

## **Regulating Hog Farms** <sup>[1]</sup>

The hog waste spill in Onslow County that choked thousands of fish in the New River last week has breathed new life into legislation that may help prevent similar mishaps.

Republicans in the state House of Representatives resurrected two bills Wednesday that would increase regulation of the state's pork industry -- including one that would require hog farm operators to be trained in the safe handling of livestock waste.

But at the same time, the House Appropriations Committee balked at Gov. Jim Hunt's request for more money to enforce existing livestock regulations. State regulators say a lack of enforcement renders the rules meaningless and leaves them unable to keep up with a pork industry that has more than doubled its production since 1990.

Also Wednesday, investigators gathered more data indicating possible mistakes by the operators of Oceanview Farms Ltd., the hog farm near Richlands where a waste lagoon dike collapsed.

The federal Natural Resources Conservation Service issued a report confirming that the dike ruptured at the point where workers had installed an irrigation pipeline. The pipeline was not in place when the farm was certified to begin operations in January, the report said.

Also, the level of liquid in the 30-million-gallon lagoon appears to have been dangerously high -- "at or near the top of the embankment" -- when the collapse occurred, the NRCS statement said.

"Recent heavy rains did contribute to the height of the lagoon's effluent," it said. "However, such storms and wet conditions are anticipated and are within the structure's designed capacity."

The accident spilled 25 million gallons of hog waste into tributaries of the New River and virtually wiped out the fish stock in a stretch of the river between Richlands and the outskirts of Jacksonville.

It also unleashed a flood of new calls for greater accountability for North Carolina's pork industry, which has exploded in recent years to surpass tobacco as the state's top agricultural money-maker.

"Some people are saying the General Assembly can't be held responsible for an act of God," said Rep. Howard Hunter Jr., a Northampton County Democrat. "Well, I say maybe this is God telling us we ought to do something before things get worse."

There were signs Wednesday that some legislators were ready to heed that call.

In the House Rules Committee, representatives dusted off a bill that would require new hog farms to be located at least 1,500 feet from neighboring homes and 2,500 feet from churches and schools. A week earlier, lawmakers had effectively killed the same bill by replacing it with a proposal for a study of pork industry problems.

The rules committee endorsed a separate measure that would require hog farm operators to undergo special training in order to handle animal waste. Managers would have to complete a six-hour course but would not be required to pass a test.

Both bills were sponsored by Democratic Sen. Charlie Albertson of Duplin County, and both have been passed by the Senate. On the House side, Republicans acknowledged that the Onslow County spill had prompted a reconsideration.

"There was a general consensus that in light of recent events in Eastern North Carolina, these are good bills," said Don Follmer, a spokesman for the House Republican leadership. "It was good politics to go ahead and schedule a vote."

Some of the state's biggest pork producers have expressed support for both bills. Most of the larger companies already employ a staff of waste management experts, and virtually all of them have signed voluntary agreements pledging to maintain a buffer of at least 1,500 feet between farms and neighboring homes.

State environmental officials welcomed the renewed interest in the bills, but some complained about the House's failure to allocate additional money for enforcement. The latest House draft of the state's expansion budget includes virtually none of the money the administration requested for enforcing livestock regulations.

Hog production in North Carolina, now the nation's No. 2 producer, increased from just over 6 million animals to almost 12 million between 1991 and 1994, and much of that growth came on large corporate farms like the Oceanview operation where the dike collapsed. Because of a lack of staff, state regulators do not routinely inspect hog operations to make sure they are operating according to laws and regulations.

"This is a critical juncture for the state in deciding how we're going to manage livestock operations," said Steve Teper, head of the state Division of Environmental Management's Water Quality Section. "Without this money, there's not much

opportunity for improvement."

Meanwhile, teams from DEM's Wilmington office continued their monitoring of the New River, where oxygen levels have nearly recovered a week after the spill. A DEM spokesman revised downward the state's estimate of the number of fish killed in the accident to 2,650.

Although conditions are improving for the river's remaining fish, officials were still concerned about high bacteria levels in the water, as well as the potential for further spills in a region soggy from near-record rainfall in June.

David Moreau, a water quality scientist who chairs the state's Environmental Management Commission, said the commission might need to consider some type of statewide monitoring requirement for hog lagoons in the wake of the spill -- but not until the current investigation is completed.

"We owe it to everyone to do a full review, find out what happened, why it happened, and explore what needs to be done," said Moreau, director of the UNC Water Resources Research Institute. "I realize there is resistance to regulations and the problems the legislature has faced. But there may be things we could do that would not be terribly onerous but would help the situation."

At the very least, Moreau said, hog farms could be required to keep records on lagoon waste levels and spraying practices. Environmental activists, however, want the EMC and lawmakers to go further, either by beefing up inspection of lagoons or by limiting their development.

"There should be a very close, completely unbiased look at the engineering of these hog lagoons and how they can fail," said Therese Vick, a Northampton County resident who helped people in northeastern counties organize against hog farms.

But Robert McLeod, an agronomist for Carroll Farms Inc. of Warsaw, the state's No. 2 pork producer, said the recent rainy weather has helped to demonstrate that the vast majority of farms are well-engineered and well-run.

"To me," he said, "the real story is that some farms have had 25 inches of rain and the lagoons still performed up to specifications."

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[coastal plain](#) [3]  
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[environmental history](#) [5]  
[farm life](#) [6]  
[farming](#) [7]  
[history](#) [8]  
[hog](#) [9]  
[hogs](#) [10]  
[livestock](#) [11]  
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