

## CAFO CONTROVERSY IN THE TEXAS PANHANDLE REGION: THE ENVIRONMENTAL CRISIS OF HOG PRODUCTION

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## CAFO CONTROVERSY IN THE TEXAS PANHANDLE REGION: THE ENVIRONMENTAL CRISIS OF HOG PRODUCTION

### Abstract

In this analysis we use the case of the expansion of mega hog operations in the Panhandle area of Texas to illustrate the strategies corporate actors employ to counter environmental concerns expressed by activist groups. To facilitate the growth of hogs CAFOs (confined animal feeding operations), corporate actors exert their influence over state environmental agencies and eliminate public participation from quality of the environment evaluation procedures. In response, activist groups use the courts to challenge the corporate strategies on the grounds that hog CAFOs compromise the physical and social environment of their communities. Pro-business interests respond through narrowing the definition of environmentally sound agricultural activities by stressing their conformity to existing environmental regulations and highlighting the economic benefits related to job expansion and monetary donations to cooperating communities. We conclude that the concept of the environment is a contested terrain made up of competing socially created discourses which need substantive rather than formal evaluations.

Key words: environment, development, hogs, corporate, CAFO

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AHog odor is the most divisive issue ever in agriculture, damaging the fabric of rural society and disenfranchising pork producers from their communities... .@ R. Douglas Hurt, Director of the Center for Agriculture History and Rural Studies, Iowa State University (Smith, 1998:1)

## INTRODUCTION

Although large cattle operations have a long history in Texas, the more recent emergence of large corporate hog facilities that grow animals in confinement (called CAFOs - confined animal feeding operations) has created new controversies. While advocates argue that the CAFO system of hog production brings in needed jobs that support rural development, detractors counter that the environmental and social costs outweigh the economic benefits. They assert that there are serious questions regarding water and air pollution, property value depreciation, human health dangers, community disruption, and quality of life compromises (see Thu 1996a; Thu and Durrenberger 1998). This controversy over the advent of hog CAFOs in the Panhandle area of Texas is an example of a larger contested terrain that pits development against the environment.

Because of the expansion of the environmental movement, development strategies have increasingly been countered by demands to include environmental concerns in their agendas. Indeed, authors such as Buttel (1994) and Gorz (1982) maintain that the environmental movement is the source of emancipatory struggles in the global era. Furthermore, pro-environmental positions have become so pervasive that corporate actors also cast themselves as environmentalists. While this convergence highlights the broad societal support for the environment, it should also alert us to the ambiguities involved. Therefore, we should not be surprised that part of the economy and society literature focuses on the struggle between camps advocating contradictory visions of sound environmental posture.

Pro-business advocates argue that corporations - in particular global corporations - are best positioned to address emerging environmental issues; additionally, they can best do so without the regulatory assistance of state institutions (e.g., Kindleberger 1986; Strange 1996). They posit that state enforced regulations often hinder business activities and that companies can and do regulate themselves as market forces motivate them to do so (Rubner 1990). The ability of corporations to locate and move freely insures the best possible use of resources, especially in communities actively seeking development. In this view, market forces prompt corporations to adopt responsible postures toward the environment (Strange 1996; Rubner 1990). Proponents also maintain that corporations, as opposed to smaller economic actors, are best suited to employ the advanced technological tools that ensure optimum environment stewardship (e.g., Bonanno and Gronski 1998).

Opposing views maintain that the necessities of profit generation are incompatible with sound

environmental actions as firms often define environmental issues as externalities (e.g., Leff 1995; O'Connor 1994). Environmental protection remains linked to rationales with profit seeking as its main objective resulting in capital accumulation via the detriment of natural resources. Another criticism asserts that the economic benefits are overstated because new jobs are often low paying and vulnerable to corporate relocation strategies to avoid high wages or strict regulations (Antonio and Bonanno 1996; Bonanno and Constance 1996; Harvey 1990). The main outcome of these processes of mature capitalism is increased class polarization within societies and globally (Lash and Urry 1994; Sassen 1996). The other major outcome is the increased and unchecked environmental degradation which represents - next to the primary contradiction between labor and capital - the second contradiction of capitalism (O'Connor 1991).

The oppositional proposals regarding how to reconcile socio-economic development with environmental protection illustrate the complexity of this topic. The case study we present below is an example of this controversy. We detail the expansion and characteristics of hog CAFOS in the area of the Texas Panhandle in the first part of the paper. We document episodes of resistance carried out by local residents and environmental groups including the corporate reactions to these initiatives. The second section of the paper consists of the analytic discussion of the case. We present an analysis of the characteristics and strategies of the local anti-corporate movement and the strategies employed by CAFO corporations. In the concluding section we highlight the importance of the powers and limits of agro-food corporate strategies and the growing sensitivities surrounding of environmentally sound food production practices.

