

166

9 MR. CARLIN: We now shift to a list of
10 people who have asked to make a few comments.
11 They weren't scheduled this early. We've made it
12 clear that instead of the ten minutes it's going to
13 be more like five minute statements. I'm not
14 advised clearly as to who is here and who is not,
15 so I'm going to run the list as fast as we can, but
16 obviously give everybody that signed up a chance
17 to speak and for us to ask a few questions.
18 The first name I have is Ken Knies,
19 K-n-i-e-s. Ken, is Ken here? Then we'll come back
20 and give him a chance in case I bungled the name.
21 Michael Anderson? Michael Anderson? Michael
22 Anderson? Mark Adams? Mark, Ozark Clean
23 Water.
24 MR. ADAMS: Ozark Clear Water.
25 MR. CARLIN: Clear Water, excuse me. I

167

1 was reading correctly a mistake, but it was not my
2 mistake. It was Bob Martin's back here.
3 MR. ADAMS: Thank you for allowing me
4 to speak before the commission. It saves me a trip
5 to Washington, DC actually. I've been up to our
6 state capitol a number of times speaking. My
7 name is Mark Adams. I live outside of Neosho,
8 Missouri, which is in southwest Missouri, an hour
9 or so north of here.
10 I am a member and, you know, in this
11 meeting a representative of a group of citizens,
12 Ozark Clear Water, and the web site is
13 ozarkclearwater.com. We got together and got
14 together a petition and a core group of citizens in
15 the number of 3,600 citizens in the surrounding
16 area. Our county, Newton County has a population
17 of 50,000 but out of that 3,600 citizens petitioned
18 the core group who opposed an expansion of a
19 local Class 1A CAFO. These are the large factory
20 farms that you've been asking about and talking
21 about. This is a layer facility which is owned by
22 Moark Land O Lakes Productions that was onsite
23 with an existing 1.3 million birds in '05 and
24 applied for an expansion permit just outside of
25 Neosho a mile and a quarter away from a two year

168

1 college called Crowder College known nationally
2 for it's solar power and also bringing the solar
3 houses and energy efficient houses to DC.
4 But they applied to the Missouri
5 Department of Natural Resources, which is the

6 Missouri regulatory agency with oversight over the
7 Class 1A CAFO's and probably has the most
8 regulatory oversight over the biggest one of these.
9 And they applied for a permit to expand to 3.9
10 million birds. The company has tried for an
11 expansion permit in both northeast Oklahoma and
12 southeast Kansas and they were both denied both
13 times after citizens became aware and realized
14 what they were going to be receiving in the form of
15 low wage, high turnover jobs. Even though Kansas
16 and Missouri in those areas need jobs, they
17 decided they didn't want the benefits that were
18 brought with them with these facilities, both with
19 the odor and the large amounts of litter that are
20 spread around.

21 In '05 the Missouri DNR did accept the
22 permit application and went through public
23 hearings and at the end of that '06 period, '05
24 period did grant Moark the permit after hearings
25 both in Jeff City between commissions, the

169

1 governor, the head of the Missouri Department of
2 Natural Resources, citizens meetings, public
3 meetings. We do have objections and citizens on
4 our side both at the Crowder College and the Board
5 of Directors and one of our state representatives
6 that did object to it, as well.

7 The expansion was such a large number of
8 birds. We're talking about poultry houses that
9 have 200,000 birds per house, eight battery cages
10 high and these are battery cage systems which are
11 the full confinement that we've been talking about
12 that are environmentally controlled.

13 These systems in the European Union by
14 the Layer, I believe it's the European Union Layer
15 Animal Welfare Act, they're looking at phasing
16 these systems out by 2012, I believe. And some
17 countries have, you know, phased them out
18 completely, so it's not a new technology. It's
19 something that Europe has dealt with and is
20 moving away from, at least by reading and
21 understanding of that.

22 In opposing this we found out that there
23 was very little regulation and oversight both at the
24 federal and state level for allowing, you know, a
25 facility this large and this size to expand so close

170

1 to both a college and within -- well, actually
2 within a quarter of a mile of the city limits. The
3 company has had problems in the past, both with

4 trying to start up a manure palletizing plant 10,
5 15 years ago. It was shut down because of odor
6 problems and they never developed a market, they
7 said, but the odor problems were so severe that
8 they shut that pallet plant down and that was
9 taking the manure and compressing it.

10 They also now in the process in moving
11 forward with this expansion with five buildings
12 now with a million birds in addition to the 1.3
13 million that they have, and these are egg layers,
14 that they are now having now notice of excess
15 emissions, they have notice of violations issues by
16 the Missouri DNR for odors out in both their
17 compost facility. And I will say that regulations
18 have been minimal.

