

Under What Conditions Will Activism Against CAFOs Be Successful in the U.S.?

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Under what conditions will activism against Concentrated Animal Feeding Operations (CAFOs) be successful in the U.S.? In a predominantly meat-eating culture like the U.S., CAFOs are a crucial part of society. They provide an efficient way to produce a large amount of animals in a small space. This has yielded thousands of CAFOs in the U.S.. There has been extensive research conducted on both the negative and positive environmental and socioeconomic impacts of CAFOs. However, there lacks research on mitigating the negative impacts of CAFOs through activism. The goals of activists have ranged from moderating waste practices to complete shutdown of operations. While there is no guarantee that a grassroots organization will be completely successful in its endeavors against a CAFO, this paper argues that the probability of an organization being successful is increased if certain components are present within the organization and the scenario. Through the use of four case studies of activists using the reformist approach in activism, this paper argues that if funding, issue coverage to the public, and networking with grassroots organizations are present in activists' endeavors and if local politicians support the activists' efforts, then the activists will have a higher probability of being successful. There is a niche for this research because, while resistance movements and grassroots organizing has been mentioned in many sources analyzing CAFOs, there has been no article published that solely discusses effective methods of grassroots organizing against CAFOs.

1. Introduction

Humans have consumed meat since the dawn of time. Though the amount of meat consumed has increased and varies with each culture, we have continued to eat meat. Throughout the years, the U.S. and other Westernized parts of the globe innovated animal agriculture through the invention of Concentrated Animal Feeding Operations (CAFOs). CAFOs provide an efficient way of raising a large amount of animals in a small space. However, researchers have linked CAFOs with a range of negative socioeconomic and environmental consequences including health risks and environmental degradation. This research will focus on the conditions in which activism against CAFOs is successful. This research fills a niche because while other researchers have mentioned resistance movements and grassroots organizing around CAFOs, none have discussed the components of successful activism against CAFOs. Because there exists literature that suggests that the Environmental Protection Agency has failed to enforce regulations on CAFOs in the U.S. (Thu et al., 1995, p. 318), it is up to the community to organize and voice their concerns, making the present paper all the more salient.

Before delving into the cases of activism against CAFOs, it is important to receive an in depth comprehension of CAFOs and activism. Both these terms will be defined as well as a CAFOs negative implications in a community, what characteristics of a CAFO contribute to their strength, and the tools that are crucial in predicting whether activists' endeavors are successful. I examine these dimensions with four case studies: Jackson County, Michigan, Hudson, Michigan, Johnston County, North Carolina, and Duplin County, North Carolina.

2. Concentrated Animal Feeding Operations

2.1 Overview of CAFOs

In the United States, as a whole, Americans consume more meat than anywhere else on the planet (Barclay, 2012, n.p.). Having such a large demand for meat necessitates a large supply of animals. In the 1950s for chickens and the 1970s for cows and pigs, CAFOs were created to make raising a large amount of animals more feasible and efficient since this method of raising animals requires little space (Burkholder et. al, 2006). A CAFO is a housing system that raises animals in a confined area mainly for the production of meat. The main indicators of a CAFO are related to the total weight of animals on the property, the amount of time they are confined there, and the waste created by the facility (Natural Resources Conservation Service, 2017, n.p.). The total weight of animals in a CAFO is what differentiates a CAFO from an Animal Feeding Operation (AFO). Due to the varying weights of animals in CAFOs, a CAFO is defined as an AFO that holds at least 1,000,000 pounds of animals, whether it be cow, pig, or chicken (Natural Resources Conservation Service, 2017, n.p.). Another indicator of a CAFO is the amount of time the animals are confined. If the animals are housed for more than 45 days out of the year, then, the operation is categorized as a CAFO. Finally, if an AFO produces enough waste, that is excrement and urine from the animals, that necessitates a human-made waste lagoon or river, then, it is automatically categorized as a CAFO regardless of pounds per animal in the facility and duration of confinement (Natural Resources Conservation Service, 2017, n.p.).

The cases were selected in North Carolina and Michigan because they are similar in their ranking on being environmental. From studies conducted from 2007 to 2018 by various sources ranking U.S. states on their environmental practices, from measuring carbon footprint to environmental policies implemented and general eco friendly behaviors, such as energy

consumption per capita, Michigan and North Carolina have been ranked in the middle leaning to the middle low end of being environmentally friendly (Wingfield and Marcus, 2007, n.p.; McIntyre 2010, n.p.; Kiernan, 2018, n.p.). What this would mean is that Michigan and North Carolina are on a level playing field for their environmental practices. At the same time, the differences that exist are whether the local politicians favor or oppose the activist endeavors and whether the tools of successful activism are present in each case.