#### THE INCIDENT AT PALO DURO FEEDYARD AND THE F/R CATTLE CO. LAWSUIT

In May of 1993 a plume of airborne cattle manure extended over three miles from the Palo Duro Feedyard across David Bergin's ranch. Bergin's son went into respiratory arrest and was rushed by helicopter to a hospital where he remained in intensive care for several days. Bergin filed a lawsuit against the feedyard. In response to a complaint from Bergin, in July of 1994 Texas Natural Resources Conservation Commission (TNRCC) investigator Kathy Palmer inspected the Palo Duro facility and reported that the concentration of dust being carried outside the feedlot was adequate to interfere with the normal usage and enjoyment of the property to the north, including (Bergin's) house. The dust could potentially cause adverse physiological discomfort, such as burning and itching eyes, coughing and breathing difficulties, to persons of ordinary (sensitivity). Individuals with compromising health conditions could be more severely impacted (Morris 1997:10a). Soon afterward Rick Costa, the TNRCC air quality manager in Amarillo, visited the same feedlot and noticed the same offsite dust problem but his supervisors in Austin would not allow him to cite Palo Duro for creating a nuisance because he had no proof that homes in the

area were affected@ (Morris 1997:10a). After Bergin and his family temporarily abandoned the ranch and moved into a nearby town, he stated, ATo me, there=s a reason those regulations are in existence. When you can pretty much ignore them and do what you want, that=s really disappointing@ (Morris 1997:10a).

In response to TNRCC=s failure to cite Palo Duro, Debra Barber, air program director for TNRCC=s Field Operations Division, explained that the agency=s ability to cite CAFOs for nuisance odors had been impaired by a 1993 Texas Supreme Court ruling. In 1993 F/R Cattle Co. contested a citation from the Texas Air Control Board (the predecessor to TNRCC) claiming that the the odors emanating from the feedlot were part of a Anatural process@ and were therefore exempt from regulations linked to the Texas Clean Air Act. While F/R Cattle Co. lost the original trial and the appeal, the Texas Supreme Court found in their favor. As a result of this decision, Barber informed the TNRCC regional offices that all CAFO odor citations were to be first sent to a review committee at the central office in Austin to ascertain whether there was evidence of Aflagrantly bad management practices, extremely intense impact and/or a pattern of problems at the source@ (Morris 1997:10a). During the three and one half years after the directive was enacted, TNRCC issued only four nuisance odor citations to CAFOs and all were resolved informally resulting in no fines. When asked about the Palo Duro situation, Barber replied, AWe did not confirm a nuisance situation there@ (Morris 1997:10a).

#### THE MEETING IN DECEMBER OF 1993

On Dec. 10, 1993, Sen. Teel Bivins, a leading republican state senator and cattle rancher, met in his office with five men who had a strong interest in Texas= nuisance-odor rule: three from the TNRCC and two from the Texas Cattle Feeders Association, an organization that Bivins had once directed (Morris 1997). The cattle feedlot representatives were there to protest TNRCC=s persistent citing of cattle feedlots that were allegedly producing pungent and Apotentially unhealthful@ clouds of dust. These feedlot owners were unaccustomed to such treatment and turned to Bivins, whom they considered an ally and whose campaign they had helped finance, for assistance. In a memorandum regarding the meeting obtained by the *Houston Chronicle* under the Texas Open Records Act, Terry Leifeste of TNRCC stated that ASenator Bivins said he has had numerous telephone calls from disturbed feedlot operators asking if there is a new law, and rather dumb-founded as to why they were being cited for nuisance violations@ (Morris 1997:1a,10a). The memorandum further discloses that Sen. Bivins asked Rick Costa, the TNRCC air quality manager in Amarillo, whether the agency was being Aoverly enthusiastic in enforcement.@ Costa assured Sen. Bivins that TNRCC was not being Aoverly enthusiastic@ but rather was responding to citizens= complaints (Morris 1997).

By the summer of 1994 Sen. Bivins had drafted a proposal to simplify Texas= CAFO permitting process which included the elimination of the public hearing process. In a letter to TNRCC, Bivins stated, AThe perception throughout the United States is that the regulatory environment in Texas is burdensome and unfavorable creates disincentives for (CAFOs) to locate in Texas@ (Morris 1997:10a). Sen. Bivins= aim was to attract operations that had been moving into neighboring states. John Hall, then Chairman of TNRCC, quickly responded to Sen. Bivins indicating that the TNRCC had Abeen thinking along the same lines@ and agreed with the Abasic thrust of his proposal@ (Morris 1997:10a). By the summer of 1995 the TNRCC had incorporated Sen. Bivins= suggestions into the new Subchapter K rules regarding CAFO permits. AIts field personnel were ordered to stop issuing nuisance-odor citations to CAFOs, regardless of how disagreeable their emissions became@ (Morris 1997:10a). The December meeting in Sen. Bivins= office Abroke a regulatory logjam, enabling pork producers to quickly establish themselves in virgin territory@ and Ahelped to ensure that they would face little risk of punishment if they polluted the air with hydrogen sulfide or other harmful compounds@ (Morris 1997:1a). With this change in the regulatory climate, large-scale pork producers began to locate and expand rapidly in the Panhandle of Texas.

