



# **The Great Gaslight: Greenwashing Industrial Animal Agriculture**

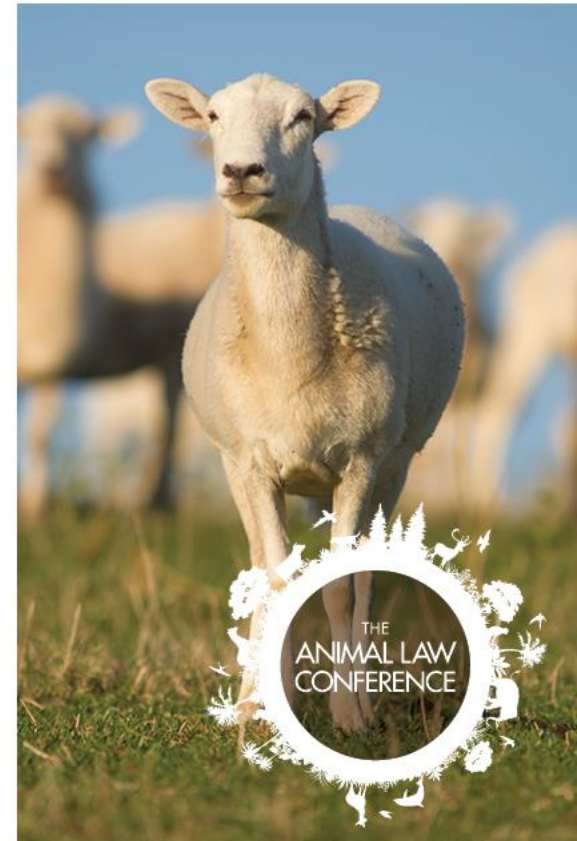
Christine Ball-Blakely  
Senior Staff Attorney  
Animal Legal Defense Fund

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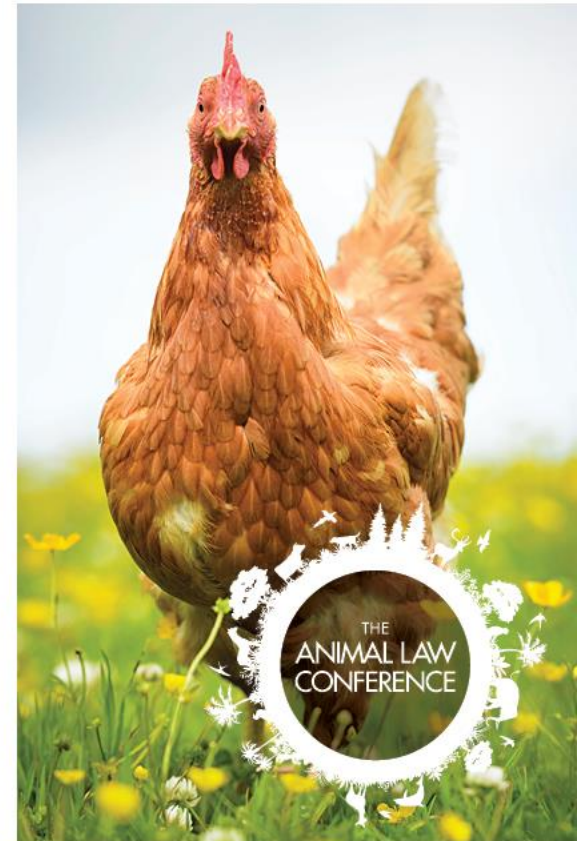
# Personal Views & Opinions

Opinions are personal and not necessarily representative of those of the Animal Legal Defense Fund or any of our clients.



# Roadmap

- Industrial Animal Agriculture: Never (Ever) Sustainable
  - Water Pollution
  - Air & Climate Pollution
  - Environmental Injustice
- Greenwashing
  - Defined
  - History & Examples
- Greenwashing Industrial Animal Agriculture
  - Fake Family Farms
  - Factory Farm “Biogas”
  - Animal Drugs & Feed Additives
- Advocacy
  - Litigation
  - Regulatory





## **Industrial Animal Agriculture: Never (Ever) Sustainable**

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Photo Source: Sandy Huffaker/Corbis via Getty Images via Vox

# Water Pollution

- Miles of rivers and streams impaired: **14,000**
- Acres of lakes and ponds impaired: **90,000**

Trip Report for Noble Dairy on March 28, 2019  
By Ben Krahn  
Case# 1929062  
MA# 62943



**Picture #16**

Picture taken by Ben Krahn on March 29, 2019 of the northwest end, looking southeast, of Caris Creek at Noble Dairy (MA #62943). Islands of solid manure with water flowing through.