19 Back in 2005, October, the Federal Trade
20 Commission ruled that the United Egg Producers,
21 and Moark is a charter member, were to stop using
22 by October '06 an animal care certified logo that
23 was filed with a lawsuit by the Better Business
24 Bureau in compassion over killing. It was
25 appealed and it was finally stated by the FTC that

171

1 they had to get rid of the logo by October '06.

2 I went to a grocery store in Neosho on my
3 way here and bought a carton that says animal
4 care certified. They are still using that logo in,
5 you know, flagrant, you know, noncompliance, I
6 guess. I don't know that there was any fine for the
7 ruling, but it just -- it tells us the type of
8 oversight, that it is not happening with these
9 companies. Another issue is -- is that it?

10 MR. CARLIN: Well, you can do what I
11 would have done in my past career, when Mary
12 asks the first question, you can answer her and
13 then just kind of elaborate a little bit. Mary?

14 MS. WILSON: I didn't have one, I'm
15 sorry.

16 MR. CARLIN: Well, I'll ask the question.
17 I'm confused. I didn't hear you, so go ahead and
18 continue.

19 MR. ADAMS: Well, just in violations the
20 lack of oversight both by the Federal Trade
21 Commission, I think it was just a compliance
22 recommendation where there was no significant
23 penalties and that's one thing that we found out
24 with the Missouri DNR, both at the state level that
25 they are hesitant to, you know, put any punitive

172

1 penalties before and on a company. They want to

2 bring them into compliance. In the course of that,
3 they're not enforcing the regulations and they do
4 have regulations.

5 A week ago I watched a litter truck spread
6 on frozen snow covered ground, and that's against
7 the state regulations doing that, but they do it and
8 there is no, you know, adequate enforcement. Our
9 state DNR, you know, indicates that they don't
10 have the money or the funding or the people to be
11 everywhere all the time and so the companies
12 continue with it.

13 Moark as a company also was charged
14 with animal abuse and cruelty a year and a half
15 ago by the prosecuting attorney for sending live
16 chickens off a conveyor belt, 30,000 into a
17 dumpster smothering and crushing. That was the
18 first time that a corporate entity had been charged
19 with animal abuse and it's only a misdemeanor in
20 the state of Missouri with a \$3,000 maximum fine
21 potential and they knew that they were going to go
22 to court, both the three individuals in the
23 company and the corporate entity charged. It was
24 precedent setting, you know, nationwide that they
25 agreed to pay \$100,000 to the local animal shelter

173

1 and the prosecuting attorney dropped the charge.

2 And I will also say that Moark is the third
3 largest egg producer in the country and the largest
4 egg marketer in the country and they are the egg
5 production division of Land O Lakes.

6 MR. CARLIN: Alan?

7 MR. GOLDBERG: Humane Care Certified
8 is not a regulatory certification, it's a voluntary
9 program.

10 MR. ADAMS: United Egg Producers
11 promulgated the rules and regulations and it's
12 basically egg industry people that formed the
13 United Egg Producers and came up with standards
14 for animal care which basically conformed to how
15 they house the animals and 48 or 52 square inches
16 of space and it gave the consumer a false
17 impression that it was animal care and they have
18 been told not to use it, but I just picked up a box
19 and you're welcome to take a look at it.

20 MR. CARLIN: Okay. Go ahead.

21 MR. ADAMS: There's been talk here of
22 complaints of citizens around these facilities and
23 right now there's an ongoing hearing with six
24 citizens, pro se petitioners before the Missouri
25 Administrative Hearing Commission petitioning

1 this company and their permit. The citizens did
2 not, you know, use an attorney or a retired doctor,
3 veterinarian and other people with cattle and
4 others around this that are petitioning the permit
5 and asking to hold the expansion to the existing
6 number of birds before they prove their "new
7 technology" that they're putting in with the
8 200,000 bird houses, which aren't the largest in
9 the nation.

10 I think the largest now are in Malcom,
11 Iowa, Fremont Farms with houses of 400,000
12 chickens per house, but the issues that the
13 industry brings up and the industry here has
14 expressed a lot of confidence in everything that
15 you're doing, but us as citizens on the ground
16 don't quite have that confidence in the result of
17 what's coming out, the issue of chronic
18 complainers. And there are several state
19 legislators who put forward legislation regarding
20 chronic complainers and I submit that where there
21 are chronic complainers there are chronic
22 violators. It's not a one way street issue. I would
23 also ask, you know, that us, the citizens --

24 MR. CARLIN: I think we need -- in
25 fairness to others that are going to follow, I've

1 been as kind as I can. I don't want to be abusive
2 and cut you off, buy thank you very, very much.