



# OUE

*Update*

*A Publication of Organizations United for the Environment*

## Citizens, Swine, and Democracy: An Update

The truth seems to be this: if we don't organize ourselves in resistance, one day huge, unaccountable corporations will dominate all that there is, from sea to shining sea, from the top of the world down to its bottom. Exemplifying this process in our small part of the globe, huge companies like Hatfield and Purina have used their profits to purchase the favor of a majority of Pennsylvania's elected officials, and this majority – *our representatives* – has designed a mosaic of legislation that paves the road for such corporations gradually to replace family farming with huge animal factories.

Last fall, a coalition of environmental groups, labor unions, farmers, and others fought hard to keep Senate Bill 1413 from becoming law. This legislation would have virtually eliminated the right of supervisors to regulate animal factories within their own townships. Yet, the hog factories still come our way. So, what does a

citizen do? Applaud the wonders of corporate capitalism and bow to the will of Hatfield or Purina CEOs, whoever they are, and living as they do far away from the stench, the air and water pollution, and the fouled way of life they impose on others? Or do you fight back?

In OUE's case, we have united with others in order to thwart our would-be corporate masters. Readers will recall that last March OUE's Board joined with the Pennsylvania Farmers Union, the environmental consultant, GreenWatch, and four local groups fighting hog factories, to form the Task Force on Hog Factories. Since that time Task Force members have been engaged in a wide variety of actions, tactics and strategies – some of them producing truly good news. We begin our issue with an update on these activities. Many of them, it is clear, are aimed directly at trying to protect the kind of democratic rights we are accustomed to but which are direly threatened by corporate power and the politicians who succumb to it. u

## Nippenose Valley Update: "We Have Good News to Report"

*Members of CCNV submitted this report.*

In case you are not familiar with our battle against corporate hog factories, here is a short explanation. Approximately a year and a half ago, one of the big meat companies sponsored two applicants, Dougherty and Lehman, in a proposal to construct four huge hog factories that each year would produce over 20,000 hogs and require the dumping of 5 million gallons of slur manure over geologically fragile, sensitive ground that contains sinkholes and underground streams. We live in a small, rural community and The Concerned Citizens of Nippenose Valley, or CCNV, was formed to protect our beautiful Valley from the pollution that these corporate hog factories would produce.

We have some good news to report. One family has decided that it is no longer interested in building two of the four proposed barns. We are thankful to Charles and Michelle Dougherty for their decision. Our township, Limestone, has an ordinance prohibiting this type of facility at the site where it was proposed, and the positive support from the community led by the CCNV helped them to come to that decision. The Lehmans, the other family, decided to move the location of their factory buildings and that puts them back to a starting point which requires the submission of new Nutrient Management Plans to the Lycoming County Soil Conservation District.

On another note, several members of our group attended the Hog Summit held in Gettysburg June 6th and 7th. We found the Summit to be very helpful and informative. We came away with so much respect for the people who have been battling factory farming for years. Thank you, to OUE, for help in getting us to the 2003 Hog Summit. We would encourage anyone that is fighting the intrusion of hog factories to attend the next Summit. *CCNV is a non-profit corporation and can accept*

*tax-deductible contributions. We would greatly appreciate your support of our efforts. Visit our web site at <http://sites.micro-link.net/limestone>. Our mailing address is PO Box 831, Jersey Shore PA 17740. u*

## More Good News from Montour County

*Lisa Biddle, president of MCCE, submitted the following article. As background, the proposed CAFO described below would house about 4,500 hogs in two barns and generate about 2.5 million gallons of liquid manure a year to be spread on neighboring fields. The facility, along with its abiding stench wafting over everything and everybody, would pose a threat to the area's groundwater, its ambient air, and its principal stream, the Chillisquaque Creek, itself already under stress from the environment.*

The current status of the proposed Beachel CAFO in Derry Township, Montour County, is that the Department of Environmental Protection is requiring Mr. Beachel to submit a class-two water quality permit. This permit is usually only required for CAFOs with more animal units than Beachel plans to house. In January, the DEP held a hearing to decide whether to permit Beachel to proceed with construction of his hog factory. After listening to and assessing much testimony from opponents of the plans, particularly about the potential for water pollution from the liquid manure, the agency decided to require this second level permit. To date (mid-July) the Derry Township supervisors have not issued a building permit, and there has been no indication that Mr. Beachel has completed and submitted the class two water quality permit.