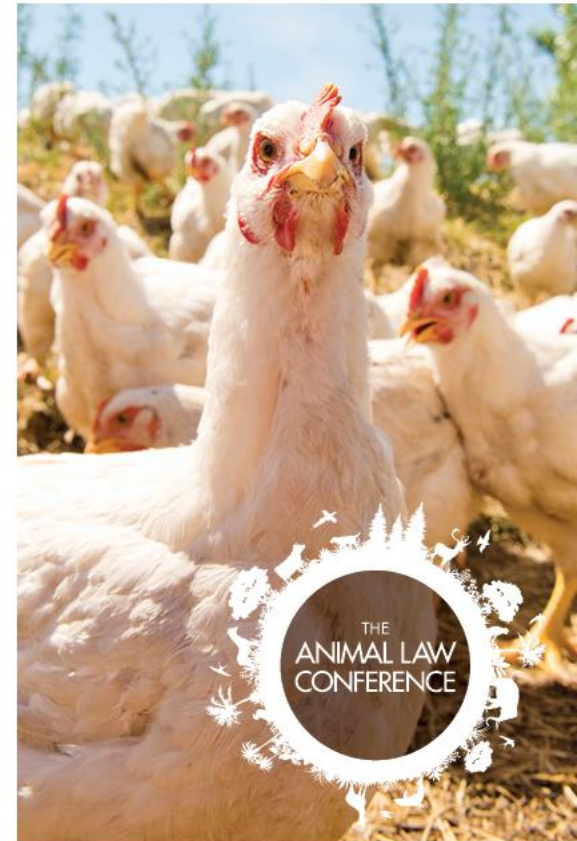
# Air Pollution

## Livestock responsible for most deaths linked to fine-particle pollution from agriculture



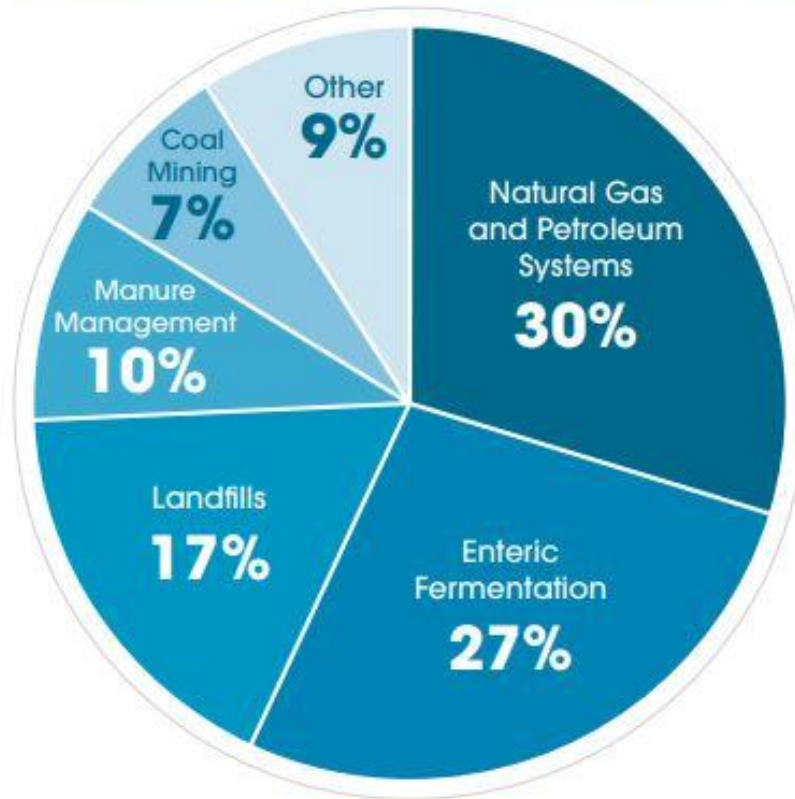
Source: "Air quality-related health damages of food," Domingo et al.

