

*Challenges and Opportunities Lawyers Face  
Today in Advocating for Farmed Animals*

Joyce Tischler, Professor of Practice, Animal Law

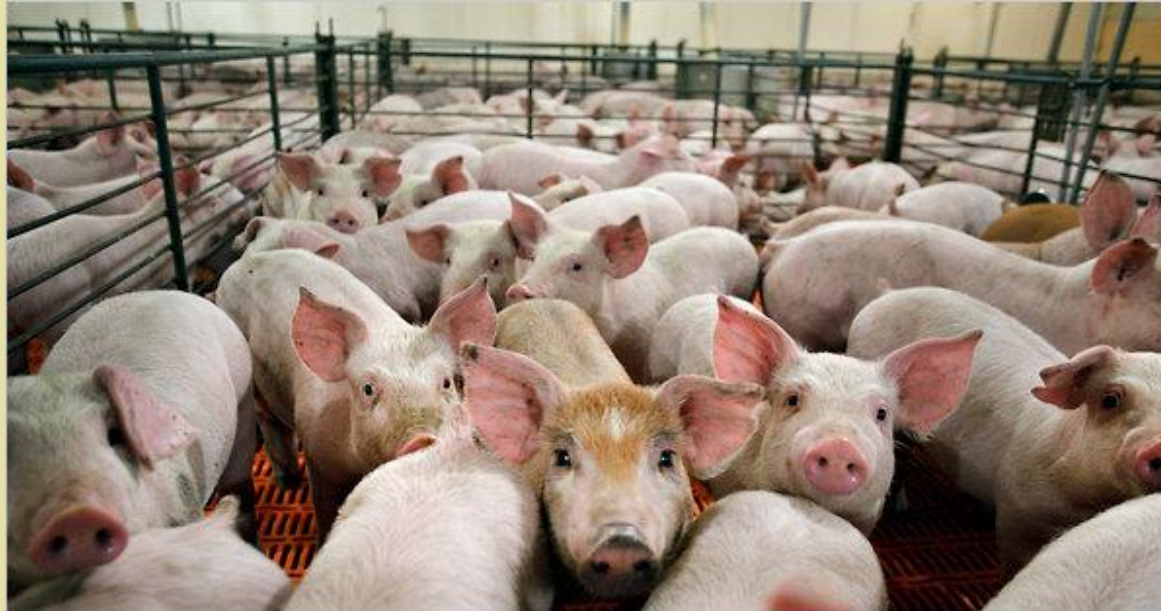


Photo: <http://planetoftheanimals.blogspot.com>



# Concentrated animal feeding operation (CAFO)



Source: Civil Eats, <https://civileats.com/2018/06/26/in-north-carolina-new-pollution-allegations-add-to-residents-woes-over-factory-farms/>



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**Extreme  
Animal Abuse**

**Environmental  
Harms:**

- **Water Pollution**
- **Air Pollution**
- **Soil Degradation**
- \*Climate Change\***

**Harms to CAFO and  
Slaughterhouse  
Workers**

**Destruction of Family Farms  
and their Communities**

**Harms to Consumers**

**Public Health and Food  
Safety Issues**

**Environmental  
Injustice-  
Harms to Neighbors/  
Low Income Communities  
Of Color**



*“The environmental costs of CAFO production have been well-documented. Manure spills and leakages have contaminated waterways, killing fish and fouling fisheries. . . . environmental laws governing CAFO pollution are still not fully enforced in many states and regions of the country and the industry continually lobbies for less regulation.”*

Source: CAFO: The Tragedy of Industrial Animal Factories,  
[http://www.cafothebook.org/thebook\\_myths\\_6.htm](http://www.cafothebook.org/thebook_myths_6.htm)



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*Community Association for Restoration of the Environment v. Cow Palace,*  
80 F. Supp.3d 1180 (E.D. WA 2015)

“The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste.”

<https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>

Cow Palace Dairy was held responsible for ground water pollution under the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq.

