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Missouri Attorney General Enforcement Actions

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Regulation of Odors from Corporate Farms

On December 11, 1997, Attorney General of Missouri Jeremiah W. (Jay) Nixon personally asked the Missouri Air Conservation Commission to begin regulating the state's largest corporate farms for odor emissions. Nixon's proposal for regulating odor would affect only the twenty largest facilities in Missouri; small and medium size family farms which make up the majority of farms in Missouri would be exempt.

"For those who live near these megafarms, the odor can be unbearable," Nixon said. "When animal feedlots were exempted back in 1984, hogs and chickens were not raised on the same scale that they are today. No one could have imagined a facility containing 150,000 hogs or 200,000 chickens, such as we have today."

"The major animal feedlots in the state produce untreated manure that equals the amount of human waste produced by the entire population of Missouri," Nixon said. "Because the manure is not treated, it would be comparable to a city ten times the size of Kansas City not treating its raw sewage."

Nixon asked the commission to revise its regulations on odor, which currently do not apply to animal feedlots. Nixon's proposal, made in person at the December 11 commission meeting in Kansas City, would remove the exemption from Class IA confined animal feeding operations.

"The management of animal waste, including odor, has become a pressing problem, and it deserves the commission's immediate attention," Nixon said. "The commission can change those regulations to improve the quality of life for those who live near these large production facilities. The technology exists for these corporate operations to control odors. Unfortunately, we have little indication the industry will implement that technology until the rules require it to do so." Nixon added that, although not addressed by odor regulations, emissions from hogs also add to air pollution in the form of methane, hydrogen sulfide, and ammonia.

Nixon made it clear he was only asking for the exemption to be removed for megafarms, not for small or mid-sized agricultural facilities. Class IA operations are defined as one location containing 7,000 or more beef cattle, 4,900 or more dairy cattle, 17,500 or more mature hogs, 210,000 or more laying hens, or 700,000 or more broiler chickens.

The Commission responded on February 3, 1998, by appointing a working group to study odor regulations for the state's largest animal feedlots. The Commission gave the group a sixty day deadline to report its findings.

The group includes representatives from the corporate farm industry, the Attorney General's Office, the Department of Natural Resources, local and state environmental groups, and representatives of family farms.

Record $4.1 Million Collected from Enforcement Actions

On December 31, 1997, Attorney General Jay Nixon announced his Environmental Protection Division has obtained a record $4.1 million in civil penalties, response costs, damages and restitution payments in 1997 through aggressive enforcement of the state's clean air, water and soil conservation laws. Nixon obtained 235 favorable dispositions in environmental cases this year.

"The environment is a precious resource that should not be taken for granted," Nixon said. "Our actions not only protect Missourians, but they send a clear message that Missouri will not turn a blind eye to polluters."

Nixon created an Environmental Protection Division within the Attorney General's Office in 1993 and since that time has obtained more than $15 million in civil penalties, response costs, damages and restitution payments against violators of state and federal environmental laws.

In 1996, Nixon's Environmental Protection Division recovered more than $3.8 million and secured the largest single environmental penalty in state history when American Smelting and Refining Co. paid $1.7 million to settle claims that it discharged lead into a tributary of the Black River.

"Aggressive enforcement of the state's environmental laws is one of my most important jobs as Attorney General," Nixon said. "A key to successful environmental enforcement is working cooperatively with the U.S. Attorney's Office, the Environmental Protection Agency, the FBI and the Missouri Department of Natural Resources in bringing criminal charges against the state's most serious polluters."