

# THE CASE AGAINST INTENSIVE HOG OPERATIONS

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## **Abstract:**

*This position paper addresses the problems associated with intensive hog operations on three fronts: Environmental (and Health), Economic and Emotional issues followed by a brief segment on the shortcomings of the Nutrient Management Act as it applies to intensive (mega) hog operations, the details of our petition for a provincial moratorium which is currently in circulation, and a summary. A strong well documented and scientific case is made as to why these industrial integrators and corporate intensive hog operations should be stopped by a provincial moratorium for as long as it takes to study all aspects of the intensive hog operation in a comprehensive and prudent manner.*

## **Introduction:**

In the late 1980s, Wendell Murphy, a North Carolina State Senator, along with his partners Smithfield Slaughterhouses, helped invent a new way to produce pork. Thousands of genetically enhanced hogs would be crammed into pens and tiny cages in giant warehouses, dosed with sub-therapeutic antibiotics, and force-fed growth enhancers from imported feeds. Their toxic waste would be dumped, sprayed, spilled and discharged onto adjacent landscapes and waterways.<sup>1</sup> The mega hog factory was born.

Since then people all over the world have been dealing with the environmental, health, emotional and social fallout from this disastrous decision. As early as 1946, it had been shown in California that rural communities surrounded by large farms did not do as well as similar communities where small farms prevailed.<sup>1</sup> These were still relatively conventional farming operations and yet the signs were already there that something wasn't quite right. Ignoring the evidence and introducing a multitude of problems of which mankind had never seen the like of, the greed of the integrators and corporate giants prevailed at the expense of hundreds of thousands of rural citizens worldwide.

Across Canada, the debate over intensive hog operations has pitted small independent farmers against their industrial-sized cousins. The big farms, which are often owned by or allied with large corporations such as Toronto-based Maple Leaf Foods Inc. or Côté-Paquette, have benefited from the tacit, if not outright, support of governments in Ontario, Manitoba and Alberta, which are all aggressively challenging Quebec's title as Canada's top pork-producing province.<sup>17</sup>

The social fabric of rural communities has also been ripped apart by controversy surrounding the introduction of large-scale, corporate hog operations. Neighbours of such hog operations denounce the unjust burden they are left to bear as a result of their diminished quality of life, loss of social activities and enjoyment of property due to the formidable odour, and the discord among neighbours, friends, and family members. Concerns over their health and the health of their families, loss of property value and the degradation of their environment cause tremendous frustration and anger towards industry and government.

The content of this paper will show you convincing scientific, economic and social evidence as to why these intensive hog operations are a blight on society, why they make no sense in any scientific, or socio-economic models and why there is really no upside to their existence.

### **ENVIRONMENTAL and HEALTH ISSUES:**

Health costs are escalating, which raises the question as to why basic factors in promoting good health are not properly safeguarded such as our environment and the food we eat.

There is no question that liquid hog manure waste lagoons have horrific odour. The more important question is how many toxic chemicals the manure contains, in what concentrations and how great a risk they present to the environment and health of the neighbouring population.

Environmental odours can and do have considerable effect upon a population's general well-being, affecting both its physiological and its psychological character. For some people the resultant symptomatology is both transient and difficult to accurately define. This includes things like nausea, headaches, shallow breathing, coughing, sleep disturbances and loss of appetite.

That said, reputable institutions like the Harvard Business School and the University of Iowa have done studies showing negative effects on the mental and physical health of people living near hog factories.<sup>1</sup> As well, recent *public* research has shown that neighbours of large-scale swine operations are also at elevated risk for health problems.<sup>3</sup> In addition to odour malfeasance, neighbours appear to be experiencing elevated rates of health symptoms related to the upper respiratory tract as well as immune system damage.

In the summer of 2003, health officials declared a string of beaches in a 40-kilometre stretch of Lake Huron permanently unsafe because of E. coli bacteria, making this the first new pollution "hot spot" on Canada's side of the Great Lakes in nearly 20 years....Statistics Canada says it also produces more manure than any other place in Canada, and much of this comes from factory farms.<sup>21</sup>

"It's an embarrassment to the reputation of the province," said Ontario's Environmental Commissioner, Gord Miller, speaking not just of the lake pollution, but of the streams that drain farmland to the lake and carry the pollution with them.<sup>21</sup>

Lab tests this summer showed that E.coli levels in a dozen small rivers and streams that drain into the lake exceeded provincial water quality guidelines by as much as 41,000 per cent. Lab analysis concluded that the E.coli comes from animals, not human sewage -- a hot topic in this region of dairy farming and factory hog farms. Environmentalists say the series of "unsafe" postings are a sign of major ecological damage.<sup>21</sup>

Accidents are not planned, they just happen. Across Ontario, an average of 5,025 spills are reported each year, and one-fifth of these spills pollute a watercourse. While oils and fuels account for the majority of spilled materials, manure spills have been the leading cause of fish kills in the province since 1988. This is followed by chemical, oil/fuel/gas, and sediment spills. Fourteen percent of all reported manure spills resulted in fish kills.<sup>18</sup> There were 503 manure spills *reported* between 1988 – 1999. The majority of these accidents were on tile drained fields where much of the liquid hog manure from intensive hog operations will also be spread.

