



Encourage Gov. Cooper to Veto H467
North Carolina Pure Farms, Pure Waters Campaign
Talking Points
5.2.17

EWG Report:

<http://www.ewg.org/research/north-carolina-bill-shield-cafos-liability-would-curb-residents-legal-rights#ref1>

This Bill Protects Polluters Who Are Hurting People

- Hundreds of property owners from southeastern North Carolina sued Smithfield's Hog Production Division due to the pollution caused by Smithfield's hogs in southeastern North Carolina. These lawsuits seek compensation from a corporate pork producer making record profits (\$1.7 billion in 2016). Local farmers weren't sued.
- Waste emissions and discharges from concentrated animal feeding operations (CAFOs) can cause harms to health, lost income, and pain and suffering. This bill eliminates compensation even when these impacts are proven in court in a nuisance suit.
- North Carolina law already protects agricultural operations from frivolous lawsuits. Furthermore, none of the pending lawsuits at issue here have been found to be frivolous or unwarranted; the plaintiffs have survived motions to dismiss.

This Bill is an Attack on Private Property Rights

- This bill would reduce options for North Carolina homeowners to protect themselves when CAFOs unreasonably interfere with their use of their property.
- Nuisance laws have existed for hundreds of years. The basic legal principle is that one should not be allowed to unreasonably interfere with the use or enjoyment of another's property. This bill would change law which predates the United States by saying, regardless of the nature or degree of such interference, the only harm is to the neighbor's property value (ignoring any damage a neighbor's health or quality of life).

This Bill Exacerbates the Disparate Racial and Economic Impacts of Industrial Farming

- Many CAFOs are located in low-income areas or communities of color (hog operations in particular are concentrated in minority communities). These communities disproportionately suffer from the pollution caused by these operations. By taking away available legal remedies, this bill is especially harmful to these vulnerable populations.
- This bill incentivizes placement of agricultural operations in communities with low property values where liability exposure, because of limited to property value, is lower.



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- CAFOs depress the fair market value of private properties nearby. That means by the time a neighbor files a nuisance claim, there's not much property value damage left to attribute to the nuisance, making it impossible for a court to 'make the injured party whole' if the only recovery is that related to diminution in property value.