#### THE EXPANSION OF CAFOS IN THE PANHANDLE AREA

In 1995 in remote Ochiltree County on the northern border of Texas and Oklahoma, Texas Farm, a subsidiary of Nippon Meat Packers, began buying land. As of December of 1997, Texas Farm had secured permits to raise 431,593 hogs per year and build 52 lagoons to service those facilities; most of the production targeted for export to Japan. It sought additional permits for 307,350 hogs and 64 lagoons (Morris 1997). Table 1 below lists the annual estimates of hogs at each location in the Texas Panhandle area according to the company figures provided to the TNRCC, the Oklahoma Agriculture Department, and newspaper reports (Ledbetter 1997a:1).

(TABLE 1 HERE)

These major hog production firms have permits to raise more than 2,000,000 in the region and the number is rising according to Texas and Oklahoma officials (Ledbetter 1997c). In December of 1997 Seaboard Farms had permits to raise 392,750 market hogs, had permits pending for another 716,920, and had just submitted another permit application for an additional 296,000 hogs (total of 1,411,670) according to Dan Parrish, director of the Water Quality Services, Oklahoma Department of Agriculture. According to Brad Jones, regional manager for the TNRCC in Amarillo, Texas Farm, located near Perryton in Ochiltree County, has four facilities permitted and four

more pending for more than 300,000 head. Texas Farm general affairs manager Don Clift reported that they currently had 7,000 sows in production and that the operation is scheduled to grow to 53,000 sows by the year 2000. The Texas Farm operations covers 10,000 acres in Ochiltree and Hansford Counties, employs 140 currently, and projects the number of employees to expand to 420 by the year 2000 (Ledbetter 1997c)

Spanish-owned, Vall Inc., located in Texahoma, has five applications to permit 86,400 head of hogs. It presently has about 12,000 sows producing approximately 240,000 pigs per year and employs 120 people, said Steve Gross, company spokesperson. By the year 2000 the company is expected to have 24,000 sows. Vall, Inc. sites are located in Sherman County in Texas, and at Four Corners and Texahoma, Oklahoma. Gross said that the company would be raising 500,000 pigs per year by the year 2000 at 35 to 40 finishing barns. Premium Standard Farms (PSF) has 188,892 head approved on Subchapter K permits and another 925,000 head on Subchapter B permits. PSF spokesman Charlie Arnot said that their operation near Dalhart has 22,000 sows with 251 employees. PSF owns 40,000 acres in the area and is stocking its facilities with sows. Parrish also said that individual farmers had 24 permits pending or approved; Land O=Lakes had 54; and Murphy Family Farms had six (Ledbetter 1997c).

#### RESISTANCE TO THE CAFOS : CORPORATE AND TNRCC RESPONSES

While it may seem that Texas Farm enjoys overwhelming support from civic and business leaders in Perryton, county seat of Ochiltree County, out in the county the story is different (Lee 1998:4d). As the word got out in 1995 around Ochiltree County that the CAFOs were moving in, some residents formed a group called Active Citizens Concerned Over Resources Development (ACCORD) (Morris 1997). During the past two years the TNRCC has received dozens of complaints, mostly from local farmers and ranchers, regarding the odors emanating from the Texas Farms operations. AThere=s no way to describe the odor, @ said Barbara Phillipp, who farms and lives about a half-mile from a Texas Farm barn. AYou live here, have a good life, and then this thing comes in. It turns your life totally upside down. You feel invaded@ (Morris 1997:10a). Other ACCORD members talk about ailments ranging from burning eyes to nose bleeds (Lee 1998:4d). By early 1998 ACCORD had grown to 155 members (Lee 1998).

In response to these charges Texas Farm stated that it had selected the Panhandle of Texas because it was sound environmentally and the long, successful history of large cattle feedlots. The company stressed that its lagoons surpassed federal and state standards and that it intended to bring Anew life@ to the declining local economy still suffering from the oil bust of the 1980s by building a \$10 million feedmill near Perryton which would employ 400 workers (Morris 1997). Calling the odor problem Achallenging@, Clift claims that Texas Farm locates its barns as far from residences as possible and continually evaluates its state-of-the-art waste treatment systems

(Lee 1998). Dean Paul, a local man who expanded his operations to about 15,000 hogs, dismissed the critics as radicals who need a cause. He said that his permits had all the required safeguards for odor and spillage. We don't need a watchdog group to oversee our operations. The TNRCC's got that completely covered, said Paul (Morris 1997:10a).