The cumulative build-up of heavy metals which are added to the feed (especially zinc and copper) can eventually render a soil dead and unfit to grow anything, as well as pose a serious health risk to the small segment of the population subject to the retention of these heavy metals.<sup>2</sup>

### **Hydrogen Sulphide (H<sub>2</sub>S) and Ammonia (NH<sub>3</sub>):**

There may well be up to 300 different substances that cause the pungent odour of liquid hog manure. Two of the best-known inorganic compounds present are H<sub>2</sub>S and NH<sub>3</sub> and those are the two we will focus on here. It would be remiss, however, not to mention the others, which include alcohols, aldehydes, amines, carbonyls, esters, sulphides, mercaptans and nitrogen heterocyclics.<sup>4</sup>

H<sub>2</sub>S is well known to everyone as the rotten egg smell and anyone who has ever been in close proximity to a paper mill will be familiar with this one. It is a substance that is well understood and well regulated in many industrial operations due to its known toxicity. It is colourless, denser than air and tends to collect in low-lying areas and indoors near floor surfaces. It can be detected at levels as low as 1.1 parts per billion by volume (ppbv). It is highly poisonous well below levels measured in liquid hog manure odour of up to 500 parts per million (ppm) and acts as both an irritant and an asphyxiant. Acute exposure to high concentrations even over short periods of time can and has resulted in death. In fact workers exposed to levels as low as 5 ppm are likely to have accelerated deterioration of neurobehavioral function.<sup>4</sup> At moderately high concentrations (100-400 ppm) it produces rhinitis, cough, dyspnoea, tracheobronchitis, and possibly pulmonary edema.<sup>5</sup>

NH<sub>3</sub> from the urine and feces can be detected at 37 ppbv and inhalation of excess amounts can cause severe respiratory damage. It should never exceed 70 ppbv at the property line, yet outdoor tests in Iowa ranged from 66-330 ppbv.<sup>1</sup> NH<sub>3</sub> vaporizing from liquid hog manure sources can be carried with precipitation.<sup>5</sup> It should be noted that that fully one third of the workers in the intensive hog operations will develop chronic respiratory illnesses.<sup>1</sup> Some of these illnesses are due to toxins (e.g. endotoxins or glucans) from inhaled microbes.<sup>4</sup>

There are masses of studies and anecdotal evidence to support all kinds of illnesses within the population who live within 5km of one of these industrial hog factories. Admittedly it is not all solid epidemiological data and this is one of the reasons that in August of 2002 the Canadian Medical Association strongly recommend a moratorium – to scientifically collect and study this data under controlled experimental conditions.

### **Volatile Organic Compounds (VOCs):**

Depending on which study you read, hundreds of VOCs are present in liquid hog manure. Their odiferous character can offend even the most seasoned rural resident. Volatile organic compounds, responsible for noxious odours, also create huge concerns for neighbours, particularly when large volumes of liquid manure are stored for months at a time in open lagoons and when sprayed on fields. The odours can have a devastating effect on their health, while permeating their homes and drastically reducing their quality of life. If you have never smelled this highly toxic liquid manure you should definitely go and visit one of these operations on a day when they are spraying this waste onto the land. This alone will virtually assure you that nobody has a right to do this to anyone else.

However, concern for farmers' vulnerability to nuisance suits, which hamper normal farm practices, prompted the province of Ontario to enact legislation designed to help farmers defend themselves. Ontario is not alone in protecting farmers as eight of ten Provinces plus all fifty U.S. States have enacted some similar form of legislation. This so-called "right-to-farm legislation" attempts to ensure that farmers are generally free to conduct normal farm practices, to the extent that it is reasonable to do so, even though they may cause or create a disturbance to nearby residents. This protection however is conditional upon balancing the needs of the farm community with provincial health, safety and environmental concerns.<sup>6</sup> Farmers have been awarded special privileges, exemptions, and variances under a whole host of public policies -- from taxation to environmental regulations --because they were trusted to behave in the public interest.

Since 1988, farmers in Ontario have been protected from lawsuits from the public related to disturbances, such as odour, dust and noise, under the *Farming and Food Production Protection Act* (and its predecessor law), as long as their activities were determined to be "normal farm practices." The Nutrient Management Act (NMA) clarifies that farmers who comply with NMA regulations will continue to be protected. Therefore, as long as intensive hog operations continue to be erroneously defined as normal farm practice and not industry, which they are, they are protected under this act.<sup>7</sup> As a result, neighbors are not able to sue owners for disturbances from intensive hog operations such as odours, provided the owners are in compliance with NMA regulations.

Not only are intensive hog operations not normal farm practice, but the ensuing persistent odour signifies a health risk and interferes with the normal use and enjoyment of property, which contravenes Ontario's Environmental Bill of Rights (EBR), which acknowledges that the people of Ontario have a right to a healthful environment. It must also be understood that finding solutions to remove odours is not a solution to the vaporized toxins that will continue to pollute the air we breathe.

### **Biological Oxygen Demand (BOD):**

Liquid hog manure is 30 times more toxic and has a BOD 160 times that of raw human municipal waste.<sup>1</sup> Because excess BOD is a serious matter, we have extensive laws and regulations in place to treat both human and industrial waste, yet choose very unwisely to blatantly ignore one of its largest sources, liquid hog manure. What happens when the BOD is high, is simple. When this material enters the water supply, it chokes off the normal aquatic life. This is seen in areas of stagnant water where there is a lack of oxygen resulting in fish kills; eventually, algae takes over.

