

**Animal Confinement Policy National Task Force
Preliminary State Policy Survey Results, 6-18-99**

Preliminary Results are subject to change as additional data become available. This brief summary has been approved as a work in progress by the Animal Confinement Policy National Task Force. The Chair of the National Task Force may be contacted by phone at 515-294-6144 or by writing

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The survey instrument was designed by a National Task Force of 15 Extension Specialists representing all regions of the nation. One extension specialist in each state was asked to contact land grant university colleagues and state agency staff with appropriate expertise to respond to the survey. The National Center for Agricultural Law Research and Information is working with the Task Force to complete the data set and to verify selected information in the national data base. Survey results currently available have not been verified and the summary tally may under-report incidence of provisions in some states due to non responses for questions judged to be beyond the scope of expertise of the respondents.

1. This Summary is based on surveys from 48 states that have been received at the Clemson University collection center as of 6-18-99.

Southern Region: AL, AR, GA, FL, KY, MS, NC, OK, SC, TN, TX, VA

Western Region: AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA

North Central: IA, IL, IN, KS, MI, MN, MO, ND, NE, OH, SD, WI

Northeast Region: CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT

No Response: WV, LA

PART I. Policy Context Preliminary Results based on responses from 48 states:

2. Evidence of Controversy:

- 38 States indicate CAFOs are controversial in their state.
- 39 States indicate increased incidences of conflict and attention in the media.
- 22 States indicate legislation was proposed during the past year.
- 19 States indicate court action involving confined livestock operations.
- 16 States indicate new ordinances or policies passed by local jurisdictions.

3. Rank order of animal species generating controversy in public discussions:

Swine, Dairy, Chicken-Broilers,
Chicken-Hens and Pullets, Beef, and Turkeys

4. Level of government involved in CAFO policy administration and enforcement:

- 46 states indicate State Agencies
- 6 states indicate Sub-state Regional Agencies
- 21 states indicate County Government
- 8 states indicate Town or Township
- 6 states indicate Others (federal)

5. Species covered by state CAFO policy:

- 39 states indicate swine
- 37 states indicate dairy
- 36 states indicate beef
- 34 states indicate hens and pullets
- 31 states indicate turkeys
- 32 states indicate broilers
- 24 states indicate other species

PART II. Confinement Policy Preliminary Results based on responses from 48 states:

6. CAFO site approval by level of government:

- 36 states have state agency approval
- 22 states have local agency approval
- 5 states indicate no government approval of sites
- 3 state has federal approval of sites

7. CAFO separation/set-back requirements are imposed by state government in 29 states.

8. Requirements for site approval:

28 states require physical/geological tests

25 states require public notices/hearings

22 states require state agency site visits

9. Manure Management Requirements:

36 states require manure management plans

22 states require state approval of facility design plans or other criteria for manure structures.

33 states impose nutrient standard or other limits which restrict manure application

24 states require groundwater monitoring wells under some circumstances

14 states have specific requirements for controlling flies or insects

16 states impose odor standards such as the number of objectionable days per year.

28 states allow surface discharges from manure systems under some circumstances

40 states indicate penalties are imposed for illegal discharges from manure systems.

10. Fees, Financial Assurance and Training:

26 states indicate fees are assessed by state government during the approval process

8 states impose bonding/financial assurance requirements to pay closure or clean up costs

12 states require training programs for manure management/applicators

Part III. Industry Structure Preliminary Results based on responses from 48 states:

11. State government limitations on agricultural integration.

7 states prohibit corporations or other entities from ownership of farmland or animals under confinement.

3 states impose restrictions on packers owning or contracting livestock supplies.

2 states indicate laws providing authority to require packers to publicly report contract prices for livestock.

No states indicate laws restricting packers from providing price premiums or long term minimum price contracts for large suppliers of livestock.

10 states have specific laws designed to encourage or limit innovative business arrangements for CAFOs.

12. Moratoria, Referendums and Preemptions:

43 states indicate nuisance suit protection is provided for some or all CAFOs

12 states indicate that state or local moratoria have been previously enacted.

10 states indicate that state government authorized local option referendums or preemptions on local authority to regulate CAFOs.

8 states exempt CAFOs and/or land applications of manure from local zoning authority.

12 states indicate specific laws regarding Atakings@ by government or neighbors.

14 states provide or require mediation processes in conflicts between CAFOs and others.

13. Incentives and Cost Sharing:

25 states provide their own cost sharing programs to encourage environmental compliance over and above the federal programs.

10 states report special tax incentives/disincentives for expansion of CAFOs (other than use-value assessment for agriculture in general)

4 states report evidence of reductions in property tax assessments by local jurisdictions on residential property in close proximity to CAFOs.

14. Allocation of Environmental Quality Incentive Program (EQIP) funds.

33 states report allocation of some funds by NRCS defined priority areas.

29 states report allocation of some funds by NRCS defined statewide resource concerns.

14 states report allocation of some funds by limiting size of eligible livestock operations

7 states report allocation of some funds by other allocation methods.

15. Policy research/outreach programs designed to facilitate state and local policy decisions.

21 states initiated policy education programs to facilitate public dialogue on CAFOs.