According to organizer Jean Gramstorff, ACCORD's plan was to demand public hearings on every operation but in June of 1995 the TNRCC changed the permitting rules. The new rules stated that permits could be challenged only on matters of technical merit and not the fact that a barn might stink or be troublesome. According to Brad Jones, TNRCC regional manager in Amarillo, We don't do property value. We don't do truck traffic (Morris 1997:10a). He said he sympathized with ACCORD but I guess they don't know how unempowered environmental agencies have become. We're frustrated as well (Morris 1997:10a). James Kowis, a TNRCC agriculture and water quality specialist, stated that Texas adopted its so-called general CAFO permit as an effort to streamline a fragmented system and make better use of the agency's limited resources. TNRCC Chairman Barry McBee stated, If you compare what Texas requires with what other states require, we are as stringent, if not more stringent. What we require in Texas is protective of the environment and the people around these facilities (Morris 1997:10a). McBee went on to say that Texas was following a national trend in doing away with site-specific permits based more on land-use disputes than on actual environmental risks (Morris 1997:10a).

#### THE ACCORD LAWSUIT: CORPORATE AND TNRCC RESPONSES

Some Ochiltree County residents feel that successful lobbying by powerful agribusiness interests is the real reason why the rules were changed (Morris 1997). Sen. Bivins, as well as two to the three TNRCC commissioners, McBee and John Baker, have close ties to agriculture. McBee was deputy commissioner of the Texas Department of Agriculture. Prior to his appointment to TNRCC, Baker was director of the Texas Farm Bureau, the Texas Beef Council, the Texas Corn Producers Board, and the Lone Star Corn Growers Association. Similarly, the TNRCC's Agriculture Advisory Committee, formed in November of 1993, is dominated by large scale agricultural interests. Twenty three of its 24 members are in the business of agriculture representing such groups as the Texas and Southwestern Cattle Raisers Association, the Texas Pork Producers Association, and the Texas Association of Dairymen. Although such advisory boards are required to be balanced, the only representative of a non-agriculture-based group is from the National Audubon Society (Morris 1997).

The ACCORD group hired Austin attorney Stuart Henry and sued the TNRCC claiming that the rule changes deprive property owners of their fundamental right to a hearing prior to the permitting of a feedlot (Lee

1998; Morris 1997). They claim that the odors from large-scale hog farms waft into their homes and their tractor cabs and generally threaten their quality of life (Lee 1998). Referring to a previous success by Erath County residents to stop a large-scale dairy operation, Henry said, "The state permitting process should not be a formality. It is now, but it shouldn't be" (Morris 1997:10a). Henry attributes the Panhandle hog boom solely to Sen. Bivins. "He was totally responsible for it. Basically, Senator Bivins has written off the citizens of Ochiltree County. He doesn't care that those folks up there are being stunk out of their houses", said Henry (Morris 1997:10a). Sen. Bivins replied that CAFOs should not be illegal just because some neighbors find them offensive. "While many people would like to use the TNRCC as a sort of rural zoning agency, that's not their job. Their job is environmental protection" said Bivins (Morris 1997:10a). Bivins defended his decision to hold the meeting with TNRCC and cattle industry members to discuss the cattle feeders complaints that Costa was over zealous and not giving them time to correct their infractions before he wrote them up, a reversal of previous TNRCC policy. Costa attended that meeting and subsequently resigned from the TNRCC because he "could no longer tolerate the agency's hands-off policy toward CAFOs" (Morris 1997:10a).

On November 25, 1997, District Judge Margaret Cooper in Austin notified parties in the Accord Agriculture, Inc. versus TNRCC lawsuit that she believed that the 56 CAFO permits approved by TNRCC under Subchapter K since 1995 were invalid (Ledbetter 1997d; Lee 1998). Judge Cooper ruled that TNRCC had failed to show "Reasoned justification" for eliminating public hearings (Lee 1998:14d). Subchapter K permits are those issued after the TNRCC changed its permitting regulations and eliminated the public hearing process for neighbors of cattle feedlots or hog farms; under Subchapter B permits, neighbors were allowed such hearings. Henry stated that as a result of the decision some of the hog operations in Ochiltree County should be closed down. Leonard Dougal, an attorney representing a number of Subchapter K permit recipients, said it could be months before any action was taken because an appeal will be filed or the judge will be asked to reconsider (Ledbetter 1997d).

Industry representatives argue the new regulations are more stringent than ever before while doing away with "frivolous complaints" and speeding up the process (Lee 1998:4d). Ben Weinheimer of the Texas Cattle Feeders Association commented, "Subchapter K is a very stringent set of rules that puts the burden on the applicant to show the facility to be protective of the environment. Judge Cooper's ruling is based on a legal technicality and not on the technical provisions of Subchapter K" (Ledbetter 1997d). Don Clift of Texas Farms said that Judge Cooper's ruling was strictly procedural and has nothing to do with protecting the environment (Ledbetter 1997d). Clift commented, "We just find ourselves in the middle of something we don't understand" because before we

expanded here we approached city leaders to make sure that the growth was welcome (Lee 1998:14d). Disagreeing with these interpretations of the decision, Henry countered that ACCORD's position was that the pig farms in Ochiltree County without valid permits should be shut down (Ledbetter 1997d).