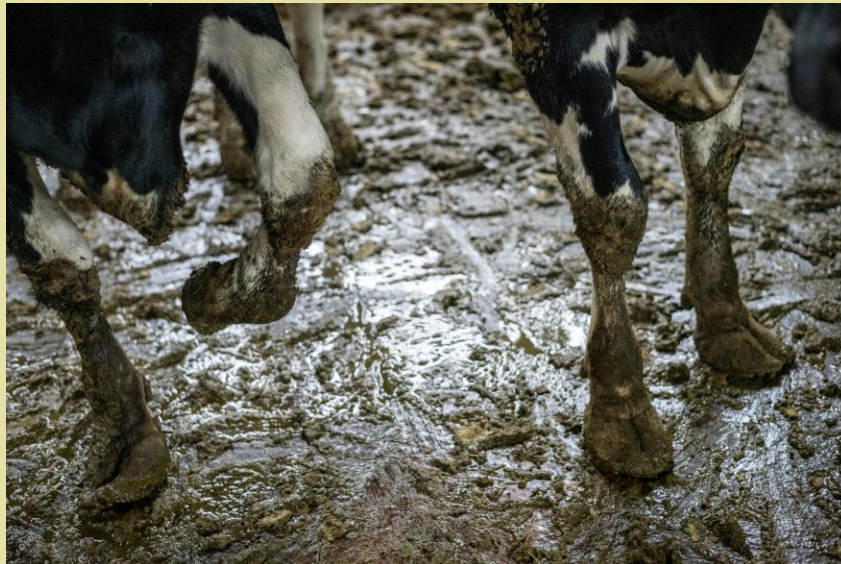
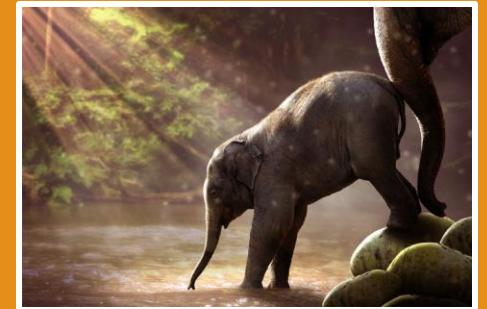


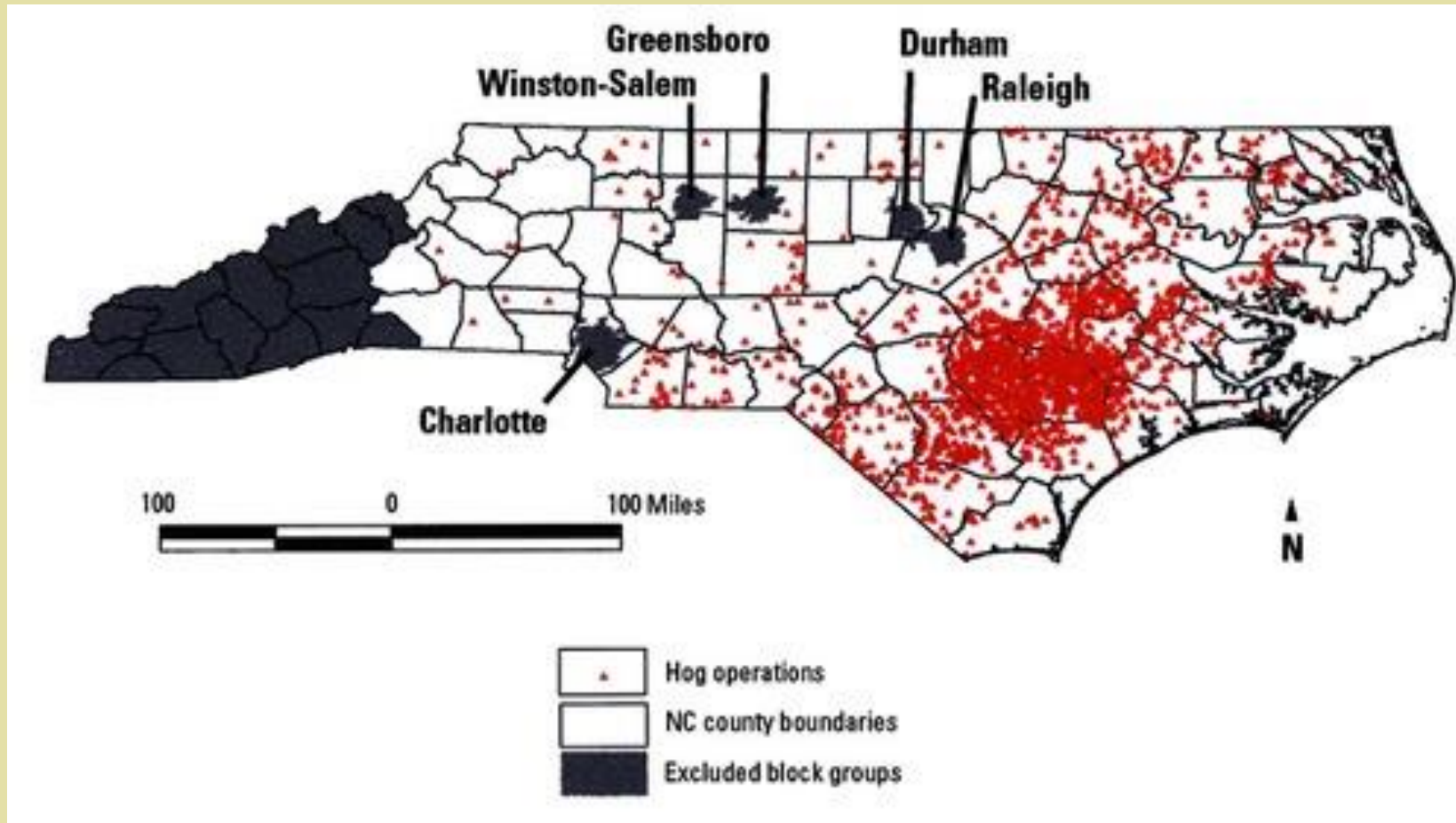
Photo:Jo-Anne McArthur, WeAnimals <https://weanimalsmedia.org/>



