium was highly influenced by the deluge of similar threats of litigation and backlash, which had a “chilling effect” on efforts to move forward.”<sup>3</sup>

Not all of the communities, however, backed down to the chilling threats. They are standing firm in their belief that, locally, they have the right through their

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<sup>1</sup> **“Three Towns Pass CAFO Ordinances”**, March 11, 2022; <https://knowcafes.org/wp-content/uploads/2022/05/Livestock-Ordinance-Update-4.28.22.pdf>

<sup>2</sup> Town of Laketown, Polk County Ordinance No. 22-01 Concentrated Feeding Operation (CAFO) Ordinance  
<https://townoflaketown.org/wp-content/uploads/2022/03/Final-Concentrated-Animal-Feeding-Operations-Ordinance-22-01.pdf>

<sup>3</sup> **Wisconsin Watch, “A tiny Wisconsin town tried to stop pollution from factory farms. Then it got sued.”**  
<https://wisconsinwatch.org/2022/12/a-tiny-wisconsin-town-tried-to-stop-pollution-from-factory-farms-then-it-got-sued/>

ordinances to regulate the operations and conduct of any CAFOs wanting to locate there.

Wisconsin's Right-to-Farm Act, as in other states limits local control and the ability and remedies for neighbors or communities to bring nuisance lawsuits. However, one difference compared to other state right to farm laws is that the Wisconsin legislature stated its legislative purpose that local zoning still can be used to control agricultural land:

The legislature finds that development in rural areas and changes in agricultural technology, practices and scale of operation have increasingly tended to create conflicts between agricultural and other uses of land. The legislature believes that, to the extent possible consistent with good public policy, the law should not hamper agricultural production or the use of modern agricultural technology. The legislature therefore deems it in the best interest of the state to establish limits on the remedies available in those conflicts which reach the judicial system. The legislature further asserts its belief that local units of government, through the exercise of their zoning power, can best prevent such conflicts from arising in the future, and the legislature urges local units of government to use their zoning power accordingly.<sup>4</sup>

Bayfield County in northern Ohio was able to pass a zoning ordinance that prevented a CAFO from siting there. The Large Livestock Town Partnership ordinances pursued a different approach.

“Laketown CAFO operators are asked to file a one-time fee equal to a dollar for every animal unit as well as give detailed plans of how they will prevent ground and air pollution stemming from their facilities. Passed in 2021, the ordinance states it is based upon Laketown's obligation to “protect the health, safety and general welfare of the public.”<sup>5</sup>

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<sup>4</sup> “The Right-to-Farm Law in Wisconsin”; by Konrad Paczuski/Legislative Attorney and Ryan LeCloux/Legislative Analyst; Legislative Reference Bureau, Pg. 5  
[https://docs.legis.wisconsin.gov/misc/lrb/wisconsin\\_policy\\_project/wisconsin\\_policy\\_project\\_2\\_5.pdf](https://docs.legis.wisconsin.gov/misc/lrb/wisconsin_policy_project/wisconsin_policy_project_2_5.pdf)

<sup>5</sup> Wisconsin Watch, “**A tiny Wisconsin town tried to stop pollution from factory farms. Then it got sued.**” <https://wisconsinwatch.org/2022/12/a-tiny-wisconsin-town-tried-to-stop-pollution-from-factory-farms-then-it-got-sued/>

[Right to farm laws across the country have inhibited local control over the siting of CAFOs.](#) Many township or county planning or zoning committees proclaim to concerned citizens that they cannot do anything to stop a CAFO from locating in their area. These local governments in Wisconsin took charge of their own futures and have come up with a new approach to insuring that if CAFOs want to build facilities, those facilities are operated in a manner that is safe for the community drinking water, river and lake enjoyment free from harmful algae blooms, air pollution, and property devaluation.

What American would argue with the logic of local communities wanting to protect their residents from factory farming harms?

For more information on Wisconsin's CAFO siting process and local control, Midwest Environmental Advocates have published the "CAFO Guide for Wisconsin Communities."<sup>6</sup>

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<sup>6</sup> "CAFO GUIDE FOR WISCONSIN COMMUNITIES" by Midwest Environmental Advocates; <https://midwestadvocates.org/assets/resources/cafo-guide.pdf>