In response to the ruling, TNRCC and Texas Farm filed motions requesting that Judge Cooper reconsider or allow TNRCC to correct the Reasoned justification problem and readopt the rules. The Texas Cattle Feeders Association, Texas Pork Producers Association, Texas Poultry Federation, the Texas Association of Dairymen and the former Associated Milk Producers Inc. filed a motion in support of the commission and Texas Farm. These industry representatives claim that the blocked permits represent operations worth \$2.3 billion and 2,400 jobs (Lee 1998:4d). These groups believe that Judge Cooper's ruling can be accommodated through incorporating new language in the rules. ACCORD attorney Henry disagrees stating that Any amount of fixing would undo what he sees as the faulty reasoning of the commission (Lee 1998:4d).

Although the ruling focuses on a technical legal point, it might have a broader meaning and curtail the expansion of the hog industry. While Texas has been viewed as the next frontier for giant hog farms, this ruling could deflate that perception by prompting a re-examination of the regulations. According to John McGlone, Professor of animal science and director of the Pork Industry Institute at Texas Tech University, It has already had an effect. Companies are doing site selection - they're just doing it in other states (Lee 1998:4d). Plans for expansion have also been disrupted. In 1997 Texas farms announced that it would double its original plans to an eventual investment of about \$190 million including 715 barns and 27,000 sows in hopes of producing 1.1 million hogs per year by the year 2000 (Lee 1998:4d). Clift noted that the ruling has Given pause to the parent company Nippon Meat Packing and that construction on Major additions is on hold (Lee 1998:4d). Dr. McGlone concurred that He knows of at least two corporate hog producers that had eyed new locations in the northern Panhandle but now have become skittish (Lee 1998:4d). He stated that the hog industry will grow by \$1 billion in the next three years to service the growing worldwide demand for pork that will triple in the next 20 years. McGlone concluded, And if it's not produced in Texas, he believes, it will be produced overseas (Lee 1998:4d).

#### THE CAFO TOUR AND PUBLIC HEARING IN OCHILTREE COUNTY

On April 10, 1998 the Perryton Chamber of Commerce sponsored a tour of Ochiltree County CAFOs followed by a public hearing. On the tour were State Representatives Warren Chisum (R - Pampa), David Swinford (R - Amarillo), five members of the House Environmental Regulation Committee, which Chisum chairs, several

CAFO industry officials and interested citizens. The official purpose of the tour and meeting was to study the cumulative effects of numerous CAFOs in a concentrated geographic area and to determine whether environmental protections are adequate (Brown 1998:8). The tour began with stops at two Texas Farm facilities located within 10 miles of Perryton. At these sites the group of about 25 vehicles got no closer to either facility than the county road, from which no animals or waste lagoon was visible. The group stopped at a lagoon under construction where Texas Farm officials explained the process of compacting and core testing used in building the clay lined lagoon pits. The tour then stopped at the Wolf Creek Feeders feedmill under construction where the manager explained their dedication to environmental protection and detailed efforts to control dust and minimize odors. Next the group stopped at a CAFO owned by Dean Paul Farms. They observed the operations from about one-half mile away and smelled no odors. Finally they stopped to view the construction of the new Texas Farm feedmill where Cliff displayed drawings of the mill and commented that it would be the fifth largest consumer of grain sorghum annually in the world (Brown 1998).

Visitors signing in at the public meeting were greeted with banners for ProAg (Plains Residents Organization of Ag Growth), a newly-formed organization which local attorney and ProAg president, Bob Lemons, reported had 1500 members in Kansas, Oklahoma, and Texas. The ProAg group formed in early 1998 to combat anti-corporate hog farm sentiments which had emerged in several states targeted by the industry for development (Brown 1998:24). Sign-up sheets for those people wishing to address the Committee were available at the ProAg table, along with free bumper stickers, hats, and newsletters promoting the group (Brown 1998).

The House Environmental Regulation Committee, along with Sen. Swinford and Sen. Bivins, heard the testimony of 29 people. Sen. Swinford started off the testimony by praising the economic benefits of pork production and the slaughter facilities, which he promised would follow. He cited the example of the hog expansion around Guymon, Oklahoma after the Seaboard Farms processing plant located there in 1995. Since that time, Seaboard Farms and Hitch hog production facilities had expanded to 740,000 head annually. He added that an \$8 million investment by the City of Guymon had resulted in 5,000 new jobs, residential property value increases of up to 30%, and 140 new businesses in the past five years (Brown 1998). Sen. Swinford admitted that Guymon was also experiencing housing shortages, a surging crime rate, school crowding, and odor problems, but that those are more social problems than pork problems (Brown 1988:8). He shrugged off the complaints about noxious odors coming from the hog farms saying, "Once you get a mile away, you can't hardly smell them" (Brown 1998:8).