Taken to the extreme as experienced in North Carolina, the fish become prone to attack by *Pfiesteria piscicida* (see [www.pfiesteria.com](http://www.pfiesteria.com) for more detail) a tiny one-celled animal which produces an extremely powerful neurotoxin which paralyses the fish, sloughs their skin and eats their blood cells. *Pfiesteria piscicida* is capable of doing the same thing to humans as is graphically illustrated in the documentaries, "Raising a Stink" by W-5 and "Farm Inc." by The Nature of Things. Rick Dove, an ex-Colonel in the U.S. Marines and a North Carolina river keeper covers this very well in Chapter 4 of Beyond Factory Farming.<sup>1</sup>

Not only is there a very real and valid concern of liquid manure run-off when the manure is applied to fields, but an additional threat looms due to the fact that all hog waste lagoons, concrete lagoons included, (without exception) leak.

### **Pathogens:**

There are up to 50 known pathogens, which have been measured in the waste material of the lagoons from these industrial hog operations. The most familiar, E-coli, forms in the intestines of warm-blooded animals. Just the mention of E-coli in our water supply conjures up the Walkerton disaster and all of its ramifications.

Another major pathogen is cryptosporidium. Cryptosporidium was directly responsible for the contamination of the Milwaukee water supply, resulting in over 400,000 people getting sick and over 100 deaths.<sup>19</sup> Other infectious organisms include *Campylobacter* and *Salmonella*.<sup>4</sup>

### **Antibiotics:**

Hogs in confinement are virtually kept alive by massive doses of sub-therapeutic antibiotics to prevent illness due to crowded conditions and to promote growth. The growth rates are unnaturally sped up with these antibiotics along with hormones and heavy metals added to the feed.<sup>2</sup> Up to 80% of the antibiotics administered to the hogs are excreted, unaltered, into the liquid manure. Consequently, antibiotics, as well as antibiotic-resistant bacteria, join the nitrogen, phosphorous, heavy metals, and other swine manure constituents that find their way into, and degrade, surface and ground waters.<sup>1</sup> The hog industry uses 11 million pounds of antibiotics annually as compared to a modest 3 million pounds used by humans.

The medical profession has warned of the dangers of antibiotic resistance and the threat to our ability to treat human diseases for several years now. In 2001, the American Medical Association cautioned against the routine feeding of antibiotics to livestock, an issue factory farm opponents have pushed for years. Doctors say feeding antibiotics to healthy animals encourages bacteria to become antibiotic resistant. If the bacteria are passed on to humans, the drugs are no longer effective.

The European Union has banned non-therapeutic agricultural use of antibiotics that are important in human medicine. In some European countries, such as Sweden, using any antibiotics in the raising of hogs is illegal.

McDonald's Corporation recently announced plans that call for its suppliers worldwide to phase-out animal growth promotion antibiotics that are used in human medicine. The Global Policy on Antibiotics also creates a set of standards for McDonald's direct meat suppliers and encourages indirect suppliers to take similar steps to eliminate growth-promoting antibiotics and to reduce other antibiotic usage.

### **Nutrient Over-enrichment:**

Phosphorous (P) and Nitrogen (N) are the two major nutrients in manure. When present in excess however, they become serious water pollutants. At high levels phosphorous is acutely toxic to fish. At lower levels both phosphorous and nitrogen stimulate excess vegetative production which alters the ecosystem. This eutrophication process results in severe degradation of a water body when the vegetation decays under conditions that deplete the oxygen. Nutrient pollution is also implicated as the trigger for the development of the marine micro-organism *Pfiesteria piscicida* mentioned earlier. In the form of nitrates at high levels it causes methemoglobinemia or "blue baby" syndrome, by inhibiting oxygenation of the blood of infants and even fetuses.<sup>2</sup> Children in the first six months of life are particularly vulnerable to high nitrates because foetal haemoglobin is more reactive than adult haemoglobin; also the flora found in the stomach of infants facilitates conversion of nitrates to nitrite.<sup>5</sup> Nitrates can also combine with amino acids in the human gut to form nitrosamines – suspected carcinogens.<sup>4</sup>

## ECONOMIC ISSUES:

Pig production has exploded in Canada not because Canadians are eating more ham. Per-capita pork consumption in Canada has been flat for years. Almost half of all shipments are now sold outside Canada, as live pigs, fresh meat or processed products, thrusting this country into first place among pork-exporting countries, from third place in 1997. Less than a generation ago, Canada was barely self-sufficient in pigs. By last year, the value of exports had ballooned to \$2.8 billion, from only \$750 million a decade ago. Adding domestic shipments brings the total to \$5.6 billion for last year. And when retail prices are considered, the Canadian pork industry pegs its total value at \$11.5 billion.<sup>17</sup>

More than half of the exports go to the U.S. while another quarter of exports is destined for Japan. "There is no one involved in pork in Canada who is not exporting, because that is where the growth is," says Martin Rice, executive director of the Canadian Pork Council, the umbrella body for hog marketing.<sup>17</sup>

