



## Howard County Neighborhood Develops Covenants to Protect Against CAFOs



Photo: Lee Snider Photo Images/Shutterstock

By **Arienne Pfoutz**  
Contributing Writer

Be alert, consult the experts, mobilize a strong team, and faithfully execute action steps—the formula isn’t just for business executives. Retired second-grade teacher Sue George and fellow members of the Northeast Iowans for Clean Air and Water used the strategy this year to combat a noxious threat to the quality of life within their northeast Iowa neighborhood.

Hog confinements have steadily crept into Howard County with attendant smells and liquid manure spreads. But when George and her husband, Jerry, learned in February that Reicks View Farms was planning to construct a CAFO about one

mile away from their century farm, they along with fellow concerned neighbors perked up. The facility would include 2,499 hogs and be built on karst terrain—dangerous ground for CAFOs, because limestone bedrock beneath the soil can dissolve and create channels from the surface to underground springs below that provide the community’s drinking water.

“In karst terrain the water wears away the limestone creating underground passages where water moves fast,” George said. “If a pit or lagoon would spill or leak, the liquid manure could find its way to underground water supplies quickly.”

Many new CAFOs have gone up in

**COVENANT** *continued on p. 14*

### In the News.....

## Master Matrix Campaign Fails

### But Campaign for County Moratorium Resolutions Continue

A campaign to strengthen the Master Matrix failed when the Environmental Protection Commission (EPC) denied a petition presented by Iowa Citizens for Community Improvement (CCI) and Food and Water Watch (FWW) at their September 18 meeting reports *The Des Moines Register* (September 18, 2017).

Petitioners were aiming to improve the Master Matrix, a 44 question, point-system application for industrial livestock facilities that are 1000 animal units or larger (the equivalent of 2500 hogs). The Master Matrix is adopted yearly by Iowa counties and all but typically 11 adopt the Matrix each year. Jefferson County has a

**MASTER MATRIX** *continued on p. 8*

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# JFAN NEWSLETTER

JEFFERSON COUNTY  
FARMERS & NEIGHBORS, INC

Volume 21 ~ FALL/WINTER 2017

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**All articles are written and reported  
by JFAN unless attributed otherwise.  
All guest articles reflect the opinion  
of the author and do not necessarily  
reflect the opinion of JFAN.**

This newsletter is published  
semi-annually by the  
Board of Directors  
of Jefferson County Farmers  
and Neighbors, Inc. (JFAN),  
which is a 501(c)(3) nonprofit  
tax-exempt educational foundation.

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## In the News.....

# Toxic Pollutants from Meat Industry Create Unprecedented 'Dead Zone' in Gulf of Mexico

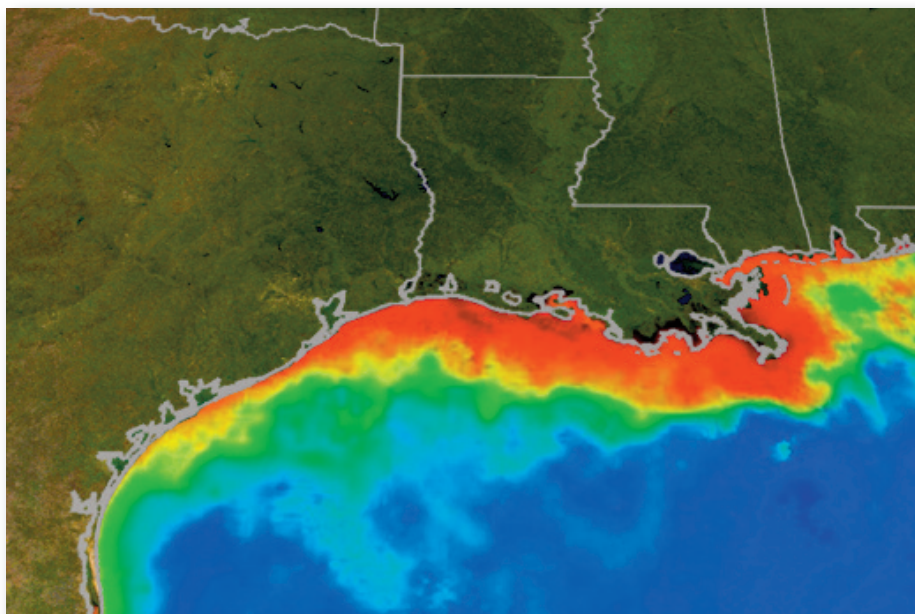


Photo: NOAA

Americans' hefty consumption of meat—averaging 211 lbs. per person in 2015—is creating the worst 'dead zone' ever recorded in the Gulf of Mexico. A new report by the environmental group Mighty documents large areas of toxic algae bloom not only in the Gulf but also in the Great Lakes and Chesapeake Bay reports *The Guardian* (August 1, 2017).

Manure and fertilizer toxins pouring in from the global meat industry are causing proliferation of the algae. The decomposing algae create hypoxia, or lack of oxygen, killing or dispersing marine life.

Arkansas-based meat producer Tyson Foods is a major contributor to the pollution, with its 35 million chickens and 125,000 cattle slaughtered each week says the report *Mystery Meat II: The Industry Behind the Quiet Destruction of the American Heartland*. Tyson dumped 104 million tons of pollutants into waterways over the past decade according to EPA records.

The National Oceanic and Atmospheric Administration (NOAA) projects the current dead zone will exceed the July forecast of an 8,200-square-mile area, the size of New Jersey.

Mighty suggests that a "highly

industrialized and centralized factory farm system" in the Midwest has created a destructive scenario. To supply the soy and corn used to feed the large amount of livestock, native grasslands and forest areas have been plowed under and soils stripped, leading to waterway runoff. Deforestation and industrial farming practices have placed agriculture responsible for nine percent of U.S. greenhouse gas emissions in 2015.

"These companies' practices need to be far more sustainable," said Lucia von Reusner, Mighty campaign director. "The problem is worsening and worsening and regulation isn't reducing the scope of this pollution. And a reduction in meat consumption is absolutely necessary to reduce the environmental burden," she said in *The Guardian* article.