MCCE remains vigilant on the topic of CAFO construction within our townships, and it applauds the DEP's more stringent requirements. We look forward to working with the DEP in the future on environmental issues, and we encourage new members to become involved in making our community environmentally safe. *For more information, contact Lisa Biddle at: 570 437-3655 or [biddlelisa@sulcosk.k12.pa.us](mailto:biddlelisa@sulcosk.k12.pa.us). u*

# Concerned Citizens of Snyder County (CCSC): Continuing to Fight

*Members of CCSC submitted the following report. Shortly after they filed it, the factory farm at issue began receiving hogs. CCSC vows nevertheless to continue its efforts to get the permit withdrawn.*

The spring 2003 O.U.E. Update had an encouraging story of the Concerned Citizens of Nippenose Valley, thanks to a cooperative atmosphere among that group and its township supervisors. However, CCSC's experience shows what can happen when township supervisors work against their communities.

Soon after learning that a hog factory was to be built near Kreamer, CCSC requested that Middlecreek Township supervisors revoke a building permit because there had been no opportunity for public comment. However, the supervisors refused. They later dismissed a measure CCSC presented to regulate businesses that use large amounts of water by requiring hydrogeologic studies to identify threats to neighboring water supplies.

At the May township meeting, Alan Todd, a consultant hired by CCSC, presented his report. He said that the nutrient management plan (NMP) submitted by the farmer underestimated water usage and manure production, and did not provide for adequate containment or onsite spreading of waste. He said the proximity to Middle Creek made the location unsuitable. Supervisors claimed they were powerless because the permit had already been granted. When CCSC members complained that the landowner had never filed a required land development plan, the supervisors voted to order a cease and desist and revoke the permit for 30 days to allow the landowner to submit such a plan.

The farmer received verbal notification of the cease and desist order and the revocation, but the township officials, threatened with a lawsuit by the farmer's attorney, refused to sign the written notification. The farmer continued construction, violating the notice and prompting CCSC to file a lawsuit citing the supervisors' failure to act on their revocation vote.

The June township meeting drew a record crowd, but the supervisors refused to move the meeting to the larger fire hall (as is customary) despite numerous requests. Most saw that as a ploy to keep CAFO opponents out of the meeting. Supervisors allowed three individuals to speak *in favor* of the facility, but did not permit anyone to rebut them. Supervisors rescinded the earlier revocation, saying supervisors are unauthorized to revoke a permit, "based on problems with an approved NMP."

CCSC has raised public awareness with signs, fliers, letters to newspapers, and a web site, ([concernedcitizensofsnycounty.com](http://concernedcitizensofsnycounty.com)). The Selinsgrove Chamber of Commerce invited CCSC to speak recently. Borough manager, John Bickhart, is concerned about proposed spreading within 100 feet of the Borough's public well. He believes a hydrogeologic study should be required.

CCSC withdrew its lawsuit, since there is no longer a revocation to enforce, and it will continue to fight in other directions. *Tax deductible contributions may be made to CCSC by checks made out to OUE, with the "memo" listing CCSC, and mailed to Gene Kreamer, Box 84, Kreamer, PA 17833.* u

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## Task Force Members Create 'Buzz-Ball' of Controversy

*Members of MCCE submitted the following article.*

On June 26<sup>th</sup>, Task Force members Dave Laidacker and Lisa Biddle traveled to Harrisburg and gave a powerful message to the DEP Agriculture Advisory Board. They served notice that it would no longer be business as usual for the Board, a group that is made up of various "stakeholders" in the farming industry, such as farmers, their suppliers, and others. It is also not a

Bill Smedley, of GreenWatch, has made available the tapes listed below, loaned for \$3.00, or purchased for \$5.00, plus postage. Contact GreenWatch, 426 River Mill Rd., Jersey Shore, PA 17740, 570-398-7383; [bill@greenwatchusa.org](mailto:bill@greenwatchusa.org)

Factory Farms - Corporate Injustice/On This Farm - Field Pictures

Factory Farm Corporations and Local Control: Democracies at Risk, Thomas Linzey

MCCE (Montour Citizens for a Clean Environment) Public Meeting 9/24/02

DEP NPDES Public Meeting/Hearing Beachel CAFO (MCCE) 1/23/03

CCNV (Concerned Citizens of Nippenose Valley) Public Meeting 1/29/03

CCSC (Concerned Citizens of Snyder County) Public Meeting 3/24/03

DEP, CAFO stakeholders work group meeting- Harrisburg PA 7/10/03

Board accustomed to forceful and direct testimony from citizens. In brief, well-written statements, Lisa and David outlined OUE concerns about factory farming to the Board members.

