



Oklahoma State Senate

Legislative Brief

June 1998

Concentrated Animal Feeding Operations

Issue Background

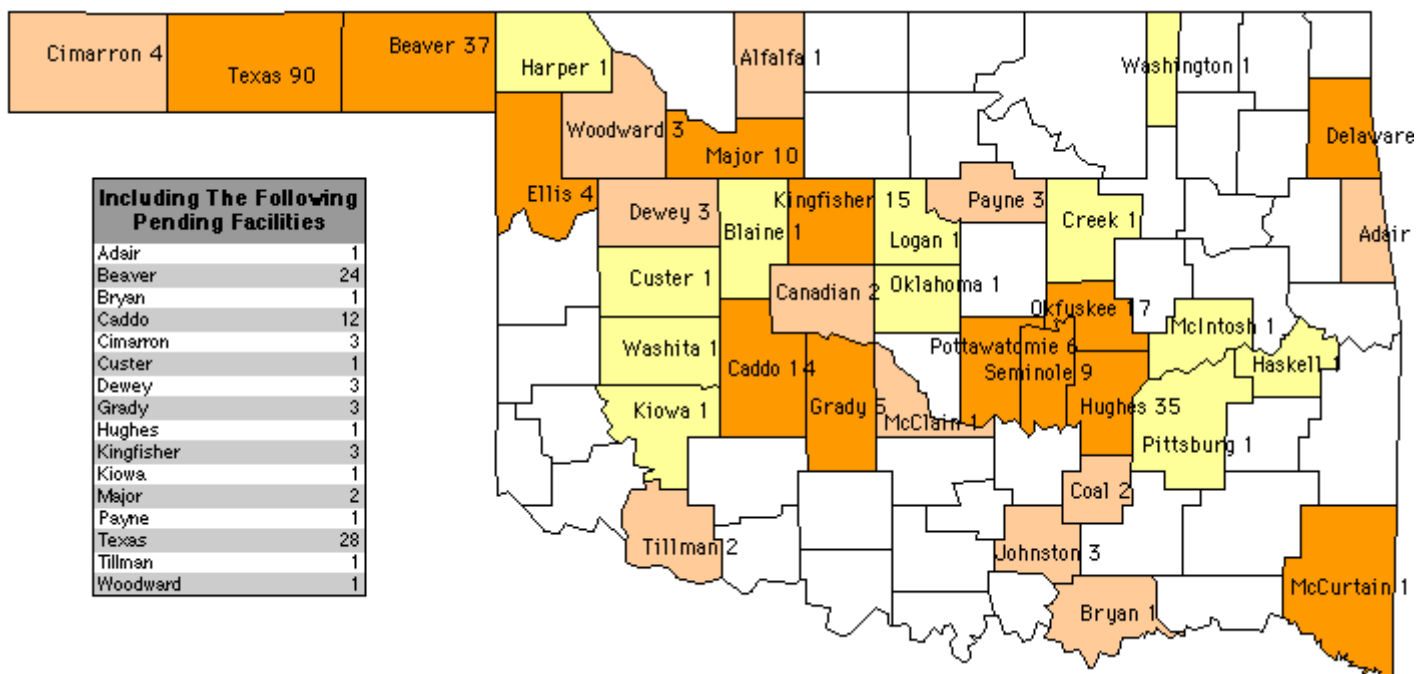
Agricultural practices and their impacts on the environment and public health have received increased attention from the Legislature, Governor, the public and industry. Public concern regarding these issues has been heightened by incidents such as contamination of drinking water, fish kills and nuisance odors, and the links of some of these incidences to agricultural practices. Of the broad range of agricultural activities, Concentrated Animal Feeding Operations (CAFOs) are among those cited as adversely impacting environmental and public health.

Oklahoma has become one of the leading states containing CAFOs due to the unrestricted growth of hog facilities since 1991, when the Legislature relaxed state restrictions against corporate farming. In 1997 Oklahoma became the 8th leading hog producing state in the United States, up from 26th in 1992. The number of swine facilities in operation is 226 with 1,478,564 hogs. There are 86 pending applications which will increase the number of hogs by 1,471,764. In six years, production of swine has increased from 200,000 to 2,950,328.

However, this increased production of hogs has also focused attention on the potential for serious natural resource degradation and public health risks.

Summary of Actions

In response to the rapid expansion of swine production facilities, and the concomitant environmental and economic concerns, the Legislature enacted HB 1522 in 1997. This bill strengthened state law relating to CAFO's and required state environmental agencies to begin the task of studying water quality contamination from nonpoint sources and establishing state policy on environmental protection. To ensure the protection of Oklahoma's water supply from the state's growing concentrated animal production industry the Governor appointed a task force to develop recommendations to strengthen the requirements placed on swine by law and rule. From these recommendations, SB1175 was enacted to toughen the regulations on large swine producers and also to repeal the moratorium that the Legislature imposed earlier this year in HJR 1093. HJR 1093 prohibits expansion of existing large hog farms or construction of new hog farms pending adoption of new regulations.



- Repeals HJR 1093, the moratorium on expanding or new swine facilities, on August 1, 1998.
- Redefines a "licensed managed feeding operation" (LMFO) as an animal feeding operation that primarily uses a liquid waste management system, where animals are housed in a roof covered structure, and in which are confined:
 - 2,500 hogs, each weighing more than 55 pounds
 - 10,000 weaned pigs weighing less than 55 pounds
- Prohibits the issuance of building permits for new or expanding operations until all the criteria on the application is complete and the application is reviewed by the Department of Agriculture and presented to the Board of Agriculture for approval.
- Restricts the establishment of any new or enlarging LMFO whose application was filed after March 9, 1998 located within 3 miles of a non-profit camp, recreational area, designated scenic river, national park, boundary of any historic property owned by the state, public drinking water supplies, or within 1 mile of a water body that has recreational or ecological significance.
- Provides the following setbacks from residences as of June 1, 1998:

1/4 mile for 300 to 600 animal units (the equivalent of 1,500 sows);
 1/2 mile for 601 to 1,000 animal units (up to 2,500 mature hogs);
 3/5 mile for 1,001 to 2,000 animal units (up to 5,000) mature hogs);
 1 mile for 2,001 to 4,000 animal units (up to 10,000 piglets); and
 2 miles for more than 4,000 animal units.

- Established setback restrictions will not apply if the owner/operator secures a voluntary waiver from a nearby property owner.
- Requires all new applications to include an Odor Abatement Plan, and all other facilities must come into compliance with the new law when their license is renewed.
- Authorizes the Department of Agriculture to assess an 80 cent per Animal Unit (AU) fee for those LMFO facilities with a capacity exceeding 1,000 animal units.
- Requires all existing LMFOs to install leak detection systems or sufficient monitoring wells around each waste retention structure for the purpose of ensuring greater protection over the state's water supply by September 1, 1999.
- Requires waste education and training for all persons involved in the treatment, storage or application of animal waste from licensed facilities. Each employee must undergo a minimum of nine hours of training the first year and three hours of a refresher course annually. The training will be provided by Oklahoma State University Extension Services.
- For questions, information on the training, applications for LMFOs, and rules and regulations which will be promulgated by the Department of Agriculture, please contact Michelle Sutton at the Department of Agriculture 405/521-3864.

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