JOHN MUYSKENS/THE WASHINGTON POST

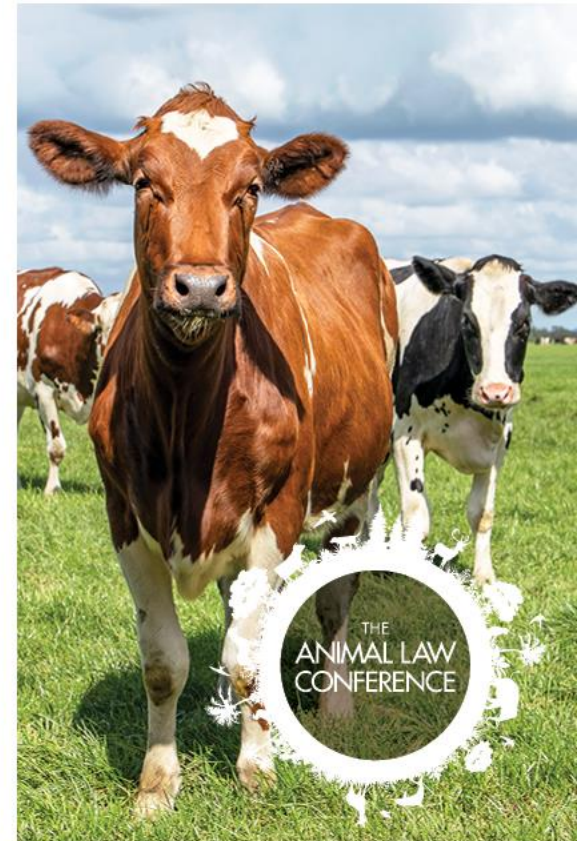


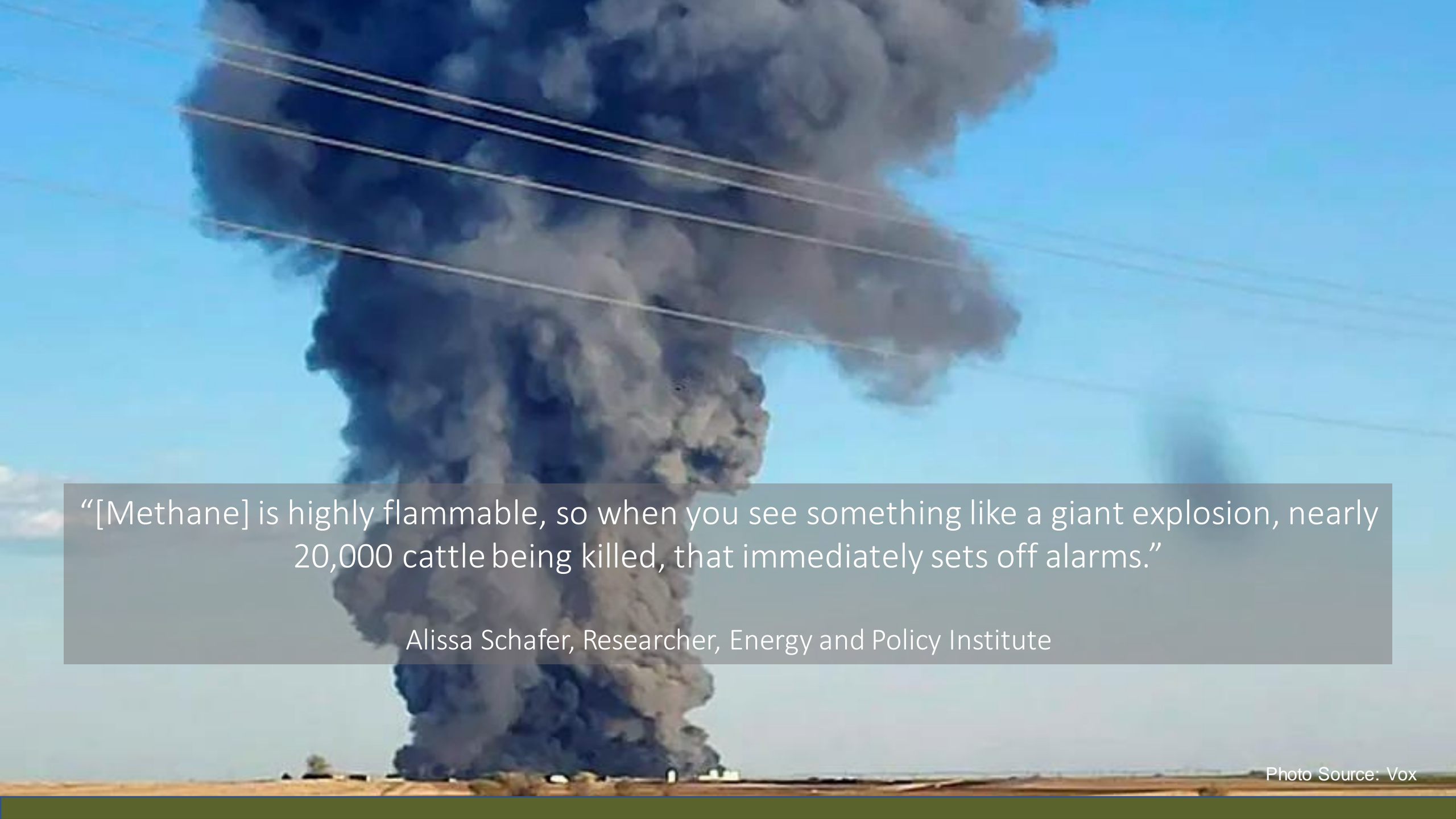
# Climate Pollution

2019 U.S. Methane Emissions, By Source



U.S. Environmental Protection Agency (2021). Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019





“[Methane] is highly flammable, so when you see something like a giant explosion, nearly 20,000 cattle being killed, that immediately sets off alarms.”

Alissa Schafer, Researcher, Energy and Policy Institute



## **Environmental Injustice**

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Government agencies “have repeatedly avoided regulating agricultural sources of pollution even though the impacts of those decisions disproportionately fall on surrounding communities of color.”

Central California Environmental Justice Network and  
Central California Asthma Collaborative

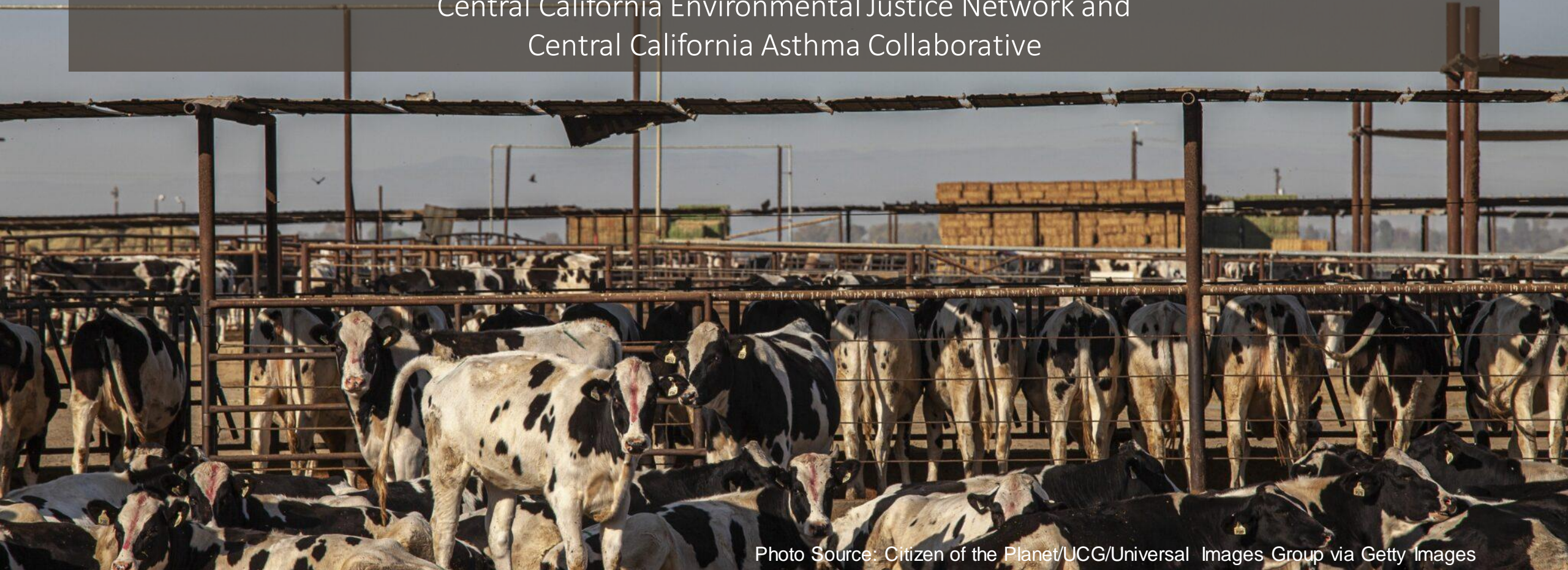


Photo Source: Citizen of the Planet/UCG/Universal Images Group via Getty Images



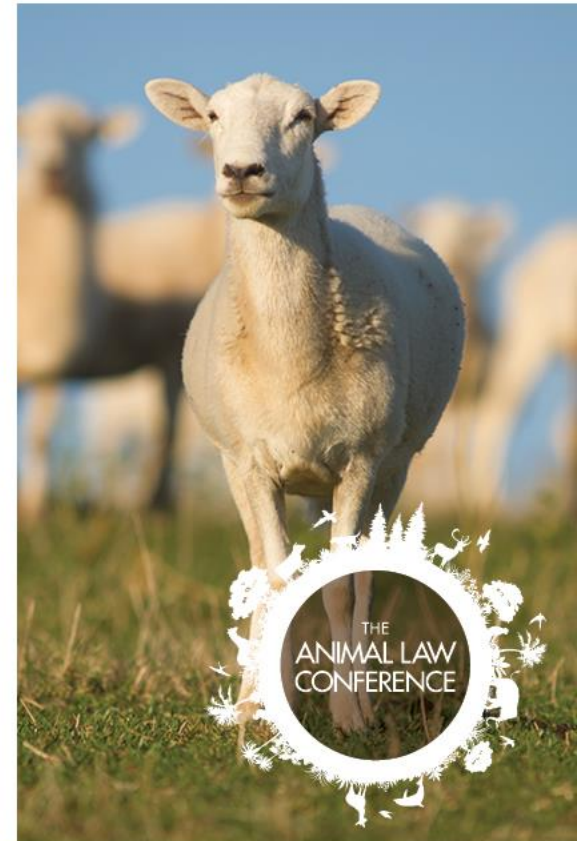
## Greenwashing



# Defined

*“Greenwashing refers to the practice of falsely promoting an organization’s environmental efforts or spending more resources to promote the organization as green than are spent to actually engage in environmentally sound practices. Thus[,] greenwashing is the dissemination of false or deceptive information regarding an organization’s environmental strategies, goals, motivations, and actions.”*