Dave spoke about property values, civil rights, and environmental set-backs caused by corporate-owned factories. He asked why the DEP promotes so many environmental programs and sets stringent environmental guidelines yet continues to ignore other environmental hazards, particularly those that come from CAFOs. He urged the Board to put its effort and support into sustainable farming and to do what is best and right for the citizens, rather than for greedy corporations. Lisa spoke about the problems, particularly water pollution, that can arise from the handling and exportation of manure from hog factories. She also provided statistics about environmental hazards that occurred in other states and pointed to the lack in our own state of supervision of the nutrient management plans. Lisa pointed out that there are regulatory agencies for all types of new production techniques and products, and that typically such products do not get to market unless a regulatory agency determines them to be safe. She requested that a moratorium be put on any new CAFOs until a time when they are determined to be safe.

According to Larry Breech, of the Pennsylvania Farmers Union (PFU), and a member of the Ag Board, the trip to Harrisburg was a success. He commented that, "It created a buzz-ball of controversy, including a Board discussion on how to eliminate or restrict the public comment period of the agenda." Breech said that, "The challenge now before the growing coalition against hog factories is how to build on this 'first notice' Dave and Lisa delivered the Harrisburg folks. There will be more opportunities to participate in the future direction of environmental policy and we must be positioned to take advantage of them."

The Task Force will continue to send representatives to meetings of the Ag Advisory Board because it is important for us to continue to put pressure on this Board, and others in Harrisburg, who have anything to do with regulating animal factories. u

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## Task Force Members to Meet with DEP Secretary McGinty

In early June, at the suggestion of Kerry Yerg of MCCE, and with special help from Larry Breech of the PFU, the Task Force wrote and sent a letter seeking a meeting with Kathleen McGinty, Secretary of the Department

of Environmental Protection. We wanted to discuss with Secretary McGinty several public comments she has made about animal factories, exemplified by her comment at a public meeting in April that, "Some in the environmental community are opposed to CAFOs. I tell them that I part company with them on that issue."

The key paragraph in our letter to the Secretary was:

*The task force is requesting the opportunity to meet with you to discuss ways we can address the evolving conditions to best meet the needs of all Pennsylvania's stakeholders, both agribusiness and residential, in a manner that best serves the future vision of Governor Rendell and our Commonwealth.*

We also addressed copies of the letter to Governor Rendell, Dennis Wolff, the new Secretary of Agriculture, and Robert Muscalus, the new Secretary of Health, seeking a meeting with each of them.

In early July, a member of Secretary McGinty's staff told us that the Secretary is willing to meet with a representative group of the Task Force, at a time and date that had not been set by the time we went to press with this issue. We look forward to this opportunity to tell the Secretary our views on factory farming, as they relate to the authority of her Department, and we will report on that meeting in our next issue. We also hope to press our views on Secretary Wolff, given that he has, in a number of public statements, indicated strong support for factory farms in Pennsylvania.

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## Task Force Members Appear on WKOK Roundtable Discussion

*Lisa Biddle of MCCE submitted this article.*

On June 12<sup>th</sup>, WKOK held a round table discussion on CAFOs that was hosted by Peggy Chamberlain, and featured the following speakers: Larry Breech, President of the Pennsylvania Farmers Union; David Brubaker, author and former lecturer at John Hopkins University; Gary Sojka, past president at Bucknell University; Gene Kreamer, Concerned Citizens of Snyder County; and Lisa Biddle, Montour Citizens for a Clean Environment. The goal of this hour long program was to increase the awareness of the environmental dangers throughout the Central Susquehanna Valley; and the main issue addressed was the hazards posed by factory farms. Topics of discussion included site requirements, animal owner responsibility versus corporate responsibility, and disposal plans.

