

# Poultry Operations: Relevant Policies

Concentrated Animal Feeding Operations (CAFOs) and slaughterhouses are subject to a number of laws and regulations regarding their impacts to the environment. However, poultry operations in North Carolina are exempt from many of the policies intended to protect the environment and communities.

## Clean Water Act (CWA)

- 1948: The Federal Water Pollution Control Act passed as first U.S. water pollution law.
- 1972: The Clean Water Act established with an aim to eliminate point sources from discharging pollutants into U.S. waters.
- The CWA lists CAFOs as point sources of pollution; however, the CWA does not categorize agricultural stormwater as a point source.<sup>1</sup>

## National Pollutant Discharge Elimination System (NPDES)

- CAFOs are grouped as small, medium, and large according to the NPDES inspection manual. Beyond the size of their operations, small and medium animal operations must meet additional discharge requirements in order to be labeled CAFOs.<sup>2</sup>
  - Chickens raised for meat production, using a dry-waste system, are categorized as large CAFOs only after reaching a threshold 125,000 animals. That amount sharply decreases to 30,000 animals when the operation uses a liquid-manure system.<sup>3</sup>
- CAFOs are required to apply for NPDES permits *only* when they discharge into U.S. waters.
- The EPA currently requires that unpermitted CAFOs maintain nutrient management plans specific to their location.<sup>4</sup>

## North Carolina Regulations

- In NC, dry-litter poultry operations are “deemed permitted” and only required to follow certain guidelines for waste management. Some major guidelines include:
  - maintaining waste management records for three years;
  - upholding a 100 feet buffer from wells and bodies of water;
  - not leaving stockpiled waste uncovered for more than 15 days;
  - not applying litter when there is precipitation.<sup>5</sup>
- Unless a complaint is made through an online reporting tool, the NC Department of Environmental Quality has no way of knowing the locations of these farms.<sup>6</sup>
  - This tool can be accessed at: <https://bit.ly/3dwUoHh>
- Senator Harper Peterson called for an amendment in the 2019 NC Farm Bill to study the health and environmental effects of dry-litter poultry operations.<sup>7</sup>
  - Sen. Peterson's proposal was not supported, and the 2020 Farm Bill that was signed into law further protects the industry's agenda by hiding previously public records, as well as enabling expansion of hog farms while promoting biogas.<sup>8</sup>

## Sources

<sup>1</sup> Federal Water Pollution Control Act, Sec. 502 (14). <https://www.epa.gov/cwa-404/clean-water-act-section-502-general-definitions>.

<sup>2</sup> US EPA. "NPDES Permit Writers' Manual for Concentrated Animal Feeding Operations." Collections and Lists. US EPA, August 25, 2015. <https://www.epa.gov/npdes/npdes-permit-writers-manual-concentrated-animal-feeding-operations>.

<sup>3</sup> See #2 above (US EPA)

<sup>4</sup> US EPA. "Concentrated Animal Feeding Operations Final Rulemaking - Q & A," December 3, 2008. [https://www3.epa.gov/npdes/pubs/cafo\\_final\\_rule2008\\_qa.pdf](https://www3.epa.gov/npdes/pubs/cafo_final_rule2008_qa.pdf).

<sup>5</sup> 15A NCAC 02T .1303. <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20t/15a%20ncac%2002t%20.1303.pdf>.

<sup>6</sup> Fain, Travis. "Know Where the Nearest Poultry Farm Is? Neither Do NC Regulators." WRAL.com, June 10, 2019. <https://www.wral.com/know-where-the-nearest-poultry-farm-is-neither-do-nc-regulators/18436022/>.

<sup>7</sup> Barnes, Greg, North Carolina Health News June 7, and 2019. "Senate Approves Proposed Farm Act of 2019." North Carolina Health News, June 7, 2019. <https://www.northcarolinahealthnews.org/2019/06/07/senate-approves-proposed-farm-act-poultry/>.

<sup>8</sup> Sorg, Lisa. "Contentious Farm Bill, Which Eases Restrictions on Some Hog Operations, Goes to Gov. Cooper." The Progressive Pulse, June 4, 2020. <http://pulse.ncpolicywatch.org/2020/06/04/contentious-farm-bill-which-eases-restrictions-on-some-hog-operations-goes-to-gov-cooper/>.