Challenging Sen. Swinford's definition of the situation, Nancy Elliott testified that the third generation farm she lives on has 400,000 hogs to the south, southwest and east of it. "Our roots run deep," said Elliot. "We

care about our community and our environment. I live by hogs 24 hours a day, and have not found one Seaboard or Hitch official that lives by them@ (Brown 1998:9). Many residents in the area are victims of Ahog smog@ which she described as pockets of ammonia that linger in furniture and drapes in their homes. Showing pictures of decomposing hog in dumpsters to the Committee, Elliott noted that neighbors of hog farms suffered health problems such as nausea, headaches, and congestion and have seen their quality of life and property values decline. Elliott reported other negative effects such as increase gang activity in the schools, increased demand on welfare programs, and overall crime rates up by 65% with violent crime rates even higher than that (Brown 1998).

Dr. John McGlone, Chair of Texas Tech=s animal science department, testified that the hog production industry would double in the next five years. AWe can shrink - and eventually die - or grow. The pig industry has provided a vehicle for communities to grow (and) to preserve a way of life,@ said McGlone (Brown 1998:9). He recommended the maintenance of Texas= environmental law and CAFO adoption of the latest technologies. McGlone also suggested that the state legislature create penalties for false charges make against CAFOs equal to the penalties for violations by CAFOs. Furthermore, along with physical setbacks, there should be Aphilosophical setbacks@, or what he referred to as Apig enterprise zones@, which would buffer the industry from Aagricultural terrorism@ and Acorporate sabotage@ (Brown 1998:9). McGlone concluded by saying that it was possible to produce pigs in confinement in ways that does not harm the environment. Alt is possible to produce pigs without odor@, said McGlone (Brown 1998:9).

Sen. Chisum introduced Dr. John Sweeten, director of the Texas Agricultural Experiment Station in Amarillo, and asked him to provide a scientific review. A committee member asked Dr. Sweeten whether hydrogen sulfide (H<sub>2</sub>S) monitoring could provide greater accuracy in monitoring odor levels. AWe are gearing up for that. But it is not our job to go around the countryside and monitor odors. It is our job to conduct replication studies,@ said Sweeten (Brown 1998:9). Doug Ricketts, a member of the Citizens for Natural Resource Policy, referred to studies which showed the adverse effects of exposure to H<sub>2</sub>S fumes and pointed out that the technology needed for monitoring H<sub>2</sub>S was already available in the gas industry (Brown 1998:9). Donnie Dendy, president of ACCORD, testified that his group had conducted a H<sub>2</sub>S study and found measurable levels of contaminants as far as six miles from the Texas Farm facilities (Brown 1998:9). Lawson Safely, president of Agric-Waste Technology, testified that the high clay content of the soils in the area and the abundance of groundwater and grain would maintain CAFO interests in this area. Larry Swink, a resident of Ochiltree County, testified that Texas Farm is permitted for a 76,000 facility half a mile from his water well. Alt is the equivalent of all the sewage in Amarillo dumped in open

pits,@ said Swink (Brown 1998:9). Jeanne Gramstorff of ACCORD asked the Committee why open cesspools of hog waste were legal if such systems for human waste were banned (Brown 1998:9).

Perryton Mayor David Hale testified that he believed that by the year 2000 the number of pigs produced in the area would increase by a thousand-fold. He suggested several changes in the procedures for permitting and monitoring CAFOs that included: visual inspections by the groundwater districts prior to, during and after lagoon construction; semi-annual un-announced TNRCC inspections; a strict inspection system and heavy fines for violations; identification of wells, public water sources, and other artificial penetrations in the vicinity of any facility as a condition of permitting; and, research into the study of the Ogallala Aquifer (Brown 1998). The Mayor of Higgins, Hilton Menser, testified to the aging population of his community and the declining number of jobs which he felt pork production would reverse (Brown 1998:9). Don Clift of Texas Farm testified that not only did the pork industry provided stable jobs, a good working environment and good benefits, but that Governor George W. Bush and Agricultural Commissioner Rick Perry assisted in recruiting the corporate hog industry to Texas. Tim Cooper, Senior Vice President of the First Bank of the Southwest, testified to the beneficial effects on what was a rapidly declining tax base in the county. Bob Lemon, President of ProAg, testified that there has not been a single documented incidence of pollution by a CAFO in Texas, Kansas, or Oklahoma getting into the aquifer (Brown 1998).

