Farmed Animals and Natural Disasters

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Personal Views and Opinions

Standard Disclaimer:

Opinions are personal and not necessarily representative of those of the Animal Legal Defense Fund or any clients.
Presentation Roadmap

- Factory farm overview
- Factory farms & climate change
- Climate change & natural disasters
- Impacts of natural disasters on farmed animals
- Lack of legal protections
- How do we fix this?
Factory Farm Overview

- Traditional farming techniques modified to maximize profits
- Increased number of animals confined to building or feedlot and given a “feed” diet
- New methods of controlling animals’ bodies, behaviors, and natural processes to increase product output and reduce risks
- Large numbers of animals in confined spaces result in massive amounts of gaseous, liquid, and solid wastes
- Factory farms often located in low-income areas, communities of color
What is a CAFO?

- Regulatory term from Clean Water Act but term also used colloquially
  - See 40 C.F.R. § 122.23

- AFO: Animal Feeding Operation
  - Confines animals at least 45 days/year & doesn’t grow crops or vegetation

- CAFO: Concentrated Animal Feeding Operation
  - Classified as an AFO with a certain number of animals and/or that significantly pollutes waters
  - Large, medium, and small CAFOs

Credit: Jo-Anne McArthur / We Animals Media
Manure Management

- CAFOs generate massive amounts of animal waste

- CAFOs need management systems to collect, store, and dispose of animal waste
  - Storage and use methods depend on the type of waste (liquid, solid, semisolid)

- Lagoons may seep, leak, overflow, and breach
  - More likely to occur during hurricanes, heavy rains

- CAFO siting near waterways & floodplains require extra precautions
  - 100-year floodplain: a 1% chance of being flooded within a 100-year period
  - Karst topography issues: ground subsidence, sinkholes, groundwater contamination

- State and federal lax enforcement of manure management plans
  - Lack of monitoring requirements
Impact of Manure Lagoon Leaks After Hurricane Florence

How CAFOs Contribute to Climate Change

- **Water pollution**
  - Most manure lagoons are unlined and can contaminate groundwater
  - Manure land applications—whether injected or topically applied—may pollute air and water resources
    - Nutrient pollution, mostly nitrogen and phosphorus, leads to fish kills, eutrophication, reduced biodiversity

- **Air pollution**
  - Ammonia & hydrogen sulfide from decomposing manure
  - Particulate matter

- **Greenhouse gas emissions**
  - Methane
  - Nitrous oxide
  - Carbon dioxide

- **Deforestation for feed crops adds to greenhouse gas emissions**
How CAFOs Contribute to Climate Change

Credits: Jo-Anne McArthur / We Animals Media
Link Between Climate Change & Natural Disasters

Increasing global surface temperatures mean more droughts and intensified storms.

- Warmer ocean temperatures → increased hurricane activity and intensity
- Rising sea levels → worse coastal flooding, increased risk of flooding during hurricanes
- Warmer air → wetter hurricanes
- Warmer air → less snowpack, dryer vegetation and soil → worse droughts, wildfires
Impacts of Natural Disasters on Farmed Animals

Farmed animals are particularly vulnerable during natural disasters.

- CAFOs concentrated in areas where extreme weather events occur more often
- Power outages cause automated systems to fail
  - Includes feeding systems, environmentally controlled housing, etc.
- Animals trapped indoors may drown in floodwaters
  - Confinement in cages or cramped quarters may make injuries or deaths more likely
- Sheer number of animals in facilities makes evacuation unlikely
- Animals considered in economic terms, treated as losses to ‘write off’
Poll Question
Impacts of Natural Disasters on Farmed Animals

Credit: Jo-Anne McArthur / We Animals Media

Credit: Kelly Guerin / We Animals Media
Impacts of Natural Disasters on Farmed Animals

Credit: Jo-Anne McArthur / We Animals Media

Credit: Nikki Ritcher / We Animals Media
Lack of Legal Protections

Farmed animal welfare and safety is not considered in existing disaster preparedness laws and regulations.

- No federal laws requiring disaster planning to evacuate farmed animals or mitigate harms

- PETS Act: Pets Evacuation & Transportation Standards Act of 2006
  - Allows Federal Emergency Management Agency (FEMA) to develop emergency preparedness plans that consider needs of people with pets, service animals
  - Allows FEMA to reimburse states & local authorities for pet evacuation and care expenses during disasters
  - See 42 U.S.C. § 5196

- Major federal environmental laws generally do not address emergency preparedness but instead provide for exemptions after disasters
Lack of Accountability

Existing policies and laws arguably encourage industrial farm owners to abandon animals during disasters.

- Insurance indemnity for animal losses
- Farm Bill authorizes the Farm Service Agency (FSA) to provide emergency assistance for animal deaths caused by extreme weather events
  - LIP: Livestock Indemnity Program provides payments
  - Payments calculated based on eligible death losses *in excess of normal mortality rates*
  - Records, photos, and other evidence of animal deaths required to receive payment
<table>
<thead>
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<th>2021 PAYMENT RATE PER HEAD</th>
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How do we fix these problems?

Animal Legal Defense Fund’s recent work has mainly focused on ensuring the environmental impacts of CAFOs are considered *before* they are built.

- National Environmental Policy Act (NEPA) rollback lawsuit
  - Federal suit against the Council on Environmental Quality for new regulations exempting from environmental review loan guarantees to CAFOs from Farm Service Agency (FSA), Small Business Administration

- NEPA categorical exclusion of funding to medium CAFOs lawsuit
  - Federal suit challenging the categorical exclusion of FSA funding for the construction, expansion of medium-sized CAFOs

- State agency comment opposing expansion of CAFO on riverbank in flood hazard area
  - Comment highlighting environmental impact of dairy CAFO’s proposed expansion in floodplain, arguing CAFO needs an individual National Pollutant Discharge Elimination System permit to mitigate environmental risks

- State lawsuit challenging Foster Farms’ illegal water use
  - State lawsuit challenging facility’s electric immobilization live-hang slaughter method as an ‘unreasonable use’ of water under CA Constitution when less cruel slaughter methods use no water
Questions?

Ask away!

Email me with follow-up questions:
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For more information, visit us at aldf.org