Producers have expanded in Canada because environmental scrutiny and public disfavour stunt their U.S. competitors. In the U.S. huge operators, like Smithfield, have been forced to answer in court to the charges of well-funded environmental groups, Robert Kennedy Jr.'s *Waterkeeper Alliance* foremost among them. The Federal Environmental Protection Agency this year released draft regulations for factory farms that, if implemented, are expected to cost the industry about \$1 billion (U.S.) a year. So, less-burdened Canadian pork producers can count on a lucrative export market for years to come. Industry players here see their expansion strictly as a good-news economic story.<sup>17</sup>

One of the best studies produced on the effects of intensive hog operations on their respective communities was carried out by Gomez and Zhang.<sup>14</sup> This study involved 1106 rural communities and concluded that hog factories hinder rural growth. All econometric models in the study indicated an inverse relationship between hog production concentration and retail spending within the community. Further to this, economic growth rates were 55% higher in areas with conventional hog farming as opposed to those with intensive hog factories.

The explanations are readily available. Family farms buy most or all of their supplies locally, while intensive hog operations bypass local retailers and import virtually everything. They bring in their own pigs, their own feed, the copious quantities of antibiotics, then take the pigs away for slaughter and processing elsewhere and shipping most of the end product to foreign markets. This moves the wealth out of the countryside but ultimately concentrates the wastes here and very effectively offloads the costs of maintaining air, water and soil quality onto neighbours and municipalities.

In the 2002 report “*Securing Agriculture’s Future: Invest Today, Prosper Tomorrow*”, prepared for the Federal Government of Canada by the Caucus Task Force on Future Opportunities in Farming, the final report stresses the importance of sustainability in the agriculture and agri-food industry and stated that sustainability must exist from a variety of perspectives including environmental, financial and within a community context. The report recommended an increase investment in agricultural programs with environmental benefits as well as to recognize in federal programs the role of small and medium-sized farms in providing agricultural products, environmental and aesthetic benefits and vitality to rural communities. Furthermore, it acknowledged and reiterated that healthy rural communities are important in ensuring the future of the agriculture and agri-food industry.<sup>15</sup>

Bigger is not better but we would at least expect it to be more efficient and to the benefit of the consumer. Many studies have shown conclusively that intensive hog operations do not produce meat any more efficiently than family farms, thus their efforts do not result in any substantial lowering of the price. The costs of confined animal feeding operations, particularly as they take on characteristics of industrial-scale production, are dramatic when compared to pasture-based and open-lot production. The product, in fact, is inferior as described previously, but the consumer pays no less a price for it. The maximum savings ever shown to consumers amounts to less than two cents for every dollar spent for pork at retail.<sup>10</sup>

What the integrator does do however, is continuously lower the price to the producer, thereby gradually forcing all the smaller operations out of business. Elimination of single-desk selling was instrumental in their ability to accomplish this. Single desk selling for the small farmer is the equivalent of collective bargaining rights for labour. With it, the smaller farmer was treated fairly in an open market. They have no chance without it. The integrator can afford to take a loss at the barn because they can make up the loss at the packing plant. Witness the fact that from 1981 to 2001 the amount of pork produced in Saskatchewan almost doubled, while the number of producers decreased from 9200 to 1700, a decrease of over 82%.<sup>1</sup>

In 1976, there were 63,602 farms raising pigs in Canada averaging 91 hogs per farm. By 1996, the number had fallen to 21,000 with an average of 523 hogs per farm. Last year, there were only 12,405 such farms, while their average size had climbed to 995 pigs. Half of the pigs produced in Canada last year were from approximately 950 farms that raised more than 2,600 hogs each.

To see where Ontario may be headed, we look at North Carolina, which ten years ago had 27,500 small conventional hog farms. Today there are none. They have been replaced with 2200 intensive hog operations, 1600 of which are run by the same conglomerate. The precipitous decline in farms due to this industrialized form of agriculture has been well documented by anthropologists and rural sociologists to have eroding social and economic consequences for rural areas.

Let's examine what would happen if these operations were treated like the industries that they are and were no longer able to hide behind the guise of a farm. Suppose for a moment that they had to install sewage treatment plants equivalent to what we do for humans, remembering that their waste is 30 times more toxic and has the equivalent of 160 times the BOD loading. This would add a cost of \$170/hog (US) or an average of \$.60/lb (US) at kill weight, a price that would destroy the industry's market dominance.<sup>1</sup> Could they absorb it? Possibly. Would they ever agree to do so? NOT at all likely.

Corporate hog factory operations cannot really operate without breaking the law.<sup>11</sup> If they don't break the law directly, then they hide behind laws designed for small farms which do not make sense when applied to these industrial size operations. Laws that remove the ability of residents to control air pollution on their property attacks the right of exclusive use, a fundamental legal principle that states that:

“Those who have no claim on property should not gain economic benefit from enjoyment of the property. In other words, the right of use is exclusive to the property owner, and any violation of the right of exclusive use typically carries either payment of compensation to the rightful owner or assessment of a penalty. Physical impairment, such as odour or flies, in effect is a trespass on property rights and violates the right of exclusion.<sup>12</sup> Both the legal and economics professions view the right of exclusive use as fundamental to the long-term beneficial use of property. “

Now let's examine what happens to property values within close proximity to these operations. Property values decrease 40% within the first half mile, and 10% less for each half mile thereafter.<sup>1</sup> As disheartening as this might be for those involved who want out, it isn't the whole picture by any means. There are thousands of properties that simply do not sell and these never appear in the statistics. Sometimes families have no option but to abandon their homes.