Karen Becker-Olsen & Sean Potucek, *Greenwashing*, *ENCYCLOPEDIA OF CORP. SOC. RESPONSIBILITY* 1318 (2013).





## The butterfly and the 747.

Near Los Angeles International Airport, where 747's reach for the sky, one of the smallest endangered species in the world nears for its dinner.

The El Segundo Blue lives on wild buckwheat . . . on land that's part of an oil refinery. The people who work there protect the area and plant buckwheat year in, year out.

Now for a creature little bigger than your fingernail, some of the danger of being endangered is just.

Do people really care that much for a tenth of a gram of beauty?

People Do.



For more information write: People Do, P.O. Box 7705, San Francisco, CA 94120



## The little fox and the coyote.

Across the twilight of a California desert, a kit fox hears the deadly footfalls of a coyote. Caught in the dangerous open, she can streak for safety to a curious mound at the edge of an oilfield. People who work there, consulting with wildlife experts, built it specially for her.

So now she can shoot through a pipe just big enough for her and into a cozy den that's designed to keep her snug and safe.

Do people think of things like this just to help an endangered species make it through the night?

People Do.



For more information write: People Do, P.O. Box 7705, San Francisco, CA 94120



# **Greenwashing Industrial Animal Agriculture: Fake Family Farms**

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## OUR FARMER OWNERS



As a farmer-owned co-op, our owners are the nearly 100 farmer families that make up the Tillamook County Creamery Association. Many of these families have been farming in Tillamook County for multiple generations. And it really is a family affair. In many farmer families, each member of the family is involved in **life on the farm**, including the kids, who often help with daily chores like feeding the calves.

NEARLY 100  
FARMER FAMILIES





Source: Friends of Family Farmers



## **Greenwashing Industrial Animal Agriculture: Factory Farm “Biogas”**

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# energy everywhere

renewable natural gas



**DR** DairyReporter

## California's dairy sector could hit net-zero by 2027 - study

California's dairy industry could reach net-zero before the end of the decade through 'aggressive' methane mitigation, according to a...

May 18, 2023

**MH** Miami Herald

## Producing power from cow poop: A Florida dairy aims to reduce climate impact of cattle

An innovative system on an Okeechobee farm turns manure into fuel. The process reduces damaging methane emissions but some climate experts...

2 days ago



**CBS** CBS News

## New process turns cow waste into usable gas: "A form of liquid gold"

A new process that turns cow waste into usable gas can be used to reduce methane and power vehicles.

Apr 20, 2023

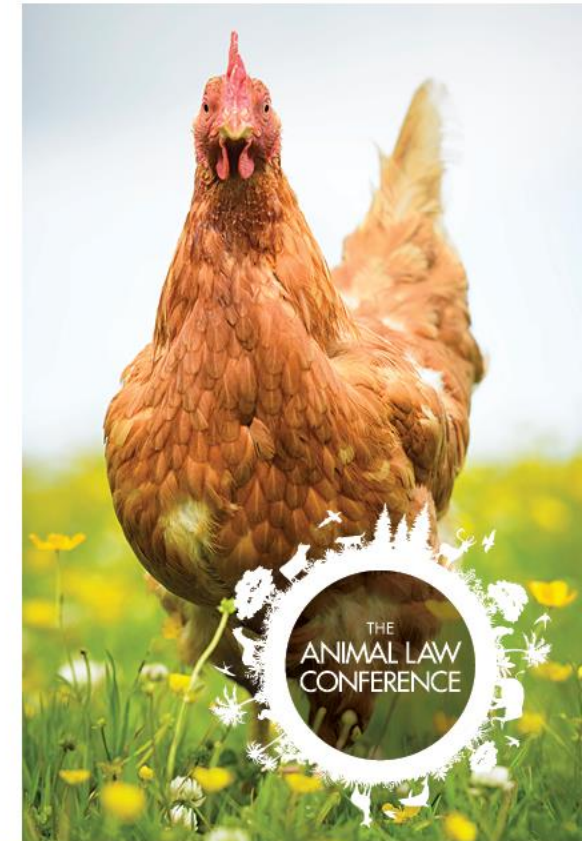


**LA** Los Angeles Times

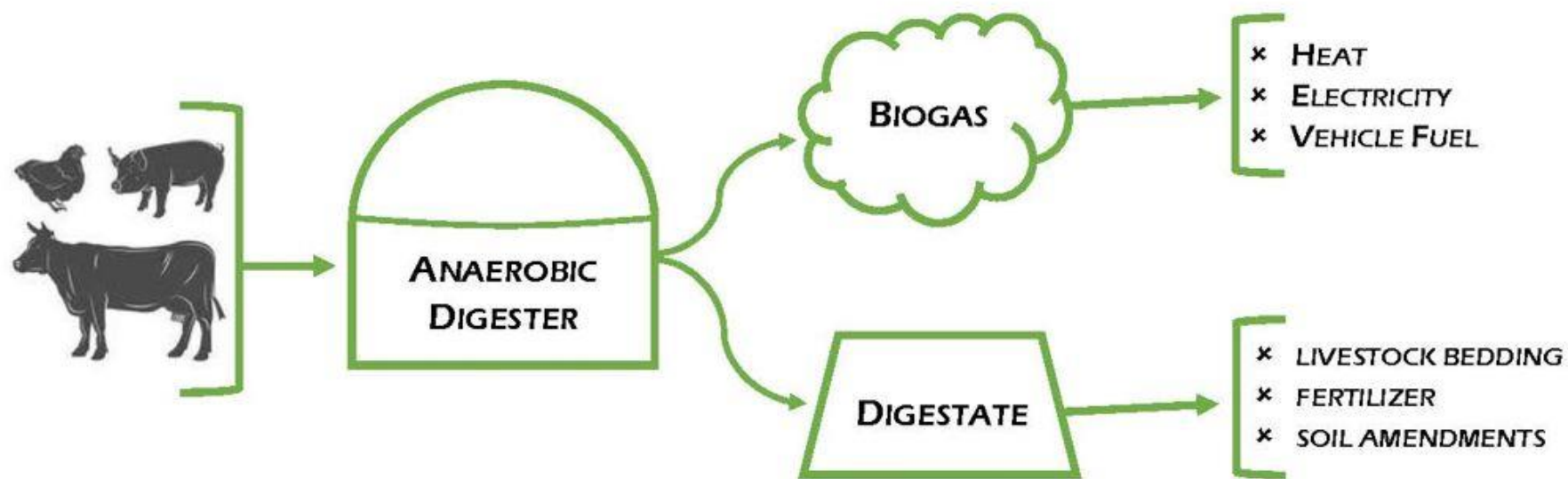
## How cow poop could help California fight climate change