Mighty's report discovered the highest nitrate contaminations are linked to facilities operated by Tyson and Smithfield, the latter of which is now owned by the Chinese company WH Group. In addition, the Environmental Working Group reported in late July that in 2015, water systems in 48 states servicing 7,000,000 citizens had high nitrates levels. Nitrates are linked to an

**DEAD ZONE** *continued on p. 5*

# New Report Exposes “Big Ag’s Gag Agenda”

“Ag-Gag Across America” Report from Civil Liberties Groups Documents Rise of—and ALEC’s Hand Behind—Dissent-Crushing Laws

by **Andrea Germanos**  
Staff Writer, **Common Dreams**

A new report puts a spotlight on so-called “ag-gag” laws, offering a clear look at how these efforts to criminalize whistleblowing “are part of a sweeping crackdown on dissent.”

Released on September 6, 2017 by the Center for Constitutional Rights (CCR) and Defending Rights & Dissent, “Ag-Gag Across America Corporate-Backed Attacks on Activists and Whistleblowers” details the first part of the crackdown—“the Green Scare”—that emerged in 1990\*, and a second wave that erupted in 2011, as well as legal challenges they have faced and successful efforts to defeat them.

“States must not be allowed to shield the disturbing reality of animal agriculture from public scrutiny,” said CCR senior staff attorney Rachel Meeropol.

“Documenting what actually happens on factory farms is not a crime.”

Though they’ve taken on different forms in different states, the report find that these laws all include at least one of



Photo: Mark Agnor/Shutterstock.com

these elements: prohibiting documentation of agricultural practices; prohibiting misrepresentations in job applications utilized to gain access to closed facilities; and requiring immediate reporting of illegal animal cruelty.

Kansas has dubious distinction of having passed the first ag-gag law in 1990. It

bars destruction of property at an “animal facility” and “enter[ing] an animal facility to take pictures by photograph, video camera, or by any other means . . . without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility.”

That law, along with ones in Montana and North Dakota, served to “legitimiz[e] the idea that animal industries should receive special protection, that animal rights activists should be singled out for special punishment, and that documentation of animal agriculture should be criminalized,” the report argues.

Another important development that guided the second wave was Congress’s passage of the Animal Enterprise Protection Act (later amended as the Animal Enterprise Terrorism Act), which criminalizes animal and environment advocacy by equating it with terrorism, as well as the

**AG-GAG** *continued on p. 5*



Factory farms are responsible for polluting local waterways and groundwater resources, fouling the air and treating workers and animals inhumanely - all while undermining the economic viability of family farmers and ranchers, and ruining the quality of life for rural residents.



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# Will This Legal Challenge Do Away with Iowa's Right to Farm Law?

by Diane Rosenberg  
President and Executive Director

A legal challenge to the remaining vestige of the Iowa Right to Farm law is currently before the Iowa Supreme Court. If the Court rules the way JFAN's legal counsel David Sykes hopes, he says it could pack a punch in fighting infringing CAFOs in Iowa. Sykes is helping to lead the challenge with Des Moines litigation attorney Steve Wandro.

The Iowa Supreme Court challenge grew out of a court case in Batavia where 76 plaintiffs originally filed a lawsuit against Valley View Swine, LLC and its owners Nick, Shawn, and Jeff Adam for harms caused by their 10,000-head hog confinements in Wapello County.

That lawsuit was split into two cases. After much anticipation, the first case was heard in Wapello County last year but lost. The legal team comprised of Sykes, and out of state attorneys Charlie Speer and Richard Middleton modeled their approach on a two-mile strategy that was effective for Speer and Middleton in several other states. That didn't work in Iowa, though, with the court indicating a complaining party had to live within one mile of a CAFO to have just cause. Speer and Middleton then withdrew from Iowa.

Sykes kept moving forward and developed a new legal team with attorney Steve Wandro, a successful and well-known litigator based in Des Moines. Wandro made a name for himself when his firm and four others won a \$1.7 billion lawsuit for the State of Iowa against the tobacco industry in 1998.

The new team revised its approach and currently has seven cases with approximately 50 individuals living one mile or less from a CAFO. "These cases are now factually similar to the CAFO case in Poweshiek County whose plaintiff won a \$525,000 verdict that the Iowa Court of Appeals recently affirmed," said Sykes.

## Iowa Right to Farm Law Challenged

One of those seven cases is the second half of the Batavia lawsuit, *Honomichl v Valley View Swine*, which is now before the Iowa Supreme Court with a challenge to the remaining vestige of the Iowa Right to Farm law (657.11 of the Iowa Code). All cases are on hold until the court rules on this challenge.

The Iowa Right to Farm law was enacted in 1982 to protect agricultural operations from nuisance lawsuits by affected neighbors. But in 1998, the Iowa Supreme Court declared the law unconstitutional if a complaining neighbor was there first because it denied the neighbor a legal remedy for the nuisance. But here's the caveat: the court left the door open for CAFO

proponents to allege their case had a different fact pattern than the case in the ruling, allowing for an exception to be made.

Since then, defendants in CAFO nuisance cases have continued to argue that their case is one of those times when the law still pertains. Each time the courts ruled that it wasn't.

Sykes and his legal team have challenged the constitutionality of the law on its face and hope to do away with that vestige forever when they make their oral arguments before the Iowa Supreme Court this fall.

"The remnant of the Right to Farm law is egregious," says Sykes. The Iowa Association of Justice agrees, filing an Amicus Curiae Brief in support of the plaintiffs. "That is significant," says Sykes. "We have a very strong argument. But is it a slam-dunk? No."

Nonetheless, Sykes is cautiously optimistic that this will end the Right to Farm argument once and for all, eliminating an additional complexity in arguing nuisance lawsuit cases.

"Their ultimate ruling could have a significant impact on how CAFOs can be held accountable in Iowa for nuisance

based activities that injure nearby neighbors," he says. Once the high court rules, expected by the first quarter of 2018, the other cases will proceed.