### **SOCIAL and EMOTIONAL ISSUES:**

Traditional family farmers practicing sustainable agriculture are by nature environmentalists, practising stewardship in harmony with the land to preserve it for the coming generations. When hogs are raised on family farms, the families are closely connected to the hogs and decisions about the hogs affect the family owners first. Unlike farm families who have close multi-generational links to their farms and communities, corporate owners have neither roots nor branches, they don't live in the community and their obligations are only to their shareholders.

Since the average life expectancy of a corporate intensive hog operation is only 15-20 years<sup>1</sup>, corporate owners develop no concept of stewardship. Instead they use and abuse the land strictly for profit without concern for community or posterity. In the end, the responsibility for the clean up of the environmental degradation is most often downloaded to the hapless landowner.

We are constantly informed by government and the integrators that intensive hog operations are the “latest in technology” and “state of the art” as if this is supposed to reassure us. What really makes an intensive hog barn “high tech” is simply that one man can now feed, water and clean up after 3000–5000 hogs in just a few short hours. There is really nothing “high tech” about digging a hole in the ground, framing it with concrete and filling it with manure either. It becomes rather obvious that the “high tech” or “state of the art” really means very little when it comes to protecting the environment, being a good neighbour, diminishing the toxicity of hog manure or practicing good animal husbandry.

“High tech” often brings with it new questions of ethics. So far, we hope to have demonstrated that mega-producers are unethical in their treatment of the environment, the community and the economy. Traditional farming values, with regard to the treatment of livestock, are also broached by these integrators. In December 2000, a Vatican official wrote that factory livestock operations, with their cramped and cruel methods, might cross the line of morally acceptable treatment of animals.<sup>1</sup>

Citizens are outraged that they must endure the stench of hog manure, deal with the incessant fear and stress of being forced to compromise their health, sacrifice their enjoyment of their property, and shoulder the loss in property value which is very often all they have towards securing their financial future.

More than merely an unpleasant sensation, odour resulting from intensive hog operations can have life altering consequences for residents of rural communities who relish a way of life premised on enjoying the out-of-doors.<sup>16</sup> The encroachment of factory farms near their homes and their properties is significantly disruptive of numerous individual and social activities and expectations of rural living. Their children and grand children cannot experience the unfettered joy of outdoor life in the country. Their homes become a barrier against the outdoors and the intrusive odours.

In many cases, intensive hog operations threaten or prohibit those within close proximity the ability to earn a living on their own property. It drastically curtails any capital spending to enhance their surroundings or promote their businesses. It takes away the most basic elements of their lives and offers them absolutely nothing in return.

Sadly, every neighbour of an intensive hog operation has a story. To further illustrate the hardships incurred by neighbours and the erosion of their quality of life, here are just a few:

**Doreen & Roman Gabrjolek**  
**Dunnville, Ontario**  
**February, 2004**

*We have two hog factories, on the farm next to where we live. One is about 200m, and the other one, about 400m from us. The smell is terrible as we are down wind of these pig factories.*

*Each houses 2,500 hogs. There are two farther down the road about a kilometre away, one houses 3,000 I'm not quite sure about the other one, but we can't win no matter which way you look at it. We have been a prisoner in our own house since they built these things. We had to buy a central air- conditioner, as we can't have the windows open, as the smell gets all through the house. We just spent over 1,000 dollars on an air purification system for the whole house as anyone who stays with us has a problem breathing as we do.*

*We retired and came to live in Dunnville when it was mostly dairy farms, but now they put these hog factories up without even consulting anyone. They had the blessing of the governments, as they are the number one industry in Ontario and the second largest industry in Dunnville. But they don't have to smell it when they are spraying for three weeks straight! Every time they spray, I have a cough and have to use a puffer. Now my nose bleeds every morning but right now I can't prove the hog barns are the cause. We also hear the pigs squealing in the summer.*

*Any way, to add insult to injury, they started dumping untreated septic tank sewage on the other side of our house, with the approval of the environment. We have got proof of all this. We were then plagued with millions of flies. We called in the health department, and they were disgusted with what they saw but they can't do anything as they say their hands are tied, We were told by the owner of the company that was dumping the sewage that there was nothing we could do. And they still have 800 loads to dump. He also told us he charges \$150 and if he emptied our septic tank, they would dump it on the field next to us. We reported them to the environment, but they are the ones who gave the permit.*

**Deborah Henderson  
Glen Haven Farm  
Dalkeith, Ontario  
February, 2004**

*I was born and bred a country girl. An early marriage took me to urban settings. An early widowhood allowed me to return to my roots. Eleven years ago I found my slice of heaven in North Glengarry - 200 acres of beautiful farmland with a wonderful old barn and a magnificent sugar bush.*

*It took a year and much of the legacy left by my late husband to build a lovely home for my parents and me. The land needed work and I invested as much love and sweat as money to upgrade and recover from disasters like the ice storm of '98. For ten years, the farm flourished as a focal point for family gatherings and celebrations. My nieces, nephews and grandchildren ran freely with my very domesticated livestock - the beautiful Arabian horses, the mischievous pet goat, Jingles and Blackjack, the sheep, star performer in an annual Nativity play in Montreal each Christmas.*