2.2 The Problems CAFOs Create for Local Communities

CAFOs are necessary in order to meet the high demands for animal products in the U.S., but this does not solely yield cheap animal products and an increase in jobs for the community the CAFO resides in. There has been extensive research completed on the negative impacts of CAFOs. The main reason why the activists in the cases oppose the CAFO is due to environmental degradation and health risks posed by the CAFO. Kendall Thu et al. discuss the environmental impacts of CAFOs, such as their impacts on water and air quality, to social and economic implications. Their research paper was written with the intent to provide scientific based knowledge on CAFOs and to address questions that were brainstormed during an “interdisciplinary scientific workshop” to which the general public could utilize for whatever endeavors they are pursuing (Thu, 1995, p.4). Furthermore, their research paper captures various viewpoints through the various authors, from a diverse fields of study, that took part in writing this aforementioned paper. The impacts described in the paper have the potential to foster activism.

Environmentally, CAFOs have a sizable impact. CAFOs use a large amount of water. While the water usage of each CAFO depends on the size of the CAFO as well as managerial

practices, the water uses one should take into account are the amount of water used to feed the animals, grow the crops that are fed to the animals, the water used to clean the facility, and the water used to fill the manure lagoons (Thu, 1995, p. 12). The manure lagoons destroy a sizable amount of bacteria and viruses in the manure, but does not eliminate all of them (Thu, 1995, p. 16). CAFOs run into trouble when there are leakages of their manure lagoons that have the potential to contaminate groundwater or surrounding bodies of water (Thu, 1995, p. 15). In addition, in my case studies, the manure from the lagoon is liquified and sprayed onto neighboring fields, which pose environmental and health concerns. The manure lagoons pose a problem not only for the water, but also the air. The composition of the odors emitted from the production of swine are "...ammonia, carbon dioxide, hydrogen sulfide and methane" (Thu, 1995, p. 47). According to Thu et al., these odors can cause "...nausea, vomiting and headache, cause shallow breathing and coughing; upset sleep, stomach and appetite; irritate eyes, nose and throat; and disturb, annoy and depress" (1995, p. 49). Aside from environmental concerns, social problems can arise when CAFOs set up shop in a town.

Social problems arise when citizens endeavor to voice their concerns, but are met with opposition that their concerns are nonexistent. Thu et al. describe this scenario as a double bind, a term first coined by an anthropologist, Gregory Bateson. A double bind is when "people suffer for accurately reporting their own experiences to people who provide counterexperiential interpretations" (94). Essentially, people feel helpless because public officials devalue their concerns regarding CAFOs. This double bind is evident in the case in Duplin County, North Carolina.

Lastly, CAFOs cause economic turmoil. The economic problems that arise have to do with the fact that the property value decreases when a CAFO is built in the area because no one wants to live near a CAFO. In Pigs, Profits, and Rural Communities, Kendall Thu and Paul Durrenberger reassert this when a local realtor in Michigan asserted, "...many people are very hesitant to purchase a home in that area because of the possibility of... [a CAFO] and the uncertainty of the possibility of more of them (1998, p. 31). In addition, the smaller scale farms in the area don't stand a chance in competition with the CAFO's high efficiency to produce a large amount of animals for a low cost (Thu, 1995, p.1).

2.3 The Political Tilt in Favor of CAFOs

In order to better understand the cases of activism against CAFOs, one must first comprehend the political tilt in the U.S. of government towards agriculture. The use of subsidies, Right-to-Farm (RTF) laws, and the political climate of Michigan and North Carolina favor animal agriculture. These concepts are crucial to understanding in order to realize what activists are battling against when they oppose a CAFO.

Beginning in 1862 with the Morrill Act, the U.S. federal government has always provided financial aid to farmers, which has increased throughout the years, whether it be through subsidies or special banks, such as the Farm Credit System, to provide loans for farms (Edwards, 2018, n.p.). I am not arguing that this government aid to farmers is necessarily wrong. Certainly, farmers feed the nation. Rather, I am pointing to the fact that such subsidies demonstrate a pro agriculture theme in U.S. politics. When activists oppose CAFOs, they are sometimes perceived as biting the hand that feeds this nation and infringing on farmers' right to farm.

In the U.S., RTF laws are present in every state. While these laws have slight variations from state to state, they all serve the same purpose, which is to protect farmers against nuisance lawsuits (Pifer, 2013, p. 709). Nuisance suits can involve, but are not limited to “...noise, odors, dust, light, insects, the operation of pump and machinery, the storage and disposal of manure, bee pollination, and the ground or aerial application of fertilizers, pesticides, and herbicides (Pifer, 2013, p. 711). Originally, these laws were created to protect small scale farmers from new neighbors who would sue the farmers because of these ‘nuisance’ variables; since lawsuits are quite costly, the farmers would often lose money and become bankrupt (Pifer, 2013, p. 709). The RTF laws served as a preventative measure to keep farms in business. However, with the rise of large scale factory farms, or CAFOs, these RTF laws are often applied to CAFOs. The use of RTF laws can complicate activism. Applied to my cases, in three of the four cases, the CAFOs argue the RTF laws when faced with activist opposition.