In addition to Batavia, Sykes and Wandro are representing plaintiffs in Davis, Des Moines, Henry, Linn, and Louisa Counties. In September, Sykes also filed a new case against Jordan Morris in Jefferson County with another successful Des Moines litigation attorney, Brad Schroeder.

## Is the New Iowa Nuisance Law Unconstitutional?

The Iowa legislature passed a new law this year limiting compensatory damages in CAFO nuisance lawsuits and making it more difficult to make arguments, dampening the ability of communities to protect themselves from CAFO harms. (657.11A of the Iowa Code) (See the 2017 Spring/Summer JFAN Newsletter to learn more about the new law.) The seven cases already in the system are probably not subject to the provisions of the new law.

"In my opinion, 657.11A is vulnerable to a constitutional challenge. It's equally egregious as the remnant of the Right to Farm law as it deprives the injured parties the right to due process as guaranteed under the Iowa and US Constitutions," says Sykes. If the Iowa Supreme Court rules the way Sykes and Wandro hope, he expects there will be an opportunity to challenge the new law because the legal foundation will be laid.

"With the high court challenge to the remaining vestige of the Iowa Right to Farm law, followed by a likely challenge to the new law, there's reason to hope that Iowa law may once again protect individuals' right to enjoy one's home free from the stench and hazards of CAFOs," said Sykes.



Photo: Emmanuel Huybrechts

## DEAD ZONE *continued from p. 2*

increased cancer risk.

Sensitive to the responsibility of corporations amid growing consumer concern about impacts of meat production, the report encouraged Tyson and other producers to pressure grain producers to lessen waterway pollution. Producers Cargill and Archer Daniels Midland are being targeted and claim to be addressing the problem by introducing practices that keep soil covered and increase efficiency of fertilizer use.

Although beef consumption dropped from 2005 to 2014, it is on the rise now, along with pork.

### FACTORY FARM FACTOIDS

**800 reported manure spills**  
(1996 - 2012)

**4,464,257 fish killed by animal  
waste** (1995 - 2016)

*Source: Iowa Department of Natural  
Resources*

## AG-GAG *continued from p. 3*

American Legislative Exchange Council (ALEC)-drafted Animal and Ecological Terrorism Act model legislation. It “would not only criminalize undercover investigations and whistleblowing, it would require those convicted under the law to register with the state attorney general as terrorists,” the report states.

In 2011, states witnessed a resurgence of ag-gag laws, the report says, and while most have failed, nearly half of the states in the country considered getting them on the books.

There was a clear pattern to their emergence, the report says:

“Animal welfare and animal rights organizations would conduct undercover investigations at animal agriculture facilities, documenting violence and sometimes uncovering actions that violate state animal cruelty laws. Lawmakers would respond not by aiming to prevent the abuse, but by criminalizing the types of investigations that brought the violence to light. Politicians and industry representatives working to enact ag-gag laws have employed the rhetoric of the Green Scare, complete with condemning undercover animal rights

investigators as “terrorists.”

Take Utah, which in 2012 passed the Agricultural Interference Act, which penalized recording of an agricultural operation or accessing such an operation “under false pretenses.” It “also has the dubious honor of being the only state to ever attempt to prosecute someone under its ag-gag law—twice.”

Another emergence in the second wave was the expanding scope of the laws, such as Wyoming’s “data trespass,” which barred the collection of data on open land with the intent to submit that data to a federal or state regulatory agency, even if that data would be helpful to that agency.

The law seemed to specifically target the efforts undertaken by citizen scientist Jonathan Ratner, who tested streams in the state for E.coli and sent that on to regulatory bodies. That bacteria, report notes, “is of particular concern in Wyoming, because the state is home to 1.3 million cows whose waste often makes its way into streams, creating a potential health hazard.” The bill was notably backed by the Wyoming Farm Bureau Federation.

**AG-GAG** *continued on p. 11*

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All potential clients are urged to make their own independent investigation and evaluation of any lawyer being considered. This disclosure is required by rule of the Supreme Court of Iowa.

# SILT Protects Farmland for Sustainable Food Production, Not Factory Farms

By Arianne Pfoutz  
Contributing Writer

She's retired, but she's not spending her days tinkering with the orchards on her 80-acre property in Cedar County, Iowa. Since her return to Iowa in 2010, former professional writer Suzan Erem has sunk her spade into an urgent mission: locating and preserving Iowa farmland for farmers eager to grow food sustainably before the land is plowed under or paved over.

The Sustainable Iowa Land Trust (SILT), founded by Erem and 24 long-time Iowa leaders, aims to keep silt where it belongs, on the farm, through truly sustainable food farming. One strategy is to take the price of land out of the equation for sustainable farmers forever, while allowing them to gain equity in their homes, farms and businesses. The other is to attach land protection agreements to deeds that make the land more affordable for future healthy food farmers as it sells from one to the next over time.

These land protection agreements prohibit factory farms from being built and operated on the land.



**An oak savannah on Loess Hills Farm, the first farm acquired by SILT. Along with tillable land, timber is a good place to grow a wide assortment of food.** Photo: Suzan Erem

late. We're losing 25 acres of farmland every day, endangering our food sources."

SILT is seeking donations of land and easements. On land donated to the trust, it offers long-term, inheritable land leases for aspiring farmers unable to come up with the money to purchase high-priced land. Farmers can then plow resources into the farm instead of into a mortgage.

A SILT easement is also considered a donation. Landowners can derive significant tax benefits, if eligible. Landowners sign a land protection agreement attached to the deed, specifying the things the landowner can, can't or must do to ensure the land continues to be protected as a sustainable food farm. The restriction on the use of the property lowers its appraisal value, but that difference in value is considered a charitable donation to a land trust, with 16-20-year tax benefits.

"The easement model makes tax incentives real," said Erem. "If eligible, a landowner can recoup up to 70-80% of value by establishing an easement, while still retaining ownership of the property."

"It all depends on who owns land and

what its dedicated use is," Erem said. "Farm tenure needs to be secure to build a permanent sustainable food system. We envision SILT farms in concentric circles surrounding communities. Food will be local, with small-scale, friendly diverse farms. The land trust farms will be education centers for sustainable agriculture."