Can methane gas bubbling up from manure ponds help California fight climate change?

Apr 9, 2020



# Factory Farm “Biogas” Production: Methane Digesters



Source: Minnesota Department of Agriculture





Photo Source: Jan Shepel



Photo Source: Maas Energy Works

# Problems with Methane Digesters

- Do not address:
  - Systemic animal exploitation and abuse on factory farms
  - Factory farm water pollution (may even worsen)
  - Factory farm environmental injustice
- May not even reduce emissions
  - Produce digestate that is higher in ammonia and nitrous oxide than raw manure
  - Can only even purport to capture the methane from manure management (10%)
    - Not enteric emissions (27%)
- Expensive to construct and maintain (average \$5 million to install)
- Only feasible on the largest factory farms
- Rely on liquified manure (mis)management
- Leak emissions and manure
- Can explode (!)

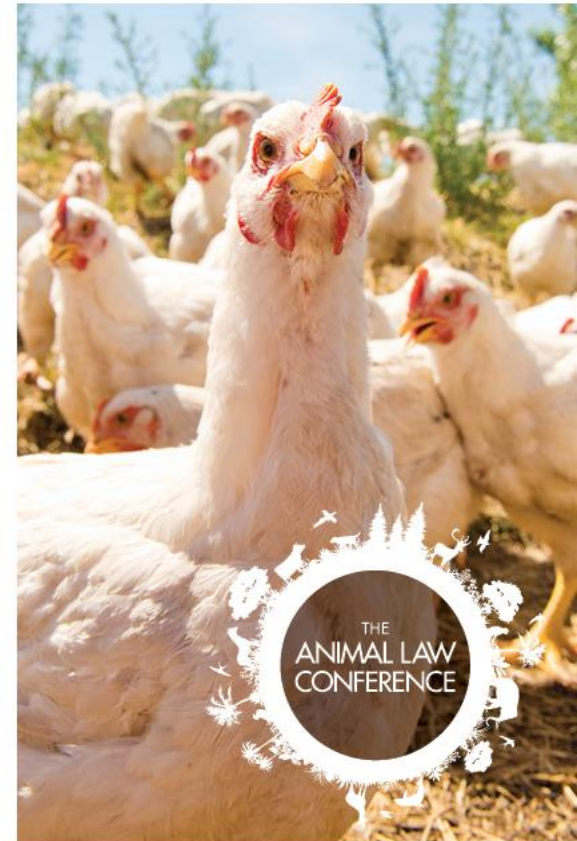
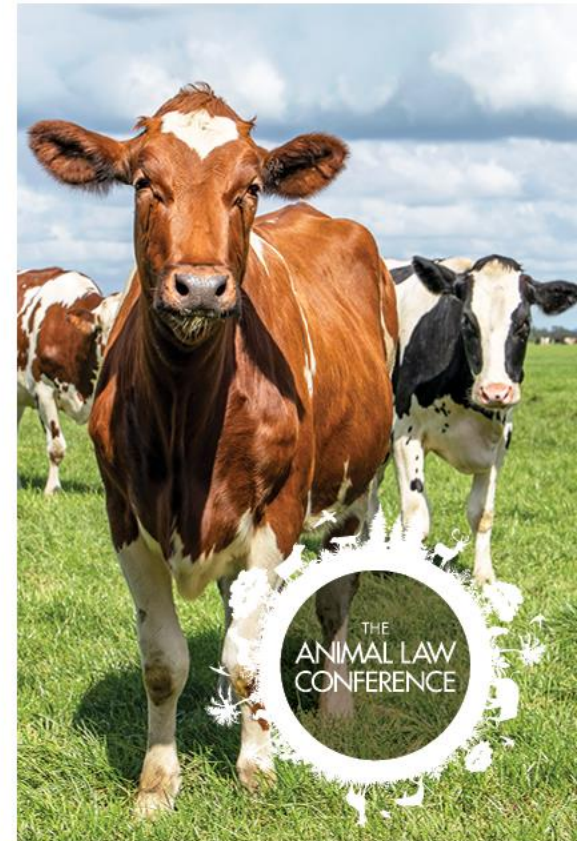




Photo Source: NC DEQ

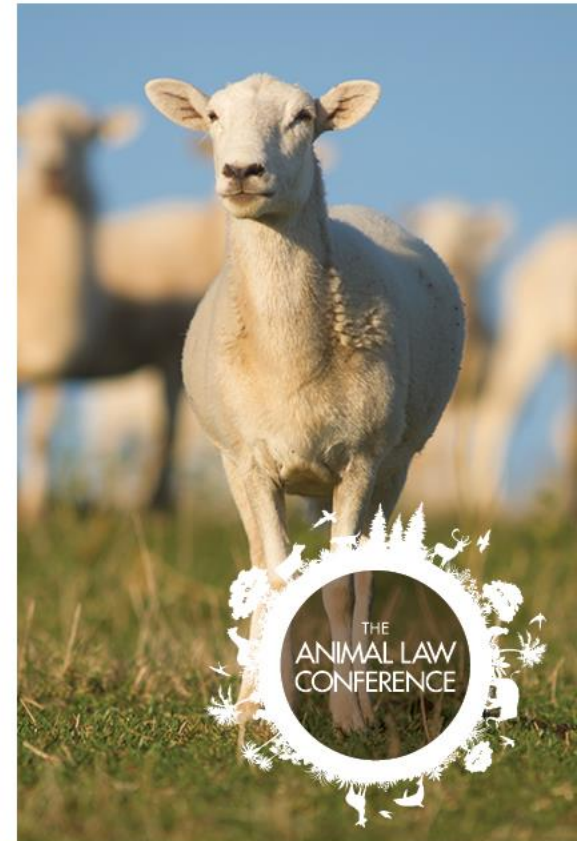
# Problems with Factory Farm “Biogas”

