EPA Sued for Scrapping Livestock Data Collection

DAVID PITT, Associated Press

DES MOINES, Iowa (AP) — Environmental and animal welfare groups sued the U.S. Environmental Protection Agency on Wednesday, alleging the federal agency unlawfully scrapped a rule that would have authorized it to collect information from large-scale livestock confinement farms.

The Center for Food Safety, Environmental Integrity Project, Food & Water Watch, The Humane Society and Iowa Citizens for Community Improvement said the rule, which was dropped by the EPA in July 2012, would have provided details on the number of animals on each farm, the waste management practices used and the location of facilities.

The groups said gathering such information is critical to the EPA's enforcement of the Clean Water Act.

"While power plants, waste treatment facilities and manufacturers have had to comply with the protective standards of the Clean Water Act, the factory farming industry has managed to evade any meaningful regulation," Hugh Espey, executive director of the Iowa citizen action group, said in a statement.

The EPA did not immediately respond to messages left by The Associated Press.

The federal agency has said it plans to get the information from other state and federal agencies, but the groups that sued said that approach contradicts recent government reports showing state data on large confinement operations is inconsistent and inaccurate. No federal agency collects accurate data, the suit said.

About 20,000 concentrated animal feeding operations — or CAFOs — operated in the United States in 2003, according to an EPA document. These facilities house chickens, hogs, or cattle inside buildings, often thousands at a time, with pits beneath them to catch animal waste, which is often used for crop fertilizer. CAFOs are found in major livestock-producing states, including Iowa, Kansas, Nebraska, Oklahoma, and Texas.

The lawsuit, filed in federal court in Washington, claims that the EPA lacks the rational basis required by law to withdraw the rule, which was initially published in October 2011. But on July 20, 2012, the agency published a federal notice that it was withdrawing the rule.

"EPA failed to provide a reasonable explanation for its decision to withdraw the rule," the lawsuit said. The groups also want the courts to declare the EPA withdrawal of the rule unlawful.

A spokesman for the National Pork Producers Council said the pork industry

complies with federal regulations. Farms that don't discharge into rivers or streams aren't required to have a Clean Water Act permit, and those who discharge without a permit can be fined tens of thousands of dollars a day, said NPPC spokesman Dave Warner.

He said claiming that farms discharge like wastewater plants or manufacturers "is a blatant lie."

"We are a zero-discharge industry and we comply with those federal regulations," he said.

Chase Adams, a spokesman for the National Cattlemen's Beef Association, said the EPA used its discretion appropriately when it decided against finalizing the rule, which he said "would have severely compromised the safety and security of this nation's food system."

"The majority of the CAFOs these groups are referring to are multi-generational family operations. Publishing their names and addresses only serves to submit these families to harassment and threatens our food security," he said.

The groups say they filed the lawsuit because their members are being injured by farms discharging pollutants into rivers and streams that are now impaired by nutrients, bacteria, and other pollution discharged by CAFOs.

"These injuries are actual, concrete, ongoing, and particularized, and money damages cannot redress them," the lawsuit said.

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