*I financed the farm through my job as a Senior Project Manager in Montreal, returning each day from the nearly five-hour commute to look after the animals and plan for my week-ends of chores. But I had a dream – to actually live off the land. Motivated by a government program that provided skills and support for budding entrepreneurs, I cut my last strings to the city and got to work. I began to convert my barns, paddocks and pastures into a facility for retired horses. At the same time I built the business infrastructure, marketing my lovely farm as a safe haven for horses at the end of their careers. I would pamper them with the very best of care while they grazed their days away on lush pasture. There would be a lot more hard work but it would be a good life. I would retire here along with the horses.*

*But the dream was short lived. My plans came to an abrupt stop when my neighbours and I learned of plans to establish a 3000 hog finishing operation just a kilometre away. We launched and lost a local, political battle. I now find myself directly downwind from the hog barns, the massive liquid manure lagoon visible from my bedroom window. There is no question of the drastic and negative changes to come to the surrounding air, water and aesthetic qualities that I should otherwise be able to enjoy and to guarantee my potential clients.*

*Yet I could not concede defeat. I have spent this last year trying to keep my dream alive. Through endless worry and sleepless nights, I have researched, read and written and become convinced of the damage that intensive hog operations cause to the environment. My presence at meetings, demonstrations and in the local press has elicited an outpouring of hatred from portions of the farming community who deem me a dilettante,*

*against all manner of farming. Now, it is not only my business plans that are crushed; my personal sense of security within the community is compromised. As is the potential health of my elderly parents whose tending, as they approach eighty, is my commitment.*

*Neighbours, located north of the hog operation, are unable to sell their current home. Their real estate agent has advised them that people do not want to look at houses in this area because of the hog operation. The agent suggested perhaps a drop in price of \$40,000 or more may entice buyers. The plummeting of surrounding land values is a well-documented outcome of these large operations. You might say I bought the farm – but I can't afford to sell it, have no purpose to improve it and truly can't enjoy it. Welcome to my nightmare.*

**Louise Rock**  
**Babbling Brook Organic Farm**  
**St. Eugene, Ontario**  
**February, 2004**

*I feel I have been robbed! I didn't intend to be a victim. I'm pretty self-sufficient. I believed the law would protect me – a small, organic farmer, a believer in the sanctity of the land and my relationship with it. If the planned intensive hog operation next to me gets the go ahead, overnight, all my work, my home, my land – they are worthless. I cannot make a living. My investment is worth next to nothing. My harmony with the environment – what I believed was protected by my government - is gone. There is no compensation for me, no unemployment benefits, no insurance that could save me. It will all have been taken from me. My life savings and my life's hope will be gone, gone with the wind. And with the wind comes a stinking, putrid, vile, poison spewing factory our governments have endorsed.*

*I want to believe that our government is not acting as a pimp for these “operators”. But these “integrators” continue to rape our resources, put filth in our air, water and soil, sickness in our stock and worst of all, threaten our families on every front. They are stealing from me, and thousands more. Inside of me, I feel like Hugo Latulippe, who said he made the film “Bacon”, instead of becoming a terrorist. So I too am fighting back, educating people and raising awareness, instead of becoming a terrorist!*

*As lawyer Valerie M'Garry said on a “The Nature of Things” special on industrial agriculture with David Suzuki, “...through no fault of theirs, they end up at the losing end. They are physically being raped of their money, efforts and potential. They **have** been robbed. They **have** been let down.”*

*I cannot believe that our government thinks these industrial hog operations are a big step forward. I believe it is a big step up for corporations but a massive step backwards for conventional farming and mankind. I can demonstrate all the forward steps I have made with Babbling Brook Organic Farm. It would do the earth a lot more good if we all supported sustainable agriculture in harmony with nature. Please tell me this is worth protecting, otherwise, I feel like I will go crazy.*

**SHORTCOMINGS OF THE NUTRIENT MANAGEMENT ACT (NMA):**

The NMA is, in itself, a very well intended and useful piece of legislation whose purpose is to address the environmental and public health impacts of farm operations in Ontario, particularly in relation to nutrient management. Unfortunately, it is widely believed by many communities and neighbours of intensive hog operations that insufficient consideration was given to the additional provisions necessary to cover all of the ramifications of intensive hog operations, especially if they were to remain inappropriately classified as normal farm practice. These operations hide under the guise of farming thus benefiting from the Reduced Farm Tax Rate, and are exempted as such, from the much higher commercial tax rate. Unfortunately, classified as a farm instead of what they are, they also avoid the strict rules and regulations that would normally apply to industry, such as the Environmental Protection Act.

Although the *NMA* has the potential to be part of the multi-barrier approach to water quality protection recommended by Justice O'Connor, Commissioner of the Walkerton Water Inquiry, the Act does not provide watershed-level protection of drinking water sources by itself. Justice O'Connor recommended that all large or intensive farms and all farms in areas designated as sensitive or high-risk by the applicable Watershed Source Protection Plan, develop binding individual water protection plans consistent with Source Protection.<sup>8</sup>

The Canadian Environmental Law Association (CELA) also stresses that Ontario must initiate the development of Watershed Based Source Protection Plans as soon as possible so that the framework for individual decisions in the watershed is in place BEFORE those decisions affecting farming operations are made.<sup>8</sup> This, however, is not the case, as the NMA is currently in effect and watershed protection regulations are still only in the planning and development stages. Source water protection must be a cornerstone of a sustainable economic strategy and must be implemented prior to granting any further building permits for any new or expanding intensive hog operations.