Erem researched soil health, sustainable farming and the idea of protected farmland, curious if anyone was doing this in Iowa. It turned out no one was. "I pulled from a Who's Who of local sustainable agriculture, environmentalism, planning and development: Denise O'Brien (Women Food & Ag Network, National Family Farm Coalition), Fred Kirschenmann (Leopold Center for Sustainable Agriculture), Bill Stowe (Des Moines Water Works), former state Senator Jean Lloyd-Jones. It evolved into the notion of a land trust."

A founding retreat was held in late 2014 in Perry, Iowa where 25 participants hammered out details. "We realized we didn't need to protect all Iowa farmland, but protect the land farmers need to bring food to market. And we needed to hurry."

The National Young Farmers Coalition found that one-quarter of the land trusts that oversee [typical] conservation easements have seen protected land go out of production. Why? Because most land trusts exist to convert or protect lands as much-needed prairie and timber. But doing that makes the farmland surrounding those areas much more expensive, because developers can sell it to people of means who want a beautiful back yard maintained by a land trust. SILT saw it didn't need to fight developers—they can make their money off the views while an affordable, nature-friendly family farm blossoms in the middle!

SILT currently comprises four farms, totaling 300 acres. It accepts donations of five to 500 acres or more. The donations/easements include non-farmed acreage, prairie land, conventionally farmed land, some acres that have transitioned to organic and the latest donation, the 170-acre Luzum Farm near Decorah,



**SILT founders Paul Durrenberger and Mary Ellen Miller. Miller donated 40 acres with a reserve life estate. She controls the land until she no longer wishes; SILT holds the deed.** Photo: Suzan Erem

"We don't have time to wait," said Erem. "Elderly farmers are dying off as we speak; we want to give the next generation of sustainable farmers a chance before it's too



**SILT's newest farmers, Will Lorentzen and Adrian White of Jupiter Ridge Mushroom and Veg in Garber, IA with land protector Steve Beaumont who still lives on the property. Beaumont is building the farmers a new pack shed for cleaning and sorting their vegetables.**

Photo: Suzan Erem

cent acquisition, and 18 farmers showed up.”

SILT sponsors showcase days, where parties can visit a SILT farm and see how it works. Communities can hold a “Grow SILT” party where SILT brings speakers and locals bring food and entertainment. A November 16th fundraiser at Embassy Suites in Des Moines will feature locally sourced food and land protector awards. Tickets are available at [silt.org](http://silt.org).

“It’s incredibly gratifying to give landowners and retiring farmers this choice,” Erem said. “It brings peace of mind to know that their land can remain forever in sustainable production. One farmer retiring from a 150-year heritage farm said he was relieved to find a solution.

“An entire millennial generation eager to grow food has been left out by land prices,” Erem said. “This is an elegant solution—affordable land, with a stabilized food supply that heals the environment. Interest is strong, and we’re seeking more resources to keep growing the model.”

with about 98 conservation acres and 70 in organic grains, timber and pasture.

SILT prospects land mostly by word of mouth. “We have a steady stream of landowners coming to us,” Erem said. “And for farmers looking for land, the word is out. We announced criteria for operating our re-

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- Humane Society of the United States
- Iowa Citizen Action Network
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- Iowa Farmers Union
- Jefferson County Community Rights Network
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- Organic Consumers Association
- Partners for the Future: Dickinson County Air, Land, and Water
- Poweshiek CARES
- Relish Restaurant
- Socially Responsible Agricultural Project
- Southern Boone County Farmers & Neighbors
- Sustainable Iowa Land Trust
- Walnut Neighbors
- Women, Food and Agricultural Network
- Women’s International League for Peace and Freedom

IARA welcomes new members to the coalition. If you are interested in joining IARA, please contact [info@cleaniowanow.org](mailto:info@cleaniowanow.org).



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**MATRIX** *continued from p. 1*

history of adopting the Master Matrix.

Before an overflowing crowd at the EPC meeting, representatives from CCI and FWW presented comments from 1500 Iowans who supported the changes along with a letter of support signed by nine organizations including JFAN. In addition, 17 counties to-date supported the petition or had already passed resolutions or written letters calling for improvements to the Master Matrix. Nine of those counties also called for a moratorium until the Master Matrix was strengthened or impaired waterways were reduced.\*

Several demands were made in the petition including:

- Increasing the minimum passing score to 522 out of 614 points, which would equate to an 86% passage score. Currently, passage is set when a CAFO achieves 440 out of 880 points, equal to a 50% test score.
- A one-time enrollment for counties. Presently, counties must adopt the Matrix each year.
- Changes to the point system to put more weight on practices that prevent or reduce pollution.
- New criteria that takes into account en-

vironmental factors such as sensitive terrain or current water impairments in the area.

- Removal of questions that provide no value to the environment or community.
- Increased separation distances from residences, schools, churches, public use areas, wells, and more.

The EPC denied the petition saying it went too far and that too few factory farms would be able to pass. EPC Commissioner Barbara Hovland said the state legislature would be the place to make changes, not the DNR. However, the state has refused to address the Master Matrix since it was developed in 2002. A 2017 bill to form a study group to look into changes never made it out of committee during the last legislative session.

Comments were heard from both supporters and opponents of the petition. Ag groups said “wholesale substantive changed” violated the state legislature’s mandate.

Senator David Johnson from Ocheyedan, and one of the original developers of the Master Matrix has become an outspoken critic of the system. “From Woodbury to Washington, from Freemont to Allamakee counties, the Master Matrix

is not offering meaningful protections, for neighbors, for communities, and for our limited natural resources,” he said.

“The DNR clearly lacks the political will to fix its broken regulations, but we will continue to fight for commonsense regulations to hold factory farms accountable and protect rural communities,” said Tarah Heinzen, Staff Attorney at Food & Water Watch, after the EPC decision.

The EPC is a board of nine private citizens appointed by the Iowa governor to provide policy oversight over the DNR’s environmental protection efforts. They serve four-year terms.

Iowa CCI and FWW are members of the Iowa Alliance for Responsible Agriculture (IARA), a coalition of 25+ local, state and national organizations calling for a statewide CAFO moratorium until there are less than 100 water impairments in Iowa.