The third variable to take into account when considering activism against CAFOs is the political climate. By political climate, I am referring to whether the local politicians support or oppose the activists’ endeavors. This relationship between CAFOs and politicians is present in all the cases I review. In the Michigan cases, there is support by local politicians and governmental organizations for the activists’ endeavors to restrict CAFOs on their waste management practices. In North Carolina, it is apparent that there is a double bind and that local politicians denounce the activist endeavors.

3.0 Activism

3.1 Overview of Activism

Activism is just one component of our democratic system in the U.S. The definition of activism my research utilizes is “the doctrine or practice of vigorous action or involvement as a means of achieving political or other goals, sometimes by demonstrations, protests, etc.” (“activism”, 2018, n.p.). There are a variety of approaches to activism. According to Gene Sharp’s Social Power and Political Freedom, there is the utopian, the dictatorial, and the reformist approach (Sharp, 1980, p. 5). The focus of this paper is on the reformist approach to advocacy.

Gene Sharp describes the reformist approach as:

“...[M]aking changes in the world as it is, with all its powerful groups supporting the status quo and its other limitations impeding major transformation... [T]hey concentrate solely on minor specific changes in the established policies, practices, and institutions, even though these remain fundamentally unaltered. After much hard work and a great deal of time, these specific changes are sometimes accomplished. They are, however, won at a price, often including heavy personal costs and ethical compromises...” (1980, p. 6).

Essentially, Sharp explained the reformist approach as doing what one can with the resources they have within the structure they live in. In other words, working within the system to change it or improve it. Sometimes one wins a political battle; other times they do not. But often, whatever one does win, it will likely not be the entirety of what one wanted because one must compromise. I chose the reformist approach because it seemed the most realistic and applicable to life at the moment. Certainly, one could take on a more dictatorial approach like the five activists from Michigan who travelled to a mink CAFO in Canada in the 1990s, setting free around 1,500 minks, causing \$500,000 in damages to the CAFO, resulting in it closing permanently, but these types of endeavors are not always feasible (Scholz, 2018, n.p.). The activists were jailed and brought to court (Scholz, 2018, n.p.). In short, the dictatorial approach requires a great amount of dedication, funding and planning that few activists would likely

pursue. Furthermore, these efforts do not yield systemic change analogous to implementing new policies and practices that a reformist approach would be more likely to yield. The reformist approach does not necessarily mean activists sparking drastic change, like shutting down a CAFO or reverting CAFOs back to small scale farms. Rather, the reformist approach means making minor changes, such as implementing laws that regulate CAFOs in order to lessen the environmental degradation and health impacts.

In reading the later cases of activism against CAFOs, one should keep in mind a disadvantage of the reformist approach. Sharp argued, “[T]he most serious political cost of the reformist approach is acceptance of one’s incapacity to change the most grave political evils of the society... [But o]nly the relatively minor steps may be taken with this approach, while the great problems cited above remain untouched” (1980, p. 6). Applied to my research, this means that no radical change may occur with CAFOs.

3.2 Overview of Grassroots Activism

While activists may be able to work alone, it is sometimes necessary and often times more effective for the activists to unite and create a grassroots organization. The definition of a grassroots organization this paper will be utilizing is "local political organizations which seek to influence conditions not related to the working situation of the participants and which have the activity of the participants as their primary resource" (Gundelach, 1979, p. 187). In other words, it is simply a group of people that have united to perform a collective action in support or opposition of an issue. The grassroots organization does not necessarily have to have a political affiliation. Rather, it is more focused on forming a coalition to complete a goal. Therefore, grassroots activists can be from any background (Crystal, 2016, n.p.).

I argue that activists endeavors have a higher probability of being successful if they network with other activists to either form a grassroots organization or team up with a grassroots organization. This is because it will likely result in strengthening the underlying components necessary for successful activism.

3.2 Necessary Underlying Components of Successful Activism

Through the utilization of John Huenefeld's book, The Community Activist's Handbook, Aidan Rickett's The Activists' Handbook: A Step-by-Step Guide to Participatory Democracy, and George Tower's research on activist strategies in Monroe County, West Virginia, I collected three components of successful activism. These components are funding, issue coverage to the public, and networking. All these components have the potential to make or break activists' endeavors. However, they are merely underlying components that should be present. I believe that the main determinant in whether activists are successful is whether a local politician or more support the activists' endeavors.

While there are numerous means of raising funds, the main takeaway from Huenefeld's chapter on funding is that funding is necessary to activism. The amount of funds necessary depends on the group and what they want to accomplish (Huenefeld, 1970, p. 113). In application to my research, three of the four cases involved activists taking a CAFO to court. In these cases, I surmised that all the activists had sufficient funds to sustain the court battle. This conclusion is made given the fact that none of the activists had to drop out of court the battle.

The second component to successful activism is issue coverage. Rickett highlights the importance of raising public awareness of one's concerns, as an activist (2012, p. 90). Rickett highlights the myriad ways in which one can communicate the issue using different avenues of

media, but the main point is that the issue should receive coverage. In application to my research, the cases I have picked have all received a sizable amount of coverage, whether it be through the newspaper, online articles, and/or publication in books.