The Environmental Commissioner of Ontario (ECO) has repeatedly urged OMAF to prescribe the *NMA* under the *Environmental Bill of Rights (EBR)*. If it is not, certain *EBR* rights may not be available to the public, including applications for review, investigation or leave to appeal, as well as the right to sue for harm to a public resource.<sup>7</sup>

Vaporized hog manure is increasingly linked to respiratory problems in humans, yet the NMA does not require purification equipment to treat this toxic waste. There are no clean air standards and in fact, the NMA does not even consider the prevailing winds when establishing minimum distance requirements for constructing factory barns.

The final NMA regulation, filed as O. Reg. 267/03 on June 30, 2003, will initially be applied "to new livestock farms and expanding large livestock farms. Existing large livestock farms would be covered by regulations in 2005."<sup>7</sup> Given the huge risks and responsibilities of intensive hog operations, it seems totally irresponsible to allow these operations to continue for 2 years without complying with even the current, if inadequate, NMA regulations.

If legislative action is not taken now, we may well find ourselves in the position of the citizens of the Province of Quebec. Their strong legislation failed completely in its dealings with intensive hog operations. It took several environmental disasters, some of which will take 40+ years from which to recover, before Quebec instituted a moratorium to circumvent further degradation of the environment and rural communities. The moratorium has since been extended another full year. Quebec's interim report on agriculture by the Bureau d'audiences publiques sur l'environnement (BAPE) emphasizes the importance of sustainability, respect of the environment, economic viability and social harmony.

Under the *NMA*, municipalities are not allowed to implement by-laws that address the same topics covered by the *NMA* or its regulations. In the past, in the absence of clear provincial laws, municipalities have had the authority to enact by-laws in response to the public's concerns regarding nutrient management and large agriculture operations. Although there is widespread support from the agricultural community for provincial rules that will prohibit local by-laws, other stakeholders, including some municipalities and environmental groups, fear that progress made by some municipalities to improve their watersheds may be reversed under the *NMA* and that municipalities will no longer be able to protect sensitive sites, including aquifers.<sup>7</sup> Other natural resources may also be at risk.

We further submit that control of these issues be returned to the municipalities. There is irrefutable legal jurisprudence in support of this action ever since The Supreme Court of Canada upheld the right of the municipality of Hudson, Quebec, to supersede existing federal or provincial legislation in matters of upgrading regarding environmental or health issues. Here follows the exact wording of the Supreme Court of Canada on four specific points.

1. In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
2. The mere existence of provincial (or federal) legislation in a given field does not oust municipal prerogatives to regulate the subject matter.
3. A tradition of strong local government has become an important part of the Canadian democratic experience. This level of government usually appears more attuned to the immediate needs and concerns of the citizens.
4. The subject matter of the by-law lies within the ambit of normal local government activities. It concerns the use and protection of the local environment within the community. The regulation targets problems of use of land and property, and addresses neighbourhood concerns that have always been within the realm of local government activity.<sup>13</sup>

In Ontario, at this point in time we do not have the power to stop municipalities who choose to welcome the “Integrator Invasion” from Quebec and elsewhere. However, for those municipalities who have the vision to see the serious threats posed by hog factories, this ruling by the Supreme Court of Canada, gives them the right to decide for themselves. The NMA should, therefore, be amended to reinstate this right to municipalities.

In December 2003, the Honourable John Gerretsen, Minister of Municipal Affairs, introduced legislation to bring fundamental change to land use planning in Ontario and give communities tools to control their own planning and allow local governments to decide what happens to their communities. Mr. Gerretsen said “this government knows how precious our wetlands, greenspaces and rural areas are, and of their value to the well-being of our environment ... to our health ... to the character of this province.....There are rules – in the Provincial Policy Statement – set out for responsible, sustainable community planning and environmental protection. Over the last eight years, those rules have largely been ignored. No longer. If enacted, the proposed Strong Communities Act would make sure that local planning decisions reflect these policies, and reflect the public interest....We want to move quickly to ensure that legitimate local interests can’t be brushed aside. The power to make important local decisions should be put back in the hand of communities.”<sup>20</sup>

Furthermore, the NMA must seek to address the risks posed by intensive hog operations, risks which are much greater than those of normal farm practices. What protection do neighbours have in the case of a disaster? What assurances? If their wells become contaminated? Their health compromised? Their investments devalued? How will those affected be compensated? By whom? Must neighbours be pitted against neighbours? As adversaries in courts of law? Jeopardizing their vocation, their inheritance, their birthright?

### **THE PETITION:**

The NMA does not address the serious threats posed by intensive hog operations nor do they represent sustainable agriculture and healthy rural communities. To that end we have a petition in circulation throughout Ontario, which has thus far collected thousands of signatures en route to our goal of two million.

A copy of the petition is included herein, thus only a few highlights are addressed in this document.