IARA is also working on a campaign to support community members throughout Iowa who wish to encourage their county supervisors to adopt county resolutions in support of a moratorium.

***Anyone interested in learning how to organize for a moratorium resolution in your county can contact IARA at [info@cleaniowanow.org](mailto:info@cleaniowanow.org).***



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# 17 Counties To-Date Call for Stronger CAFO Regulations

## Passed a Resolution Calling for a Moratorium Including Changes to the Master Matrix

- Allamakee, passed 1/9/17
- Winneshiek, passed 1/30/17
- Adair, passed 2/8/17
- Dickinson, passed 2/14/17
- Buchanan, passed 2/21/17
- Cedar, passed 3/7/17
- Johnson County, passed 4/13/17 (resolution called for a moratorium until there were fewer than 100 water impairments in Iowa)

## Letters sent to DNR and Legislators calling for Better Environmental Regulations/ Local Control/ Moratorium

- Pocahontas County, dated 12/6/16
- Johnson County, dated 8/11/16 (also passed a resolution)
- Webster County, dated 11/28/16 (also passed a resolution)



Photo: United Soybean Board

## Passed a Resolution Calling for Changes to the Master Matrix

- Floyd, passed 2/14/17
- Howard, passed 2/27/17
- Webster, passed 3/21/17
- Cerro Gordo, passed 4/18/17
- Hardin County, passed 5/31/17
- Emmet County, passed 5/9/17
- Woodbury, passed 8/29/17

## Signed a Letter of Support for a Petition Calling for a Strengthened Master Matrix Developed by Iowa Citizens for Community Improvement and Food and Water Watch.

This petition was submitted to the Environmental Protection Commission on September 18, 2017:

- Butler
- Polk
- Cerro Gordo (also passed a resolution)
- Dickinson (also passed a resolution)
- Johnson (also passed a resolution and wrote a letter)

*Note: Jefferson County Supervisors refused to place on their board agenda a follow-up discussion and vote of a moratorium resolution this spring.*

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# Our Activities At a Glance

## JFAN Working Hard for You

by Diane Rosenberg  
President and Executive Director

### What Is a Real Farm? New JFAN Ad Takes a Hard Look

JFAN's latest ad, "CAFOs Are Not Real Farms – Here's Why" outlines the stark differences between real hog farms – traditional, independent family operations – with swine concentrated animal feeding operations (CAFOs).



The ad provides a picture of real farms: hogs are owned by the farm family, are raised humanely without routine antibiotics, and farms keep profits within the community. Real farms are smaller operations and largely self-regulating, producing meat that is higher in healthy Omega 3 fatty acids and lower in Omega 6's, which are necessary but in smaller doses. The odor is what one would expect from a traditional farm.

The picture of industrial hog factories is quite different. Huge corporations own the hogs and either contract with local farmers to raise the livestock or they hire workers, typically at minimum wage. CAFOs are large polluting industrial facilities that produce toxic sewage sludge, they confine livestock 24/7 for economic efficiency, use low-dose antibiotics routinely for disease prevention, and produce meat with higher and less healthy levels of Omega 6's and lower levels of healthy Omega 3's. The raw hog sewage stinks and can make neighbors sick or destroy their quality of life.

The blatant differences are further expounded on a webpage on the JFAN website.

JFAN produces educational ads four times a year. Last fall's two-part series focused on the real cost of cheap meat. All ads may be found at [www.jfaniowa.org](http://www.jfaniowa.org)

### CAFOs Are Not Real Farms. Here's Why:

| REAL HOG FARMS   | FACTORY HOG FARMS - CAFOs   |
|--|---|
|   |    |
| <ul style="list-style-type: none"> <li>▲ Independent farmers own their hogs and decide how to manage their farms.</li> <li>▲ Hogs produce manure. It naturally decomposes aerobically in fresh air and sunlight, building soil health. This smells like, well, manure.</li> <li>▲ Farms are smaller and largely self-regulating.</li> <li>▲ Hogs are humanely raised mostly outdoors and allowed to enjoy their natural social behaviors.</li> <li>▲ Antibiotics aren't routinely needed or used for disease prevention and used only occasionally for treating illness.</li> <li>▲ Farm-raised hogs produce meat high in healthy Omega 3's fatty acids.<sup>1</sup></li> <li>▲ Real farms keep profits within the community and build healthy local economies. They support local business infrastructure.</li> </ul> | <ul style="list-style-type: none"> <li>▼ Large mega-corporations typically own the hogs. CAFO owners (or hired hands) follow corporate instructions.</li> <li>▼ CAFOs produce toxic sewage that purifies anaerobically in underground pits producing 300+ tons and gases including ammonia, hydrogen sulfide. The raw sewage stinks, can make people physically sick and destroy their quality of life.</li> <li>▼ CAFOs are large polluting industrial facilities and should be regulated as such.</li> <li>▼ CAFO hogs are confined 24/7, live above their wastes, and have little room to move. Sows are often cruelly confined in gestation crates. These intelligent animals are stressed and bored.<sup>2</sup></li> <li>▼ Close confinement requires the use of low dose antibiotics for disease prevention. This contributes to the dangerous rise of antibiotic-resistant bacteria.<sup>3</sup></li> <li>▼ CAFO hogs produce meat with unhealthy levels of Omega 6 fatty acids.<sup>4,5</sup></li> <li>▼ Most profits go back to corporate headquarters, often in other states or countries. CAFOs drive out local businesses. Frequent tractor-trailer traffic breaks down county roads at the county's expense.<sup>6,7</sup></li> </ul> |

**Agribusiness spends tens of millions of dollars a year on public relations campaigns to convince you CAFOs are real farms.<sup>8</sup> Don't believe it. Learn more here: [bit.ly/2wpEEA8](http://bit.ly/2wpEEA8)**