The third underlying component to successful activism is networking. In George Towers' research on activist strategies in Monroe County, West Virginia when the public was facing a proposal for an electricity transmission line, he found that a helpful strategy in the movement was networking. This grassroots organization in Monroe County networked with a person in New Jersey who was fighting toxic waste dump in their own city to collaborate on what measures each of their organizations were taking (Towers, 2000, p. 25). In my research, I have found that networking is crucial to activist endeavors. In all cases, except the case in Johnston County, North Carolina, the activists networked. I argue that lack of networking combined with no political support is why the activists' endeavors failed.

4.0 The Method

A case study analysis was utilized to study successful and unsuccessful efforts of activism against CAFOs. The research method utilized is from Juliet Kaarbo and Ryan Beasley's "A Practical Guide to the Comparative Case Study Method in Political Psychology". They describe Alexander George's "method of [a] structured, focused comparison" in six steps (Kaarbo and Beasley, 1999, p. 377).

The first step is to identify a focused, narrow research question (Kaarbo and Beasley, 1999, p. 378). The question this research paper aims at answering is "Under what conditions will activism against CAFOs be successful?". This study aims at capturing elements of success across four cases to yield a theory for successful activism. The theory is that if the tools of

activism are present, which are funding, issue coverage to the public, and networking with grassroots organizations, and if local politicians support the activists' efforts, then the activists will have a higher probability of being successful.

The second step is to identify variables from an existing theory. This has been quite feasible, yet difficult, since there exists extensive research on the strategies of grassroots activism. It has been difficult since there is a lack of research on strategies of grassroots activism in opposition to CAFOs. One could focus on environmental activist strategies, but this does not encompass the entirety of the implications of CAFOs. Since there are also social and economic implications of CAFOs, the environmental aspect is only one piece of the puzzle. For this reason, the theory I am proposing is a theory I have not seen replicated and have found no analogous theories.

The third step is to select cases. The cases are Jackson County, Michigan, Hudson, Michigan, Johnston County, North Carolina and Duplin County, North Carolina. One case from each state predated the 2000s and the other cases postdated the 2000s. These cases were selected because North Carolina and Michigan are similar in the state's public opinion on environmental regulations and the state's ranking on being environmentally conscious. However, there was more political support for the activists' endeavors in Michigan than in North Carolina.

The fourth step is operationalizing variables and constructing a case codebook (Kaarbo and Beasley, 1999, p. 383). In essence, for my research, this translates to mean having variables that measure the success of grassroots activism. The activists ultimately define their own success. However, for this research, success will be defined as enacting laws or regulations that

seek to monitor the CAFO and whether the CAFO compensated the activists and/or the state for environmental damages.

The fifth step is to code-write the cases; this consists of coding the variables and presenting the results (Kaarbo and Beasley, 1999, p. 385). This means measuring the aforementioned variables. My research examines whether the tools for successful activism are present within the cases rather than developing an exact measurement of to what degree these variables are present.

The last step is comparing the cases and analyzing their relation to the theory. This step is comprised of highlighting whether the tools of activism were present. On the one hand, one of the strengths of case based research is that it allows one to track changes over time (Kaarbo and Beasley, 1999, p. 386). The structured, focused approach to this research should reduce one's subjectivity (Kaarbo and Beasley, 1999, p. 388). On the other hand, one may be limited in restricting their research to a few cases.

5.0 The Case in Jackson County, Michigan

In "The State, Hog Hotels and The 'Right to Farm': A Curious Relationship", Laura Delind describes an early account of grassroots activism against a CAFO in 1986, in Jackson County, Michigan. Jackson County Hog Producers (JCHP) was a swine CAFO which was setting up shop in Michigan by Sand Livestock Systems, Inc. The outcome of the case would be deemed successful because it resulted in restrictions in which the CAFO implemented common sense practices in endeavoring to reduce their impact on the neighboring community.

It was predicted that this CAFO would increase hog production in Michigan by 8% (Delind, 1995, p. 35). In addition, given the fact that the investors in this CAFO would receive