- Combusted just like fossil natural gas, so it makes its way into the atmosphere anyway
- Must be processed at a refinery before it can be used for most purposes, including transportation
- Requires fossil natural gas pipelines, trucks, and/or other infrastructure for transport
- Used by oil companies to get additional pipeline subsidy \$\$\$ and to greenwash their products and brands

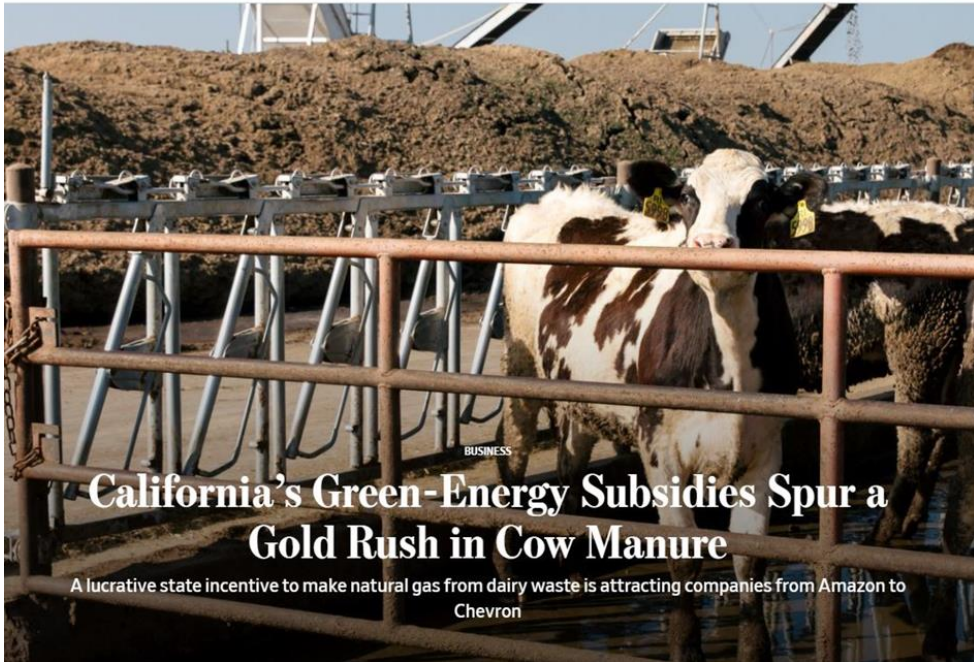


# Paid to Pollute: Examples of Subsidies

- Capital Costs
  - USDA's Rural Environmental Quality Incentives Program
  - California Department of Food and Agriculture's Dairy Digester Research and Development Program
- Lucrative Credits – Pollution Trading Schemes
  - EPA's Renewable Fuel Standard
  - California's Low Carbon Fuel Standard
- Tax Credits
  - Inflation Reduction Act



THE WALL STREET JOURNAL



## California's Green-Energy Subsidies Spur a Gold Rush in Cow Manure

A lucrative state incentive to make natural gas from dairy waste is attracting companies from Amazon to Chevron

Milwaukee Journal Sentinel

### Methane digesters help large Wisconsin dairies convert manure to money

There's a new cash cow on dairy farms these days, and it's threatening to put milk in the back seat, so to speak. Some of the nation's...

Feb 25, 2022



Smithsonian Magazine

### How Dairy Farmers Are Turning Manure Into Money

These New Englanders have found a way to help the planet and convert more than 9000 tons of cow waste annually into electricity.

Mar 28, 2023



The Guardian

## Brown gold: the great American manure rush begins

The energy industry is turning waste from dairy farms into renewable natural gas – but will it actually reduce emissions?

Feb 2, 2023

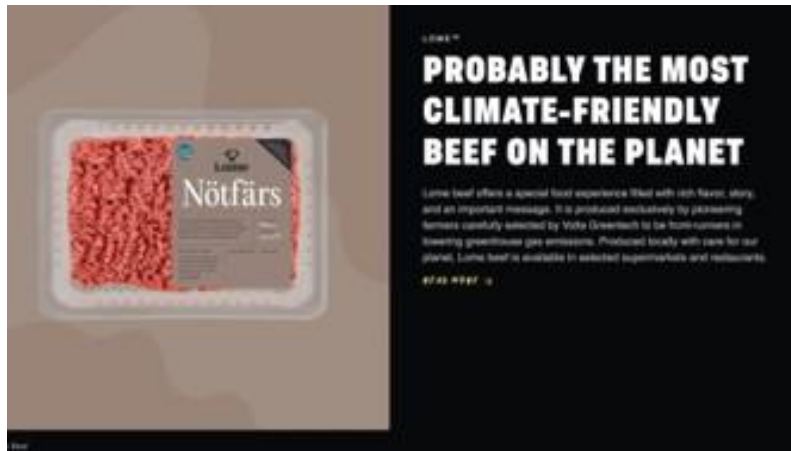




# **Greenwashing Industrial Animal Agriculture: Animal Drugs & Feed Additives**

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ABC

## Red seaweed could be the answer to slashing methane emissions from cows, study shows

Forget fair-trade coffee beans and cows' milk substitutes, low-emission lattes could be the next big thing to land at your local cafe.

Apr 2, 2023



CBS News

## Earth Week: Feed experiment aims to reduce impact of dairy cow burps on climate change

A pivotal experiment to address the impact of livestock on climate change is taking place in our backyard, as a farm in the North Bay gets...