#### SEABOARD FARMS, SCHOOLS, AND KEYES, OKLAHOMA

In late December of 1997 Seaboard Farms announced that it was negotiating with officials of Cimarron County, Oklahoma to build facilities to house 400,000 hogs. If the deal is completed, the community of Keyes will become home to a feedmill and will get their grade school reopened, said Susie Williams, Cimarron County commissioner (Ledbetter 1997b:1a). Mark Campbell, a Seaboard Farms representative, said that the operation would add \$50 million to the tax rolls and an annual payroll of \$2.5 million for about 75 employees and managers (AP 1997). AThe Keyes school district was in trouble,@ said Campbell. AWe agreed to give them some up-front money (\$125,000) so they could reopen their elementary school@ (AP 1997:24a). Seaboard applied for a permit to operate a 259,000 head hog farm covering 8,000 acres on 14 contiguous sections of land with the Oklahoma Agriculture Department, said Rick Frederick, department environmental consultant (Ledbetter 1997a:4a). If the deal was finalized, the 8000 acre farm would be the biggest permit granted by the state for one contiguous farm (AP 1997). Williams commented that Keyes is most interested in the 500,000 ton pelleted feed mill that would supply the hog barns. According to Williams, AWe want to give this county an option to vote (on hogs in the county). We will never ever do anything to prevent the county from having that option@ (Ledbetter 1997b:1a).

The proposal with Seaboard Farms approved by Cimarron county commissioners included agreements with Seaboard to (Ledbetter 1997b:1a):

- locate the project in Cimarron County and particularly the feedmill near Keyes.
- limit the number of farms developed in two years following the agreement to 400 finishing buildings, of which approximately 300 would be located on land already owned by Seaboard. Seaboard also would agree to use its best efforts to limit the location of the farms within a 5-mile radius of currently owned property and outside a 5-mile radius of any town in the county.
- make a \$125,000 donation to the Keyes Public School District upon commencement of construction of the feed mill.
- make a \$2,500 donation to the district for each new student whose attendance in the district is directly related to the employment of a family member at Seaboard Farms or the feedmill during the two-year period following the commencement of the operations at either.
- provide its own water supply and wastewater treatment.

In return for these provisions by Seaboard Farms, the city and county agree to help Seaboard find the land for the feedmill and would not take any action to restrict Seaboard's ability to acquire land for the construction of the farms; this last part of the agreement would not apply to any further construction than the original plan (Ledbetter 1997a:4a).

But for some residents saving the school is not enough to make them happy. Carla Smalts, a Keyes resident and head of the protest group, Safe Oklahoma Resource Development (SORD), said the agreement was signed with the commissioners before most of the people knew what was going on. She commented that Seaboard Farms knows how to come into a community and quickly persuade town leaders (AP 1997). Jarrod Stewart, a fifth-generation farmer in the area, said that Seaboard's site near his land is planned to put between 300,000 and 350,000 hogs on 6,000 acres with 300 to 350 houses (Ledbetter 1997b). Stewart asserted that the Seaboard Farms officials did their homework well and quickly determined that an offer to fix the school would win over the town leaders (AP 1997:24a). From Stewart's point of view that number of hogs will cause an environmental problem because the location is on extremely sandy soils within one and one quarter miles of the Cimarron River and one and one half miles of the Sante Fe Trail. My opposition is on the environmental soundness of the industry and with Seaboard personally. They've broke a lot of promises they've made in the past to communities, argued Stewart (Ledbetter 1997b:4a). Stewart said that five opponents to the Seaboard plans bought the land Seaboard tried to purchase for a

feedmill which was located directly across the road from Keyes.

Kenneth Maness, Cimarron County commissioner, said that in general people don't want the hogs but, AWe can't tell people they can't sell their land to Seaboard. And we didn't endorse the hogs as county commissioners. Seaboard has land north of Keyes. If you're going to have the hogs, you might as well have the revenue off the feedmill@ (Ledbetter 1997b:4a). Williams said, AI have mixed feelings about it. I represent the community and the community of Keyes is in support of the feedmill@ (Ledbetter 1997b:4a). Furthermore, the donations for the Keyes schools is of major interest. The donated money would be used to reopen the grade school that was closed after the removal of asbestos. The county commissioners and city officials refused a Seaboard request to grant tax abatements. Williams commented, AWe won't be a part of any bonds. We learned our lesson from Guymon=s experience@ (Ledbetter 1997b:4a). According to Williams, AThere=s two sides to this story. The human interest part is this town is dying, and the people see this as the only way to get our grade school back open@ (Ledbetter 1997b:4a). As of December of 1997, the city and Seaboard had not signed the agreement.

## DISCUSSION

The events of the case illustrate two major points. While corporate actors display significant powers to promote their agendas, these actions are resisted by subordinate groups. Through the use of legal maneuvers, small locally based groups succeeded in defending (at least temporarily) environmental, quality of life and personal property stands in an adverse political climate. Corporations displayed powers which ranged from the presentation of pro-environmental and pro-community based images, to their influence on environmental regulatory agencies, to their offer of assistance to economically distressed communities, to their threat to move operations to more Attractive@ locations. We argue, therefore, that the case of CAFO expansion in the Panhandle area of Texas can be viewed as a contested terrain in which community based pro-environmental forces counter corporate claims of sound economic and pro-environmental actions.