Sources:  
<sup>1</sup> Scientists and Experts on Gestation Crates and Sow Welfare. The Humane Society of the United States. Oct. 2012.  
<sup>2</sup> Antibiotic-Resistant Threats in the United States. 2013. Centers for Disease Control and Prevention.  
<sup>3</sup> "Red meat from animals offered a gross diet increases plasma and platelet N-15 PUFA in healthy consumers." British Journal of Nutrition. 2011. Volume 105, pages 60-69.  
<sup>4</sup> "An increase in the Omega-6/Omega-3 Fatty Acid Ratio Increases the Risk for Obesity." Nutrients. March 2016.  
<sup>5</sup> Massimo, F. et al. "A Western-like fat diet is sufficient to induce a gradual enhancement in fat mass over generations." Journal of Lipid Research. August 2010. Volume 51, pages 2352-2361.  
<sup>6</sup> Gomez, Miguel I. and Liang Zhang. "Impacts of Concentration in Hog Production on Economic Growth in Rural Illinois: An Economic Analysis." American Agricultural Economics Association. July 2000.  
<sup>7</sup> Excessive Truck Weight An Expensive Burden We Can No Longer Afford. U.S. Government Accountability Office study.  
<sup>8</sup> Spreading Food. Friends of the Earth. 2015.

Jefferson County Farmers & Neighbors, Inc. [www.jfaniowa.org](http://www.jfaniowa.org)

### JFAN Makes Presentation to Advocacy Group in Iowa City

JFAN gave an educational presentation on factory farms to members of 100 Grannies, a volunteer 501c3 community organization that works to protect Johnson County from a range of potential harms, including CAFOs. Executive Director Diane Rosenberg was invited to educate members during a meeting in Iowa City on October 3.

100 Grannies is working to help shape Jefferson County policy during a series of advisory committee meetings that will make recommendations to the Johnson County board of supervisors who are currently developing a comprehensive 10-year plan.

Members of 100 Grannies will make presentations at the next advisory committee on October 9. It's expected many Farm Bureau members will also be present and organizers for 100 Grannies wanted to ensure they were well prepared to speak on the impacts of CAFOs as documented in over 50 years of scientific, peer-reviewed research.

Rosenberg made an hour-long presentation then answered questions. She provided additional information and lists of studies documenting the harms that CAFOs can inflict on people and the environment. The group planned to dive more deeply into learning about specific topics in preparation for the October 9 meeting.

### New CAFOs Proposed on Olive Avenue

RWP LLC – On October 6, 2017, Mark Greiner submitted an application for a 2499-head hog confinement to be built his Olive Avenue property in a neighborhood of 80 residents.

Greiner planned to build several CAFOs two years ago, but after community input agreed to reconsider the location at that time.

As of press time, we were contacting the community and several neighbors already asked for JFAN's support to oppose the CAFO.

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**AG-GAG** *continued from p. 5*

Most recently, in March 2017, Arkansas signed a sweeping ag-gag law, which imposes civil liability for making a recording “a nonpublic area of a commercial property” that has information that “damages the employer.” As such it would seem to bar any whistleblower from making public abusive practices.

There’s good news in the report as well: “Between 2012 and 2014, activists defeated ag-gag bills in 20 states, many repeatedly.”

Among the victories was in Florida in 2011, which had “one of

the most severe and far-reaching ag-gag bills in the country.” In its first iteration, it would have made a first degree felony taking a photo video of an agricultural facility without the owner’s consent, even if the image was taken from a public road. Despite its failure, Sen. Jim Norman, at the behest of egg farmer Wilton Simpson, put that same ag-gag language into agriculture omnibus bill. After pressure from animal activists, the ag-gag language was omitted from the bill.

All the ag-gag laws, the report says, don’t pass muster with the Constitution. The First Amendment requires that prohibitions on speech be content and viewpoint neutral, and “ag-gag laws target the press’s ability to report on the agricultural industry.” They also violate the guarantee of Equal Protection, “as legislatures made no secret of their dislike of animal rights activists, whistleblowers, and undercover investigators. Many ag-gag laws are explicitly motivated by animus against animal rights activists.”

“Ag-gag laws not only make it more difficult to expose animal cruelty or unsafe food; they are at their core an assault on free speech,” added Defending Rights & Dissent policy and legislative counsel Chip Gibbons. “It is unacceptable for lawmakers to side with powerful corporate interests at the expense of peoples’ constitutional rights.”

The report concludes that “the public has a right to know how food is produced, what animal agriculture entails, and if the rivers and streams they depend on are polluted.”

“The violence consistently documented by investigators and the trampling of the First Amendment by those working to enact these laws make clear why Big Ag’s gag agenda must not be allowed to succeed.”

*\* Editor’s note: The “Green Scare” is a draconian government tactic that prosecutes environmental and animal rights activists as terrorists.*

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[www.jfaniowa.org/cafo-maps](http://www.jfaniowa.org/cafo-maps)

*Updated every October*



# News Briefs

## FROM IOWA, THE US AND BEYOND

### Secure Hotline Emboldens Factory Farm Whistleblowers

Recent “Ag-gag” laws passed in several states—criminalizing undercover investigations at factory farms and slaughterhouses—have stoked fear in whistleblowers. Publicizing animal cruelty,



Photo: Compassion Over Killing

workers' rights abuses, food safety issues or environmental violations can now result in job loss and criminal prosecution in those states.

Non-profit Compassion Over Killing (COK) has launched a new hotline allowing safe, secure reporting of such events, by calling 1-800-65-FARM-TIPS or emailing FarmTips.org according to a COK press release.

“Animal agribusiness is a profit-driven industry that operates behind closed doors... Whistleblowers can pull back that curtain to shine a light on these hidden horrors,” said Erica Meier, executive director of COK.

Billboards for the multi-state campaign have reached more than 400,000 people in Arkansas and Georgia, top poultry pro-

ducing states; more are planned for North Carolina.

A 2017 report from the National Employment Law Project tracked numerous work-related amputations, workplace injuries, and hospitalizations in 2015-2016; large poultry producers Tyson and Pilgrim's Pride/JBS were ranked in the top six offenders.

COK investigations into Tyson facilities have exposed the brutal practice involving “nose bones,”\* leading to termination of the practice at four major producers, and triggered numerous convictions for cruelty to chickens. The hotline allows anonymous reporting to eliminate whistleblowers' fear of losing their jobs.