tax free income with their bonds, coupled by the fact that any loss to the company would add to their personal gain in the form of income tax deduction, this was a golden investment opportunity. Delind asserted that much of the investment came from wealthy lawyers in Detroit, who allegedly had ties with the governor (1995, p. 35). In fact, 17 lawyers with the law firms of Miller, Canfield, Paddock, and Stone invested at least \$974,000 in the operation (“Blanchard”, 1987, p. 8). Some of which would defend JCHP (“Blanchard”, 1987, p. 25). As this investment opportunity was taking place, the townsfolk were just barely being informed of the construction of JCHP in the community. This operation was 70 acres, holding 25,000 hogs, and produced 72 million gallons of animal waste per year (“Blanchard”, 1987, p. 8). Jack Tornga, the supervisor of Parma Township, had publicly denounced JCHP (“Township”, 1987, p. 24). This yielded the local level response of a petition, with 290 signatures, to hold a hearing to discuss the implications of the CAFO (Delind, 1995, p. 26). Though this particular effort was unsuccessful, it was successful in uniting the community of farmers and non farmers to create two grassroots organizations to protect the environment and preserve the local agriculture economy; the two organizations were Save America's Farming Environment (SAFE), a lobbying organization that would publicize the issues, and the Farm Environment Defense Foundation (FEDF), dedicated for litigation (Delind, 1995, p. 36). Daily complaints regarding JCHP were filed to “...the Township Planning Commission, to the County Planning Commission, to the County Health Department, to the DNR, to the Michigan Department of Agriculture (MDA), to individual members of Congress, and to the Governor's Office...” (Delind, 1995, p. 35). One of these complaints was made by the state Attorney General Frank Kelley (“Kelley” 1987, p. 5).

Eventually, SAFE and FEDF took their complaints to the Michigan Environmental Review Board (MERB), which oversees and addresses environmental issues (Delind, 1995, p. 36). Because of various statutes and organizations, combined with the RTF laws, MERB's efforts reigned partly successful. First, a joint task force was created between the Department of Natural Resources and the Michigan Department of Agriculture. Though they had differing goals in mind, they came to a compromise that yielded a system by which "...regular inspections to assure compliance with established best management practices" were completed at farms; special standards and guidelines were created by the Department of Agriculture and the Right to Farm laws were revised to fit the CAFO (Delind, 1995, p. 37). After this compromise was reached, it received public backlash, which led to its withdrawal. In Michigan, the proposed regulations on JHCP soon became framed as the RTF laws being breached and the government unnecessarily imposing their will on a business (Delind, 1995, p. 38). Instead of the aforementioned compromise, a new compromise was proposed that Sand Livestock, Inc. should adopt "a good neighbor policy", in which the factory should use common sense, such as avoiding "...applying manure on windy days" and planting vegetation around the factory to serve as a barrier (Delind, 1995, p. 38).

After it became apparent that a sufficient compromise would not be reached, FEDF and a local family filed a lawsuit against Sand Livestock, Inc. This case was based on the premise that the pollution caused by Sand Livestock, Inc. has been harmful to the family's health. Sand Livestock, Inc. was verbally supported throughout the lawsuit by Michigan's Department of Agriculture and Michigan's Farm Bureau. This threat to Sand Livestock, Inc. was perceived as a threat to farmers everywhere and Michigan's agriculture economy. Michigan's Farm Bureau

proposed new RTF, which settled the dispute. The new laws entailed installing “...state-of-the-art standards and technologies for manure storage and application, stressed the improved calibration of equipment, expanded recordkeeping, and frequent water and soil nutrient testing...” (Delind, 1995, p. 39). However, these new guidelines were voluntary rather than mandatory.

Nevertheless, JCHP implemented some of the laws, such as covering their manure lagoon.

Though, in 1992, Sand Livestock, Inc. closed JCHP. They continued to open CAFOs in Wyoming, China, and Korea (Delind, 1995, p. 40).

6.0 Hudson, Michigan

In 2000, Michigan farmer, Lynn Henning, initiated an endeavor to fight ten surrounding CAFOs in Hudson, Michigan, for environmental and health concerns. Hudson, Michigan encompasses the Lenawee and Hillsdale counties. Through creating a grassroots organization, which partnered with the Sierra Club, a national environmental organization, data was collected on pollution of surrounding bodies of water. Due to this, and support from the governor, the Michigan Department of Environmental Quality (MDEQ) sued Vreba Hoff Dairy LLC, a CAFO, in 2003. This case is considered successful because from this lawsuit, Vreba Hoff Dairy LLC developed a wastewater treatment system and paid money to the state to compensate for environmental degradation (Sturm, 2003, n.p.).

Vreba Hoff LLC is Michigan’s largest Dairy company (“Owners”, 2003, p. 8). Their facilities hold some 6,000 cows (Sturm, 2003, n.p.). Vreba Hoff LLC produce 40 million gallons of liquid manure per year, which they hold in a manure lagoon that they spray on surrounding fields (“Owners”, 2003, p. 8). The Dairy sector “...accounts for one-fourth of Michigan’s \$3.5 billion farm industry” (“Owners”, 2003, p. 8).

In the 1990s, CAFOs began setting up shop in neighboring properties to Henning. Henning had grown worried about the environmental and health risks that accompanied the rise in CAFOs. In 2000, Henning and other residents in Hudson, Michigan created an environmental group called Environmentally Concerned Citizens of South Central Michigan (ECCSCM). In 2001, the Michigan chapter of the Sierra Club, a national environmental organization, was introduced in Michigan (“Sierra”, 2012, n.p.). This was the same year Henning joined the organization. In June, 2001, ECCSCM and the Sierra Club Michigan chapter hosted an event in which people were driven around Hudson, educated about the environmental impacts of CAFOs in the area, and were shown the CAFOs in the area (Pelham, 2001, n.p.).