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## Good News! McDonald's Changes Policies on Antibiotics

*Last week, McDonald's announced it would stop buying poultry, beef, and pork from farms that use antibiotics recklessly. We are happy to print an abridged version of a story, by David Barboza and Sherrie Day, that appeared in the New York Times on June 20th. Please note that in formulating its new policy McDonald's worked with Environmental Defense, one of the world's most powerful defenders of the environment. Other good news is that both Wendy's and Burger King have indicated they soon will move in this same direction.*

Responding to public health concerns about the overuse of antibiotics in farm animals, the McDonald's Corporation said it would ask its meat suppliers around the world...to phase out the use of some antibiotics that promote growth in healthy animals and to significantly reduce the use of other antibiotics that typically protect animals against disease...McDonald's said it was making the change because of growing evidence that the use of antibiotics in farm animals was creating antibiotic resistance in animals and in the bacteria that cause diseases in humans...

Industry officials said the McDonald's decision would likely help alter the way animals are raised around the world because McDonald's is the world's

largest restaurant chain and one of the world's biggest purchasers of meat. Last year, the company bought about 2.5 billion pounds of beef, poultry and pork. The European Union has already begun to phase out the use of growth-promoting antibiotics...

Antibiotics are widely used in the production of poultry, beef and pork, usually to fight off and control disease, but also to foster quicker or more efficient growth in some animals, particularly chickens. Meat producers often add growth hormones and growth-promoting antibiotics to animal feed to create faster-growing animals. The McDonald's decision only affects the growth-promoting antibiotics...

Some of the biggest meat suppliers for McDonald's, like Tyson Foods and Cargill, also applauded the move today and said they would work to comply with the new standards. But other industry officials said there was not yet enough evidence to justify a rejection of antibiotics... The Animal Health Institute, which represents the makers of drugs for animals, also said the decision was [based on marketing] but not on sound science...

In making its announcement today, McDonald's said it had worked with animal welfare specialists and Environmental Defense, an advocacy group often at odds with the food and agriculture industries, to rethink the use of antibiotics.

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## South Dakota and Nebraska get Corporations Out of Agriculture

*The following article comes from Rachels Environmental Newsletter, at [http://www.rachel.org/home\\_eng.htm](http://www.rachel.org/home_eng.htm).*

In 1998 the citizens of South Dakota amended their state constitution ("Amendment E"), making it illegal for corporations (and certain other limited-liability entities) to own real estate used for farming, or to engage in farming in South Dakota. The South Dakota constitutional amendment mirrors an amendment to the Nebraska constitution ("Initiative 300") that had been passed in 1982. Now, in both states, corporations cannot own, rent, or have any other interest in farmland, nor can they engage in farming or ranching (the cultivation of land or the ownership, keeping, or feeding of animals) unless it is a family farm corporation, meaning that a majority of the voting stock is held by members of a family related to one another within the fourth degree of kindred (generally, first cousins), at least one of whom resides on or is actively engaged in the day-to-day labor and management of the farm or ranch. The purpose of the amendments was:

- (1) To prevent non-family farmers from using a limited-liability entity to escape personal liability, and from gaining certain tax benefits.
- (2) To allow family farms and ranches to continue to grow and thrive.
- (3) To promote personal responsibility for the environment, rural communities, and the maintenance of diverse systems of agricultural production and marketing.
- (4) To challenge the increasing concentration of control over our food system in the hands of only a few corporations...

By amending their constitutions, the people of Nebraska and South Dakota asserted...properly, that corporations are subordinate entities and when their activities do not serve the common good, their activities can (and will) be curbed or eliminated. Both these constitutional amendments have withstood challenges in court. For further information, contact: Dakota Rural Action, Box 549, Brookings, SD 57006.

*Also, Thomas Linzey has amended this story by writing us that, "Although South Dakota and Nebraska are the most well-known, there are actually nine states — producing over 30% of this nation's agricultural output — that have these anti-corporate farming laws in place [and] almost all are almost a carbon copy of the South Dakota law."u*

# A School for Democracy

The way that citizens in South Dakota, Nebraska and other states have driven corporations out of farming – as described in the previous article — exemplifies well the consequences of their taking a broader view. Not seeing this larger picture leads people contending with such corporate and state power to leap from one fire fight to another, with five more on the horizon. For example, OUE's fight against a landfill in the 1970s became a fight against an incinerator in the 1990s, which has become a battle with hog factories as part of the Task Force. Where does it all end? It doesn't, unless we join others to change the overall framework of laws, to make it more friendly to us and less friendly to big corporations.