*Additional Source: LadyFreeThinker.org*

**\* Editor's Note:** *Nose bones are wide plastic rods inserted into the sensitive nostrils of breeding male birds to prevent their over-eating.*

*All chickens have voracious appetites because they are bred to quickly grow to an unnaturally large size over just a few short months, but the breeders are kept alive for a year. The males breeders typically push the hens away from their feed but CAFO operators want to ensure all the breeders are getting an equal amount of food.*

*The nose bone regulates the amount the male chicken can eat by preventing them from getting into the food dispensers designed for the females.*

*Learn more about nose bones here: [bit.ly/2xsrDXi](http://bit.ly/2xsrDXi)*

### Species Extinction: Is Industrial Ag Destroying Life on Earth?

Sixty-five million years since an asteroid striking Earth caused the last mass extinction, we're facing today an entirely different threat: industrial agriculture says Professor Raj Patel. The University of Texas at Austin professor says the deforestation, fertilizer- and waste-induced dead zones, and depletion of fishing grounds to provide livestock feed to satisfy a meat-loving population are catapulting the planet into inhabitability reports *The Independent* (August 27, 2017).

“The footprint of global agriculture is vast... We're losing species we have never heard of... and industrial agriculture is very much at the spear-tip of that,” Patel said. The rapid loss of species is causing geologists to consider naming a new epoch of the Earth: the Anthropocene.

The clearing of diversity-rich lands in South America to grow soy and in Sumatra for palm oil plantations has created chemical-laden monocultures threatening all measure of creatures—including exotics like elephants, jaguars, and penguins.

Eating organic foods or becoming vegetarian won't fix that. “If you are vegetarian and you walk around with your halo of virtue but you are eating tofu that comes from Brazilian soy, then you're just as complicit in all of this as if you are eating the beef fed on Brazilian soy.”

But Patel finds hope in a radical departure from the unsustainable capitalist, materialistic paradigm. While admitting it wouldn't be easy, he calls for shifting to a world in which communities share and manage resources, returning to a time when common land was accessible to all. “Re-imagining a world with less stuff but more joy is probably the way forward... [with] less individual consumption and loneliness and more sharing and communality,” he says.

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## Opposition Forces Tyson to put Tongie, KS Plant on Hold

Plans to build a \$320 million chicken breeding and slaughterhouse facility were announced in Tonganoxie, Kansas in early September—and residents wasted



A Tyson slaughterhouse in Nebraska.

Photo: Emmanuel Huybrechts

no time in turning out to reject the proposal according to *The Topeka Capital-Journal* (September 15, 2017). A few weeks later, the Leavenworth County Commission withdrew its \$500 million industrial revenue bond pledge and the poultry giant halted the project.

“No Tyson in Tongie” signs and T-shirts were abundant among the 2,500 people who filled a town park to voice opposition. Rep. Willie Dover and Sen. Tom Holland sponsored the rally. Cattle producer Josh Reischman said, “This plant is going to be within 2 miles of our home. We’re for agriculture, but we’re not for industrial agriculture.” His four-year-old son Corbin chanted, “No Tyson! No friggin’ chickens! No kidding!”

The “Project Sunset” plan included a chicken hatchery, feed mill, meatpacking plant and 300 to 400 grow houses. Details were kept secret until the announcement. Production capacity is estimated at 1.2 million chickens a week, requiring 1,600 workers.

While Mayor Jason Ward (who has a conflict of interest in the project) applauded the plan for offering jobs “close to home,” opponents say proximity to the grade school isn’t the type of community improvement they were looking for. Residents cite the likelihood of contaminated water and soil, release of toxins linked to pediatric cancer, and hazards from antibiotic-laced manure.

Drew Overmiller, participant in Citizens Against Project Sunset, says the uproar has unified the community. Sixth generation Tonganoxie resident Justin Sturgeon said the project is “broadly opposed by Tonganoxie city residents and Leavenworth County residents alike.”

Before Tyson backed down, Rep. Jim Karleskint reminded citizens, “We do have a choice. This is not a done deal.” Several organizations helped the community to stop the slaughterhouse including the Socially Responsible Agricultural Project and the Kansas Chapter of the Sierra Club.

*Additional Source: Kansas City Business Journal (September 18, 2017)*

## Utah Won’t Appeal Federal Ruling Against Ag Gag Law

Two animal rights groups came out victorious in a lawsuit against the state of Utah, upending a 2012 law forbidding interference with agricultural operations reports *Food Safety News*. (September 8, 2017).

The state said it would not appeal a federal ruling that declared the law unconstitutional.

The Animal Legal Defense Fund (ALDF) and People for the Ethical Treatment of Animals (PETA) originally brought suit against the state following the arrest of local animal activist Amy Meyer accused of violating the Utah ag-gag law. She was released when prosecutors determined she was on public property.

The state’s attorney general spokesman declined to say why Utah would not appeal the decision. The Idaho Ag-Gag was also deemed unconstitutional but the state is pursuing an appeal.

“Utah’s decision not to appeal its loss is a signal to other states that these unconstitutional Ag-Gag laws are indefensible,” said ALDF Executive Director Stephen Wells. “Should Utah’s legislature try to pass a new Ag-Gag law to replace the last one, we’ll see them back in court.”

In the 1990s, Montana, North Dakota, and Kansas passed similar laws; in 2010, six more states passed legislation with animal welfare activists opposing.

### FACTORY FARM FACTOID

**45,700 - Number of CAFOs DNR estimates Iowa land can support**

*Source: Iowa Department of Natural Resources*

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## COVENANT *continued from p. 1*

Howard County this year, some larger than 2,499-head. The Georges have loved living on their 11-acre property with cows, retrievers, and miniature horses, in spite of CAFOs within two to three miles. But the proximity of Reicks' facility—and a another 2499-head CAFO owned by Reis



Six of the members of Northeast Iowans for Clean Air and Water, from L to R, Sue and Jerry George, Karen and Russ Stevenson, and Rick and JoAnn Wangen.