What initiated the lawsuit against Vreba Hoff LLC is when Henning and other members of ECCSCM monitored pollution in surrounding bodies of water. They found record levels of E. coli, ammonia, and phosphorus (Heath, 2005, p. 147). Between 2000 and 2002, ECCSCM “...reported 26 illegal discharges of manure to the Department of Environmental Quality between 2000 and 2002, [but] under Gov. John Engler the department did not press charges” (Sturm, 2003, n.p.). The Sierra Club filed a petition with the EPA to bring light to this issue.

In 2002, with a shift in leadership, the new governor of Michigan, Governor Jennifer Granholm, seemed more open to the environmental concerns of ECCSCM and the Sierra Club. She wanted to “...assess feeing on polluting industries- including large farms- to help pay regulatory costs” (The Associated Press, 2002, p. 13). In September 2003, the MDEQ sued Vreba Hoff LLC for air and water pollution, which resulted in a \$50,000 fine and Vreba Hoff LLC agreeing to purchase a waste treatment system (Heath, 2005, p. 147).

7.0 The Case in Johnston County, North Carolina

North Carolina shares a different story than Michigan. This case would be considered unsuccessful because the court battle was lost, no compensation was given to the plaintiffs, and no regulations were implemented as a result of the court case. However, this case brought to light the negative implications of CAFOs when in 1995, the manure lagoon of the CAFO in Johnston County, North Carolina, broke and spilled into a local river (Morgan, 1998, p. 143).

It is important to gauge the background of hog production in North Carolina. Michael Thompson described the extensive history of raising pigs for slaughter in North Carolina. From this article, one can conclude that politics and animal agriculture are intertwined in North Carolina. This assertion is made on the premise that a man named Wendell Murphy taught agriculture in a high school in North Carolina while also running a hog business and soon became senator of North Carolina; in the following years his hog producing business, Murphy family farms, later renamed Murphy-Brown LLC, became an incredibly successful pig producer (Thompson, 2000, p. 581-583). Over the ten years Murphy was a senator for North Carolina, he advocated for laws that would protect the pig producing industry, which demonstrated his self-interest through state legislation (Thompson, 2000, p. 583).

Former attorney, Robert Morgan, detailed an account of a 1992 case he defended in Johnston County, North Carolina. A group, comprised of homeowners and farmers, organized to oppose a new CAFO in the area. What sparked this lawsuit is when Earl Lee and James Lee bought a plot of land to be used for a CAFO (Morgan, 1998, p. 140). Morgan asserted, "The land was sold without anyone knowing what was intended, and, almost overnight, three intensive swine facilities which held three thousand hogs total were constructed. The new owners also constructed what they called a 'lagoon'" (Morgan, 1998, p. 140). The main problem that citizens

in the area had with this CAFO was that they were uninformed that this CAFO was going to be built on a property that was within 1,500 feet of a neighborhood (Morgan, 1998, p. 140). In addition, the odors emitted from the manure lagoon, the facility, and the manure being sprayed on fields in the area was unbearable to many residents (Morgan, 1998, p. 141).

It became clear that this CAFO was not going to change their ways so easy when the North Carolina Pork Producers Association allocated funds to the Lees to cover the cost of attorneys; the fifty plus lawyers took dozens of depositions (Morgan, 1998, p. 142). Morgan sited an example of some of the outlandish arguments that were made when he described how some of the lawyers “...obtained a court order to permit the defendants to go on the property of the landowners [in the area] and take urine samples of their dogs and cats, contending that these pets where the source of the odors” (Morgan, 1998, p. 142). The CAFO’s powerful political ties were demonstrated when the plaintiff’s attorneys “...inspected the facilities... [and] ...found that the owners were accompanied by several professors from North Carolina State University, a land-grant college with responsibilities for agricultural research” (Morgan, 1998, p. 142). It is relevant to know that former Senator Murphy’s ties with education in the past influenced his career in the present because he was on the university’s board of trustees (Morgan, 1998, p. 142). One can surmise that to have this CAFO in Johnston County close would not just be bad for business, but would also reflect negatively on politicians like Wendell Murphy and have repercussions for education. Due to the aforementioned political ties, the plaintiff’s attorney could not find anyone to speak in regards to the decrease in property value that was in direct correspondence to the construction of the CAFO. In addition, professors from North Carolina

State University had testified during the court case, that "...the facility's design met state-of-the-art standards and was not negligently operated" (Morgan, 1998, p. 142).

In the end, Earl Lee and James Lee won the case. The people of Johnston County were not compensated in any way. However Robert Morgan ended this writing by highlighting the fact that this case shed light on the negative implications of CAFOs because in 1995, "...the manure lagoon broke and 22 million gallons of hog waste poured across roads and crops and into the New River, causing massive fish kills and threatening the area's water supply" (Morgan, 1998, p. 143). North Carolina soon implemented more restrictions on waste management. Even though the case was lost. There were restrictions implemented later on.