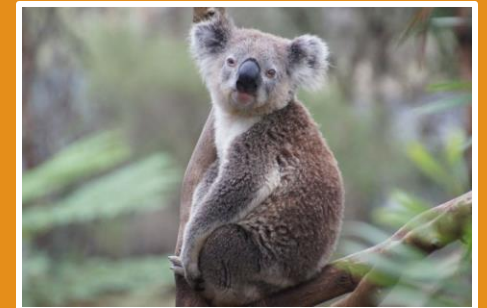
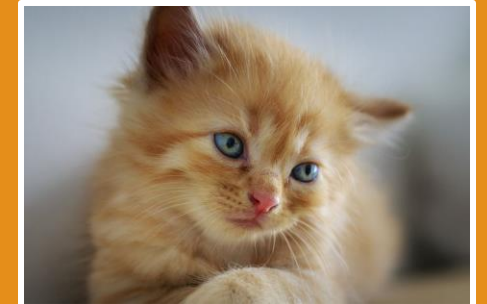
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## ENVIRONMENTAL JUSTICE:

Smithfield/ Murphy-Brown located a massive number of hog CAFOs in Eastern North Carolina, where low income communities of people of color live.



**Red dots** indicate where the hog CAFOs in North Carolina are.



# ENVIRONMENTAL INJUSTICE

Respiratory diseases

Asthma

Nausea

Gastro-intestinal problems

Headaches

Noise at all hours

Odors

Can no longer sit outdoors

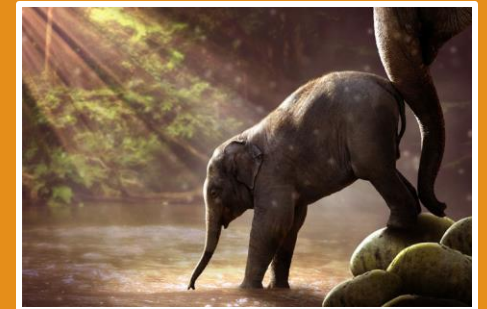
Lower home values

Local economy suffers



“The home of a minority family in Kenansville, North Carolina, situated next to a concentrated animal feeding operation, or CAFO. Dust, odors, and manure from CAFOs can reach nearby residents’ homes, including their laundry.”

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*McKiver v. Murphy Brown*,  
980 F.3d 937 (Ct. App. 4<sup>th</sup> Cir. 2020)

**Nuisance:** a substantial and unreasonable interference with a person's right to use and enjoy their land or property.

The jury awarded the neighbor/plaintiffs \$75,000 in compensatory damages per plaintiff and \$5 million in punitives, which was later reduced to \$2.5 million to comply with North Carolina's statutory cap on punitive damages.

On appeal, the Fourth Circuit affirmed the jury verdict as to liability for compensatory and punitive damages, but vacated the punitive damages award and remanded the case for retrial solely on this issue of the proper amount of punitive damages without consideration of evidence of the parent company's finances..

*“It is past time to acknowledge the full harms that unreformed practices of hog farming are inflicting.”*

~Judge Wilkinson, Concurring Op., 980 F.3d at 977-84



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Lily and Lizzie  
Photo: Direct Action Everywhere





*Thank You*

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Joyce and Belle, Wildwood Farm Sanctuary, OR