Photo: Sue George

Farms proposed at the same time—prompted a gathering of concerned neighbors that soon became a weekly event. They named themselves “North-east Iowans for Clean Air and Water.”

A speedy education process ensued, helped along by visits from Senator David Johnson and Ann Robinson with Iowa Environmental Council, and with JFAN Executive Director Diane Rosenberg working closely with the group in her capacity as Consultant with the Socially Responsible Agriculture Project, bringing years of experience to the fight.

“Our diverse group never took up politics, only tactics to fight hog confinements,” George said. “We became friends first, then got to work and never gave up.”

The DNR's former geologist, Bob Libra, agreed the Reicks site was not suitable for a CAFO. Attempts to dissuade the

CAFO owners were not successful. The county supervisors supported their effort, but had no power to enact it.

With a ten-page report in hand prepared by Rosenberg, the group requested DNR Director Chuck Gipp stop the CAFO on environmental grounds using the Director's Discretionary Rule,\* but Director Gipp said the rule was not usable. Citing a 76-year old widow with a life-threatening allergy to hog smells who has to carefully avoid a CAFO one half mile away didn't change anything either. In the end, the confinement was built; the hogs were in by August 1.

It was time to start thinking outside the box. They contacted lawyer Karl Knudson of Decorah, whose covenant concept offered the community a self-reliant protection tool to preserve land from CAFO encroachment forever.

“We studied Karl's idea and simplified it to fit our needs,” George said. “We simply didn't want to allow CAFOs to be built on our properties, now and in the future. If a property is sold, the buyer has to abide by the covenant. We also disallowed liquid manure from our lands.”

The Iowa Environmental Council had the covenant analyzed by legal professors and found it strong.

Residents of four townships have embraced the covenant, including members of the Amish community, who have to fight the overwhelming pig stench with no air conditioning. George and her crew made many trips, notary in tow, so the families could sign on to the covenant.

“Now we have 43 families and over 60 properties in the covenant, representing 5,500 acres,” said George. “It may be a small number, but to us, it's substantial.”

The race is on, with CAFO owners gobbling up land as neighborhoods try to stop the onslaught. “It's our mission to help Iowa,” George said. “Our best assets are

the land, water, air, and people. It is our hope that people will not feel the need to leave because of the potential impact of these confinements.”

Wanting to share their experiences with the Iowa community at large, George and her daughter, Angie Chambers, put together a document, “You Could Try,” outlining effective steps to take if a CAFO threatens your neighborhood. It's an excellent companion piece to JFAN's *How to Protect Your Family and Home from Factory Farms* and can be found on the JFAN website.



An example of a sinkhole. The Howard County community where the Reicks View Farms CAFO was sited is riddled with sinkholes, symptomatic of karst terrain.

Photo © Graham Hogg (cc-by-sa/2.0)

The team's efforts have brought peace of mind to many long-term Iowa landowners. George added, “We are glad that there was something we could do to secure our neighborhood, because before this endeavor, we had absolutely no control.”

**“You Can Try” including information on setting up a covenant is found on the JFAN website at: [www.jfaniowa.org/booklets](http://www.jfaniowa.org/booklets)**

**\* Editor's Note:** The Director's Discretionary Rule theoretically allows the DNR director the ability to deny a CAFO whose siting and operation poses an undue risk

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to the environment or community.

Karst terrain experts at the U.S. EPA and Illinois State Geological Survey have shared that karst terrain is not a suitable location for CAFOs, however, neither state nor federal law prohibits industrial livestock factories from being built on this fragile terrain.

Karst is predominantly found in Northeast Iowa, but karst can also be found in smaller pockets around the state, including Jefferson County.

Director Gipp was first asked to use the rule on karst terrain in Allamakee County last year when another Reicks CAFO threatened the area. As in the case of Howard County residents, neighbors were deeply concerned that their drinking water would become contaminated.

Legal pursuit of the initial Allamakee request ended up under review in the Iowa Attorney General's office. The office determined the law had weaknesses that might subject the DNR to a possible lawsuit by a CAFO owner if prevented from building a confinement. Director Gipp refused to take that risk then, and despite a strong argument by the Howard County community, denied use of the rule again. It appears the current DNR administration feels the Director's Discretionary Rule is unusable until the Iowa State Legislature amends the law to remove the weakness.

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# DNR: Satellites Images Discover Over 5,000 Unreported, Undocumented Animal Confinements in Iowa

In a report to the U.S. Environmental Protection Agency (EPA) the Iowa Department of Natural Resources (DNR) revealed 50% more animal feeding operations than previously inventoried, according to the *Des Moines Register*. (September 19, 2017) The CAFOs were found using satellite imagery. The DNR's Clean Water Work Plan agreement with the EPA required the comprehensive survey.

Of the 5,063 additional CAFOs, almost 1,300 could require oversight—with half of those probably requiring inspections. Iowa DNR Supervisor Ken Hessenius says most of the discovered CAFOs are too small to require oversight (under 1,250 hogs), and don't need a manure management plan (MMP) or construction design statement (CDS).

"I would be surprised if we find a handful — one or two — large" hog confinements as the state continues its investigation, Hessenius was quoted in the *Register*.

However Hessenius also said half of the discovered CAFOs – 630 – require on-



Satellite images, like these representative images taken from Google Earth, uncovered thousands of undocumented CAFOs.

site inspections.

Medium and large size CAFOs require some level of DNR oversight. A medium CAFO (1250-2499 hogs) requires an MMP and CDS. Desk-top inspections are conducted for CAFOs in this category.

Large CAFOs (2500 hogs and larger) require a construction permit, MMP, CDS, and in adopting counties, a Master Matrix. An on-site inspection is required for large CAFOs once very five years.

Jess Mazour of Iowa Citizens for Community Improvement says the report implies that 25 percent are medium or large facilities. "The agency is trying to downplay the problems," she said in the *Register* article.

The findings suggest that the DNR doesn't know where the manure from the 1300 medium and large CAFOs is applied in the state.

The DNR is not required to track where manure from small CAFOs is applied. The DNR estimates there are approximately 4,000 small CAFOs in Iowa.

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