8.0 The Case in Duplin County, North Carolina

In 2013, over 500 people in Duplin County, North Carolina, filed 26 lawsuits against Murphy-Brown LLC for damages caused by the corporation's waste management practices (Shaffer 2017). Due to lawyering complications, the cases were not heard in preliminary court until December 2017 (Hellerstein and Fine, 2017). The cases will be broken up, with each case hearing eight to twelve plaintiffs at a time with the first case taking place on April 2, 2018; after this trial, one case will be heard per month (Hellerstein 2017). What started this set of lawsuits was the fact that factory farms in North Carolina shifted their waste management practices from having manure lagoons to spraying the pigs' feces and urine on neighboring fields as fertilizer; this shift happened due to problems with manure lagoons spilling in the past (Breed and Biesecker, 2018). This has led to animal waste drifting into neighboring properties. Given that my measure of activist success against CAFOs is whether policies or laws are implemented to

regulate a CAFO and whether the CAFO compensates the activists, my prediction is that this case will be successful.

The two issues that the plaintiffs aim at resolving with these lawsuits are Murphy Brown LLC adopting less destructive waste management practices and compensating the plaintiffs for the health and property damages that have resulted from the spraying of waste. When I was searching for information on this case, I stumbled upon a number of interviews that have been conducted with the various plaintiffs involved. In regards to when animal waste is being sprayed, Elsie Herring, one of the plaintiffs, asserted, “You could feel it, like a misting rain. But it wasn't misting rain. It was that stuff [pig waste]” (Associated Press, 2018, n.p.). Other plaintiffs such as, Rene Miller, confirmed this and added that when the animal waste is being sprayed, it can cause one's eyes to burn and their nose to run (Hellerstein and Fine, 2017, n.p.). In addition, “A former environmental engineer for the Environmental Protection Agency, Shane Rogers, swabbed the outsides of homes... [in the area]. He said 14 of the 17 homes ... tested positive for pig2bac — a genetic marker linked to the presence of hog feces” (Breed and Biesecker, 2018, n.p.). Essentially, it was raining animal waste on neighboring properties of Murphy Brown LLC owned CAFOs.

In preliminary court, Murphy-Brown LLC argued that the RTF law protected their corporation. If this were the case, then the 26 lawsuits would have to be dropped. However, the judge, Judge Earl Britt, upheld that the “...plaintiffs' nuisance claims have nothing to do with changed conditions in the area, and therefore, as a matter of law, the right-to-farm law does not bar those claims. Accordingly, [the] plaintiffs are entitled to summary judgment on this defense.” (Baise, 2017, n.p.).

A few months later, HB 467 was introduced in the North Carolina Senate. Essentially, this bill would place a limit on how much money someone could receive in compensation from a CAFO. In addition, “...people could only collect damages equal to the reduction in their property’s fair market value – which critics argue is already low thanks to the presence of the nearby farms” (Hellerstein and Fine, 2017, n.p.). This bill was supported by numerous Republican Senators, who have received varying sums of money from Murphy Brown LLC in the past in the form of campaign contributions (Fine and Hellerstein, 2017, n.p.). Governor Roy Cooper, the governor of North Carolina, vetoed this bill because he “opposed ‘special protection for one industry’”, which is the hog producing industry (Hellerstein and Fine, 2017, n.p.). However, the North Carolina Senate managed to override his veto, which has since become law (Hellerstein, 2017, n.p.).

It is apparent that Murphy-Brown is politically and financially powerful. It is politically powerful locally because in North Carolina, the hog producing industry is heavily protected, as demonstrated in the HB 467 bill. It is notable to mention that in 2013, there was a Chinese government affiliated, Chinese conglomerate buyout of Smithfield Foods. The company that bought Smithfield Foods is called WH Group. This buyout created “...an arrangement known as contract farming, [in which] many larger companies bought family farms or merged with them by providing pigs in exchange for land and waste management services” (Hellerstein and Fine 2017). The significance this holds is that now Murphy Brown LLC is a stronger company because it’s part of a larger operation that has deeper governmental ties, not only with the local government in North Carolina, but also with the Chinese government.

The 500+ activists teamed up with other grassroots organizations, such as the Waterkeeper Alliance, the North Carolina Environmental Justice Network and the Rural Empowerment Association for Community Help (Fine and Hellerstein, 2017, n.p.). This means that the plaintiffs will probably not run out of money to sustain the court battle. Because this set of cases has received a fair amount of media coverage from news articles and from the film *What the Health* (Sainato and Skojec, 2017), one may surmise that this fight between the two is likely to be stronger and last longer than the previous cases I have mentioned. I predict that the resolution of these cases will include Murphy-Brown LLC changing their waste management practices to an alternative that will likely be equally damaging to the environment, but will eliminate the smell and the raining of animal waste. Given that HB 467 is now a law, the plaintiffs will probably not receive that much money for their troubles.