- **Whereas** Intensive Hog Operations are incompatible with the preservation of conventional family farming and our rural communities and the sustainability of a quality of life for all rural residents;
- **Whereas** the Ontario NMA and its regulations do not address the health, environmental or social consequences of Intensive Hog Operations;
- **Whereas** the province of Quebec has extended its moratorium of all new Hog Operations and the expansion of all existing Hog Operations until the end of 2004;
- **Whereas** the Canadian Medical Association has asked the Federal, Provincial and Territorial Governments for a moratorium on the expansion of the hog industry pending evidence through sound scientific studies that they will have no negative impact on people's health:

These statements are followed by a formal request to the government to impose an immediate moratorium and, very importantly, by an additional section outlining alternatives for hog operations to meet strict criteria throughout the duration of the moratorium. These include:

- Solid manure management
- Absence of preventative antibiotics in the maintenance of the hogs
- Absence of animal proteins in hog feed
- Acceptance of the project by the citizens in the community and
- Maximum animal density of 5 hogs per hectare, 600 per farm

### **WINNERS AND LOSERS?**

Who are the winners? Simple... there are only two. First are the giant corporations, the select few who now effectively have a monopoly on the pork industry in this country. Second is the body of large-scale integrators who get their cut of all the produce from their assemblage of intensive hog operations. These giants with their wealth ride on the shoulders of common people; disinherited farmers, bankrupt merchants, withering communities, devalued property owners, an unwell and disenfranchised populace, all sinking into a degraded environment where purity of air, land and water become distant memories.

Now let's examine the flip side. We start somewhat ironically with the landowner or so-called "farmer", who manages the intensive hog operation. In a good year, the owner may gross a marginally acceptable amount of money but could easily run a deficit in a bad one. Of the many intensive hog operation contracts examined, a first year economics student can readily see that the scales are tipped largely in favour of the integrator.

Now we spread out and down through the remaining layers of the pyramid. The small conventional hog farmers are forced out of business. Local suppliers lose significant business. House and property values decrease. People move away. Support industries and businesses decline. Some fold. As more intensive hog operations get up and running, the cycle repeats itself and the model of Gomez and Zhang<sup>14</sup> is upheld.

Nobody wants to move into a neighbourhood with an intensive hog operation, in fact nobody even wants to visit. The air is often putrid, wells begin to show signs of contamination and the community is in decline. After 15-20 years, the life cycle of the hog facility is over and the integrator moves on to greener pastures. The diehard farmers, merchants and homeowners who have stuck it out are left to try and salvage something of the mess.

If this seems like a bleak picture, that is because it is.

In contrast, the Canadian Bill of Rights recognizes the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law. Neighbours and communities in close proximity to industrial hog farms are being deprived of their basic rights of security of person and enjoyment of property.

## **SUMMARY:**

Let us learn from the mistakes of others. The environmental disasters of places such as North Carolina and Quebec should not have to be repeated. It is extremely important to apply the precautionary principle in matters that may cause adverse effects to human, animal or plant health or to the environment. This approach has been adopted by the European Economic Community within the Codex Alimentarius in the field of food safety, health, and consumer protection.

Many European countries are planning to decouple their agricultural support from production and instead direct it to environmental conservation and rural enhancement. In the United Kingdom, the Department for Environment, Food and Rural Affairs is pursuing a strategy of sustainability for its agricultural industry. In the United States, Kansas and Nebraska have banned factory farms in favour of smaller family-run operations.

Sweden, seeing what has happened in neighbouring Denmark, has also fully banned intensive hog operations. Instead, hogs are raised without antibiotics in deep-bedded straw systems and all manure is naturally composted eliminating the problems associated with liquid manure. The pigs are healthier and the resulting food source is much safer to consume.

The jump in organic food sales demonstrates that the public is interested in how its food is raised and will pay more for a healthier product. According to the Economic Research Service, a division of the U.S. Department of Agriculture, organic food sales increased by 20 percent from 1999 to 2000, generating \$7.8 billion in 2000. Sales were only \$3.47 billion in 1997.

Prior to lifting their moratorium on intensive hog operations, Quebec will take at least another year to study the BAPE Report on agriculture in order to ensure that proper and adequate regulations are in force to promote sustainable agriculture, protect the environment and provide for safe, healthy communities.

When the NMA was finally enacted, the originally proposed regulations were somewhat “watered down” to appease various farm interest groups. However, we continue to hear from government officials as well as existing and would-be hog factory operators that environmental disasters won’t happen in Ontario given the strength of the NMA. Plus our equipment is state-of-the-art. Of course, these false reassurances have been used everywhere. Remember that the Titanic was also state-of-the-art.

Future hog production in Ontario must embrace and support the well-being of communities, farmers, and ecosystems while practicing humane hog production which produces high-quality wholesome food to consumers. Our elected representatives and their appointed bodies must acknowledge the unacceptable risk, scientific uncertainty and rising public concern over intensive farming. The government is duty bound to find

answers and institute measures to protect the health and well-being of *all* of the citizens of your jurisdiction.

Individual rights are currently denied rural neighbours and communities living in close proximity to intensive hog farms. Government regulations give precedence to corporate integrators. Representative democratic free governments exist to protect individual rights and ensure the public interest is being served. We demand that our right to a healthy environment, as defined by Ontario's Environmental Bill of Rights (EBR), be upheld by our provincial government.

We have presented some solutions. We will work with you to solve the problems. We implore you to not only support, but help promote our petition calling for an immediate moratorium on intensive hog operations in Ontario.

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