Apr 20, 2023



FN Feed Navigator

## FDA approves Elanco's ammonia emission reducing cattle feed additive

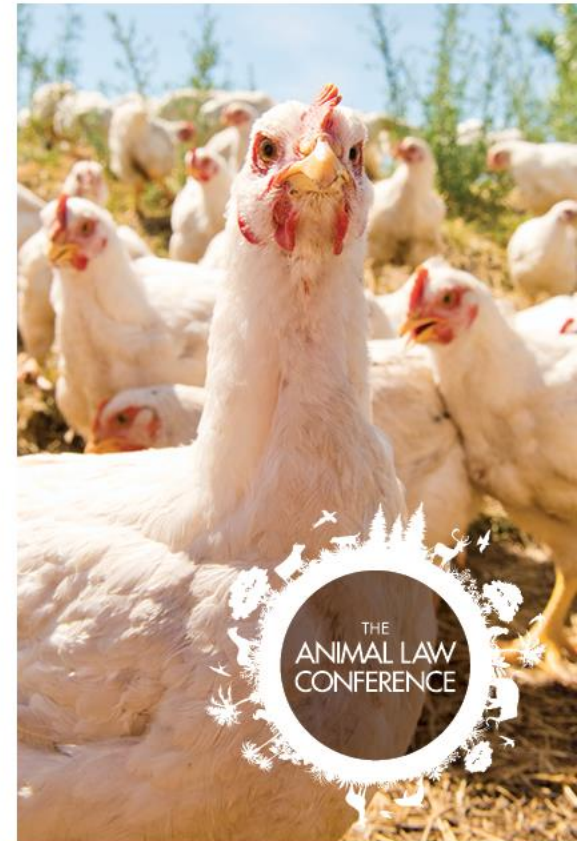
A novel medicated feed additive intended to lower ammonia emissions from cattle waste is seeing US regulatory support.

Nov 14, 2018



# Animal Drugs: Experior

- Manufactured and sold by Elanco
- Approved by FDA in 2018
- Beta agonist
  - Same class as ractopamine and other animal drugs known to cause significant physical and psychological suffering in farmed animals
  - Used to cause farmed animals to gain weight rapidly
  - Cause food safety issues too – linked to heart and respiratory issues in consumers, producers, and farm workers
- Purports to mitigate ammonia emissions from cows
- No evidence it works in real-world conditions on feedlots





## **Advocacy**



# Litigation: *Barnes v. Tillamook*

IN THE SUPREME COURT OF THE STATE OF OREGON

SONJA BOHR, TAMARA BARNES, KAREN FOGLESONG, and MARY  
WOOD, on behalf of themselves and all others similarly situated,  
Plaintiffs-Petitioners on Review,

v.

TILLAMOOK COUNTY CREAMERY ASSOCIATION, an Oregon  
corporate corporation,  
Defendant-Respondent on Review.

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Multnomah County Circuit Court  
19CV36208  
S \_\_\_\_\_

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On petition for review of a decision of the Court of Appeals  
On appeal from a judgment of the Multnomah County Circuit Court  
The Honorable Kelly Skye

Opinion Filed: July 14, 2021  
Author: Tookey, P.J.  
Concurring: Lagesen, C.J. and DeVore, J. (Senior)

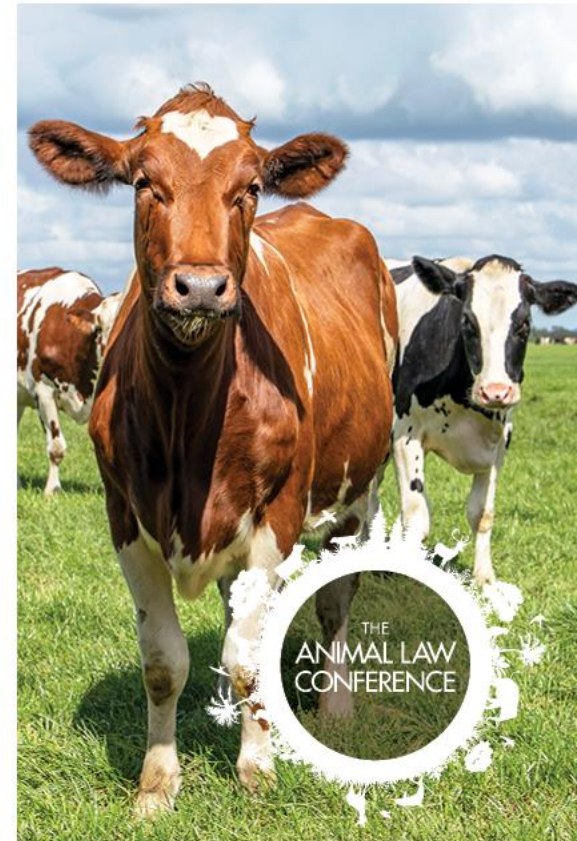
If review is allowed, Petitioners intend to file a brief on the merits.

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**PETITION FOR REVIEW**

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**Fighting Tillamook's  
greenwashing and  
humanewashing**



# Regulatory Advocacy: Coalition Petition for Rulemaking to the California Air Resources Board

BEFORE THE CALIFORNIA AIR RESOURCES BOARD

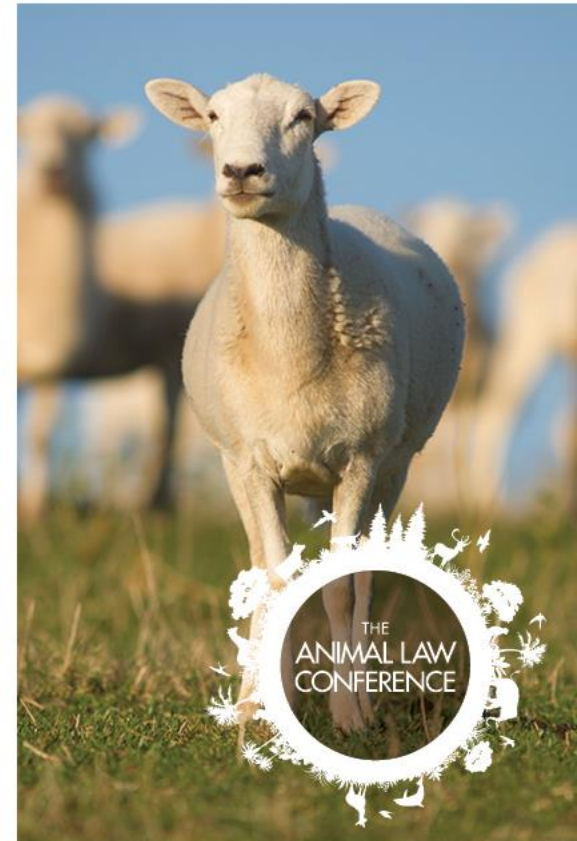
PETITION FOR RULEMAKING TO EXCLUDE ALL FUELS DERIVED FROM  
BIOMETHANE FROM DAIRY AND SWINE MANURE FROM THE LOW CARBON  
FUEL STANDARD PROGRAM