9.0 Case Comparison Analysis

The theory my research began with is if the components of successful activism are present, which are funding, issue coverage to the public, and networking with grassroots organizations, and if the political climate is in favor of the activists, meaning if local politicians support the activists' efforts, then the activists will have a higher probability of being successful. Success was measured by whether the activists yielded regulations on the CAFO and/or if the CAFO compensated the activists.

The cases that demonstrate the success proposed by my theory are the case in Jackson County, Michigan and the case in Hudson, Michigan. Beginning with the case in Jackson County, the activists created two environmental grassroots organizations: FEDF and SAFE. FEDF was created to publicize environmental and health implications of the CAFO in town. This

case received media attention through the newspapers with dozens of articles published surrounding the case and the parties involved. Because the court case was sustained until a compromise was reached, it is safe to say the activists had sufficient funding. The politicians that supported the activist endeavors in Jackson County were Attorney General Frank Kelley, who voiced a complaint regarding JCHP, and the superintendent of the district, Jack Tornga. The outcome was voluntary regulation imposed on JCHP.

The second case of successful activism against a CAFO is in Hudson, Michigan. Lynn Henning was able to create the grassroots organization, ECCSCM, which she teamed up with another environmental organization she was part of, The Sierra Club. This demonstrates top notch networking on Henning's end. There was plenty of news coverage of Sierra Club's and ECCSM's fight against CAFOs in the area (with my research focusing on the battle against Vreba Hoff LLC) in online articles and the newspaper. Sierra Club had allocated \$7,000 to ECCSM to monitor pollution in Hudson (Sturm, 2003, n.p.). This indicates that the organizations had ample funds. The two organizations did not sue Vreba Hoff LLC. The MDEQ did, which signifies there was support for the activists' endeavors. In addition to the MDEQ supporting the activists, Governor Jennifer Granholm also supported the activists' concerns of environmental degradation by CAFOs. The outcome resulted in Vreba Hoff LLC paying fines to the state and implementing a new waste treatment system.

Moving on to the case in Johnston County, Michigan, the activists did not have all of the underlying components of successful activism. Certainly, they had funding to sustain the court battle, but the activists did not compose a grassroots organization nor network with other

grassroots organizations. In addition, there was little coverage that exists on this case. Lastly, no politicians expressed support for the activists endeavors.

The last case, in Duplin County, North Carolina, is predicted to be successful. It is important to note some differences in the two activist endeavors in North Carolina. The first difference is timing. The first case was in 1992 while this case started in 2013, but, due to a number of complications, was set for trial in April 2018. Another key difference to note in the two cases is the difference in entities participating in the case in Duplin County. The activists of Duplin county are part of and have teamed up with grassroots organizations in the area. Since the former case in North Carolina in 1992, a number of grassroots organizations have been created to address environmental and human rights problems. These include The Waterkeepers Alliance, Rural Empowerment and Community Health (REACH), and the North Carolina Environmental Justice Network. The issue in Duplin County has received much media attention from news clips, newspapers, online articles, and the film *What The Health*. In addition, Governor Roy Cooper expressed that he did not want to favor one industry when he vetoed the HB 467 bill. If he explicitly expressed his support for the activists of Duplin County, their endeavors would surely be successful. However, only time will tell the outcome of this case.

10.0 Conclusion and Discussion

This research paper provided knowledge on what CAFOs are and what activism and grassroots activism is. It is important to comprehend the background information of what activists are battling when they oppose a CAFO, which includes how agriculture and the U.S. government are intertwined, RTF laws, and the political climate. Through the use of case studies by activists using the reformist approach in Michigan and North Carolina, I created a theory on

the conditions under which activism is successful. My theory is if the components of successful activism are present in a case, which are funding, issue coverage to the public, and networking with grassroots organizations, and if local politicians support the activists' efforts, then the activists will have a higher probability of being successful. This theory was demonstrated in the Jackson County, Michigan case and the Hudson, Michigan case. I predict that this theory applies to the current Duplin County case, resulting in success for the activists.

There are many issues that were not raised in this paper, but that were fostered in pondering this topic. The main idea I contemplated is the pressing question of "how has society gotten to this point in which activists must seek to regulate CAFOs?". One would think the nation would protect their people against pollution by CAFOs. It seems that there is a general lack of regard for people and the environment that led to pollution. This disregard is a symptom of a larger problem, which is the systemic oppression of people and the environment in the pursuit of money. It seems that society should reevaluate their values if money and economic growth are their main goals because this is not sustainable. And this problem of disregard is not just a problem with CAFOs. It exists within other industries, such as nonrenewable resource driven industries and clothing factories. These problems go beyond being a local issue. This is very much a global problem, which necessitates global solutions. Can we really address one symptom (pollution by CAFOs) without addressing the larger problem?

Another concept to keep in mind is the fact that social change does not happen overnight. It happens over the course of many years. But this should not be discouraging because progress is happening. We are writing history. As long as we remain persistent, there must be

advancement. In the words of Michele Merkel, “Even a loss, if you pick the right fight can catalyze a great change”.

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