One bold effort at changing this framework of laws is the "Daniel Pennock Democracy School" that this year will host about half a dozen sessions at Wilson College in Chambersburg, PA. One of the school's founders, Thomas Linzey, director of the Community Environmental Legal Defense Fund (CEDLF), in a letter inviting activists to attend the school, asked: "Tired of Winning a Local Issue While Watching Corporate Control Expand? So Are We." And, he described the School's focus this year as, "Why Democracy is Impossible When Corporations Wield Constitutional Rights Against Communities to Deny The Rights of People."

School sessions run from Friday to Sunday, and participants, with help from experienced organizers, take up an array of compelling topics, such as:

The Historical Role and Nature of Corporations in the United States

Peoples' Movements in the U.S. and What We Can Learn From Them

Theories of the Constitution, Corporation, and Democracy

Altering the Odds: Directly Challenging Corporate Rights

Critical Mass: Doing it Together and Building a Movement

How Do We Make Real the Promises of Democracy?

OUE's Board has subsidized attendance by three Task Force members to the August session and is urging others to go later. Vicki Smedley, past president of PEN, Green Party candidate for Lt. Governor in 2002, and currently a Task Force member, had the following comments about the School in an email note to the members of PEN:

In June, [husband] Bill and I attended the second Democracy School held in PA. It was the most worthwhile weekend we have spent in some time (years), and we would strongly encourage all of you to consider attending one of the upcoming schools. For the first time I have some real HOPE for the future of this country.

There were about 15 people in attendance, some of them repeat participants from the first event held last February. Richard Grossman and Tom Linzey were the "teachers," and the participants learned from each other also. There were people from PA, MA, Iowa, VA, and

NH. Events like these are happening all around the country and I believe this is the very beginning of a movement that offers the possibility of real change.

Everyone there was an activist of some sort. We all had different issues, and we have all won some battles, but are losing the war. It is time to understand that we have ALL been colonized, our very brains have been programmed to think the way the corporations want us to think and react. By reading the materials for the course and taking part in discussions, I realize that we cannot "take back democracy," as was my campaign slogan, because we never really had it. Right from the beginning, our Constitution was written by rich white men who promised "democracy," but in reality were writing the Constitution to protect themselves from the rest of us — the rabble.

Through the years things have only gotten worse as corporations became "persons" and grabbed the rights of people, using their lawyers to ensure that the corporate "person's" rights usurped the real people's rights. The courts and the laws are stacked against us, and every time we go to a "public hearing" to fight our particular issue, we are playing by their rules, rules designed so that we lose.

I know all of you have been working on specific (or several) issues for many years. Ask yourselves how successful you have been. Be honest, and if it is less than you would like to admit, consider attending the Democracy School at the end of August. Don't miss the opportunity because these classes will only be available for a limited time.

P.S. I would be remiss if I didn't also add that the weekend was FUN. We met wonderful people, got to tour the organic farm at Wilson, and ate some of their great produce. *For more information about Daniel Pennock Democracy School, check <http://www.cedlf.org/cdp.asp>.*

## OUE Awards Scholarships

This spring OUE granted scholarships of \$150 to seniors Brent Herman of Milton Area High School and Kevin Bogart of Warrior Run Area High School. Teachers and administrators at each school chose these two students to receive this annual award, given to talented students likely to focus on environmental studies in college. We congratulate Brent and Kevin, and we wish them well.

**The Task Force on Hog Factories meets the first Monday of each month at the United Methodist Church in Watsonstown, at 7:00 p.m. Immediately after that meeting, the OUE Board holds its regular monthly meeting. The public is invited to attend either or both of these meetings.**

OUE Publications Committee: Charles Sackrey, Editor; Linda Godfrey and Clyde Peeling, Contributing Editors; Bessie Bush, Distribution

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Organizations United for the Environment is a grass-roots, citizens' action group, dedicated to protecting the environment. As a non-profit, charitable organization, O.U.E. is completely dependent on public support to continue its work. If you care about the future of the environment, please support our efforts with a tax-deductible contribution. Your donation will be used to fund efforts like the Task Force on Hog Factories and to educate and inform the public about vital environmental issues.