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PETITION FOR RULEMAKING

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*Fighting  
factory farm  
"biogas"*



# Regulatory Advocacy

- Environmental Working Group's petition for rulemaking urging USDA to prohibit "climate-friendly" claims or similar claims on beef products (July 2023)
- Animal Legal Defense Fund comments urging FTC to update its Green Guides to encompass standards for sustainability claims (April 2023)
  - Including ban on sustainability claims for animal products
- Animal Legal Defense Fund comments in opposition to continued inclusion of factory farm gas in EPA's Renewable Fuel Standard (February 2023)
- Animal Legal Defense Fund and coalition partners' comments in opposition to all CA LCFS factory farm gas applications (ongoing)

*Fighting factory  
farm "biogas" and  
other forms of  
greenwashing*



# Litigation: *ALDF v. Becerra*

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANIMAL LEGAL DEFENSE FUND,  
FOOD & WATER WATCH, and FOOD  
ANIMAL CONCERNS TRUST,

*Plaintiffs,*

v.

ALEX AZAR, Secretary of the United  
States Department of Health and Human  
Services; STEPHEN HAHN,  
Commissioner of the United States Food  
and Drug Administration; and UNITED  
STATES FOOD AND DRUG  
ADMINISTRATION,

*Defendants.*

Case No. 3:20-cv-03703

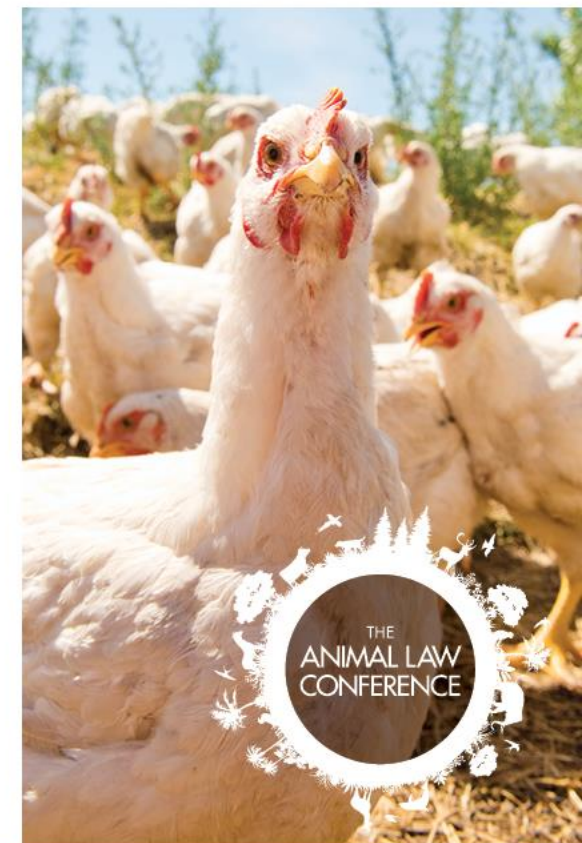
**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**Fighting  
animal drug  
Exterior**



# Resources & Further Information

- ASS'N OF IRRITATED RESIDENTS ET AL., PETITION FOR RULEMAKING TO EXCLUDE ALL FUELS DERIVED FROM BIOMETHANE FROM DAIRY AND SWINE MANURE FROM THE LOW CARBON FUEL STANDARD (Oct. 27, 2021), <https://food.publicjustice.net/wp-content/uploads/sites/3/2021/10/Factory-Farm-Gas-Petition-FINAL.pdf>.
- Phred Dvorak, *California's Green-Energy Subsidies Spur a Gold Rush in Cow Manure, A lucrative state incentive to make natural gas from dairy waste is attracting companies from Amazon to Chevron*, WALL STREET J. (Feb. 19, 2022), <https://www.wsj.com/articles/californias-green-energy-subsidies-spur-a-gold-rush-in-cow-manure-11645279200>.
- Animal Legal Defense Fund, *Biogas or Bullshit?*, YouTube (Aug. 16, 2022), <https://www.youtube.com/watch?v=EyNngokMQGA&t=2s>.
- Lisa Held, *Are Biogas Subsidies Benefiting the Largest Industrial Animal Farms?*, CIVIL EATS (Sep. 20, 2021), <https://civileats.com/2021/09/20/are-biogas-subsidies-benefiting-the-largest-industrial-animal-farms/>.
- Shefali Sharma & Ben Lilliston, *From Net Zero to Greenwash — Global Meat and Dairy Companies*, INST. FOR AGRIC. & TRADE POLICY (Oct. 4, 2021), <https://www.iatp.org/net-zero-greenwash-global-meat-and-dairy-companies>.
- RUTHIE LAZENBY, *RETHINKING MANURE BIOGAS: POLICY CONSIDERATIONS TO PROMOTE EQUITY AND PROTECT THE CLIMATE AND ENVIRONMENT*, VERMONT LAW & GRADUATE SCHOOL, CENTER FOR AGRICULTURE & FOOD SYSTEMS (Aug. 2022), [https://www.vermontlaw.edu/sites/default/files/2022-08/Rethinking\\_Manure\\_Biogas.pdf](https://www.vermontlaw.edu/sites/default/files/2022-08/Rethinking_Manure_Biogas.pdf).
- *Animal Law Podcast #100: The Case of the Drugged Cattle*, Mariann Sullivan with Guest Larissa Liebmann, THE ANIMAL LAW PODCAST (Sep. 27, 2023), <https://www.ourhenhouse.org/alp100/>.





# Thank you!

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aldf.org

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