



The Iowa Policy Project

20 E Market St. • Iowa City, Iowa 52245 • (319) 338-0773
www.iowapolicyproject.org

FOR IMMEDIATE RELEASE • WEDNESDAY, MARCH 22, 2017

CONTACT: Mike Owen, (319) 338-0773, mikeowen@iowapolicyproject.org

CAFOs and the diminished defense of public health *Limits on nuisance suits latest protection for industry against neighbors*

IOWA CITY, Iowa (March 22, 2017) — Despite demonstrated threats to health and property for neighbors, new limits on nuisance lawsuits would set an even higher bar for neighbors of large livestock operations to protect themselves.

“The legislative climate is not friendly to local decision making already, and limits on nuisance suits make it more difficult for neighbors to defend their health and financial security,” said David Osterberg, environmental researcher for the Iowa Policy Project and co-author of a new report.

Osterberg, a professor of occupational and environmental health at the University of Iowa, and James Merchant, professor emeritus and former dean of the UI College of Public Health, found in their report that the public health consequences are as significant as governance issues in limiting responses to inadequate public policy governing confined animal feeding operations, or CAFOs.

Legislation already has passed the Iowa Senate to limit damages in nuisance lawsuits, and a similar bill is pending in the Iowa House.

“The human health impacts of proximity to CAFOs can be significant, as research has shown for many years now. When children have asthma and other breathing problems in greater numbers when they live or go to school near CAFOs, policy makers should take note. And when they will not, where should their families turn?” Osterberg said.

“Until now, one opportunity has been the courts. Now, that opportunity is threatened.”

The report notes that the legal definition of a nuisance dovetails with the broad definition of public health, which not only includes severe personal health issues but also evidence of irritation and annoyance, and loss of enjoyment of one’s home, property and community.

“The impairment may rise to the level of a serious illness or injury, a medical condition, such as exposure to CAFO airborne pollution that causes or exacerbates asthma or obstructive lung disease,” the researchers wrote.

The paper cites various reports examining the health impacts that emerge from proximity to CAFOs, from sensation of irritation, mental and/or physical discomfort, and annoyance — such as a foul odor that results in nausea.

“The scientific literature is extensive on real-life impacts of exposure to CAFOs and adverse health effects,” Osterberg said.

Documented activities impacting “beneficial use of property” and “quiet enjoyment of life” included “working outside, growing vegetables, sitting outside, eating outside, gardening, playing, barbecuing, use of well water, sleeping, opening doors and windows, hanging out with neighbors, having family and guests over, and drying laundry among others.”

In Iowa, one study found a high prevalence of asthma among rural children living on swine farms. Another that found a significantly higher level of doctor-diagnosed asthma among children attending school within a half-mile of a CAFO than in children attending school over 10 miles from a CAFO.

“Together, these studies find documented evidence of nuisance and injury among rural dwellers living up to three miles from the nearest CAFO,” the researchers wrote.

The researchers also reported that a CAFO moving into the neighborhood can cause an extreme loss of property value.

“Iowa lawmakers need to know the real effect on health and on property values of their policy choice,” the researchers concluded. “Should they severely limit adversely affected neighbors’ remaining protection against a politically powerful and well-funded industry whose impact on public health has already reached the tipping point?”

“Or, should they let citizens keep long upheld rights and force the industry to clean up so as to minimize odor nuisance and impacts on the public’s health?”

The report is available on the Iowa Policy Project website at www.iowapolicyproject.org.

#

The Iowa Policy Project gratefully acknowledges the McKnight Foundation and the Fred and Charlotte Hubbell Foundation for their generous support of IPP’s environmental research. All findings and opinions in the report are solely the responsibility of the authors and the Iowa Policy Project.