### The Anti-CAFO Movement in the Texas Panhandle Area

ACCORD and SORD are community based groups created by concerned citizens disturbed by the declining quality of their lives. Members are local residents, often ranchers and farmers, who feel threatened and violated. They collectively declare that the CAFO system of hog production is not a legitimate strategy for socio-economic development. Similar groups expressing the same conclusion have been documented in Michigan (DeLind 1995; 1998), Missouri (Constance, Kleiner, and Rikoon 1997), North Carolina (McMillan and Schulman 1998;

Thu and Durrenberger 1994) and Utah (Kleiner and Constance 1998). The discomfort caused by the CAFOs= air pollution and the associated health problems were the primary reasons motivating protest. Concern over the value of local residents= properties, enhanced social problems such as crime and school overcrowding, and deterioration of the community=s overall socio-economic conditions further motivated anti-CAFO actions. Despite their limited size, these are broad-based organizations which included a variety of anti-CAFO themes and discourses.

The anti-CAFO position is also notably characterized by discourses focusing on substantive issues. This point is illustrated with two examples. The first is the rejection of the idea that sound environmental conduct consists of simply following existing environmental regulations. CAFO advocates= formal position that they observed state regulations can be contrasted with environmentalists= substantive claims that CAFOs created pollution, health problems, and community and property decay. For the anti-CAFO activists, corporate claims of adherence to environmental regulations were not sufficient to eliminate the environmental and social problems linked to CAFOs; problems that remained despite the intervention of state agencies. This situation, instead, masked the real meanings of corporate actions which restricted environmental agencies= scope and limited their ability to enforce existing rules.

The second instance deals with the issue of participation in democratic decision making processes. ACCORD sued TNRCC on the grounds that the elimination of public hearings from the CAFO permitting process violated their rights. This position indicates residents= willingness to fight for the substantive ability to participate in decision making processes that affect their communities. It also points to their ability to scrutinize corporate links with the political sector and denounce undesirable connections between the two spheres. Attorney Henry=s statement that ASenator Bivins has written off the citizens of Ochiltree County@ is emblematic of the level of resentment towards the collusion between corporate and political powers.

Legal strategies to combat corporate actions is an important factor of the local anti-corporate resistance. ACCORD members successfully challenged TNRCC=s pro-CAFO stance on the grounds that the elimination of hearings was illegal and that CAFOs permitted under the new regulation should be revoked. Like the Erath County case, this strategy was successful at securing the Courts pro-environmental support. More importantly though, this victory discloses the constraints such group encounter in the political process. The lawsuit primarily was about preserving the old rules which were reformed by pro-CAFO forces; a form of reregulation attempt in the face of deregulation. This Adefensive@ battle illustrates the difficult political climate these groups operate within. The vulnerability of this strategy is exemplified by the 1993 Texas Supreme Court overruling of a lower court judgement

which supported an established TNRCC role in citing CAFOs that was more aggressive. As a result of the ruling, TNRCC's ability to cite CAFOs has been impaired.

Another valuable example of the difficult political climate anti-corporate groups face is shown by the changing TNRCC discourse regarding the specifics of CAFO citation. In response to pro-CAFO initiatives, TNRCC adopted a posture which restricted the definition of air pollution and the scope of the agency itself. The Palo Duro incident shows how attempts by members of regional offices to cite CAFOs were stopped by central supervisors on the grounds that odor complaints were not environmental issues but rather were natural, site-specific and land-use disputes. This new view of what properly constitutes environmental concerns was rationalized by stressing the alignment of TNRCC rules with national trends and the fact that Texas regulations exceed requirements in other states. As a result, the CAFO permitting process was successfully reregulated in a way that narrowed the legitimate grievances to only technical aspects.

#### The Corporate Response: Redefining the Environment

The strategy of the corporate response primarily consisted of numerous attempts to redefine sound environmental action by shaping it to fit existing CAFO practices. We concentrate on three aspects of corporate actions to analyze this strategy: the image CAFO corporations maintained regarding environmental issues; their control of state environmental agencies and regulation processes; and their use of economic powers in regards to local communities and groups. These three elements support a discourse in which corporations' activities are made compatible with environmentally sound and community well-being enhancing actions.

#### The Image of the Environment

CAFO corporations consistently projected an image portraying themselves as environmentally sound. We identify four elements central to this image construction. The first element refers to the technical soundness of CAFOs structures. CAFOs are said to be state of the art facilities aimed at combining efficient production with environmental protection. As a representative of the Texas Cattle Feeders Association stated, "Those facilities [i.e., CAFOs] are designed and constructed properly to be protective of the environment." CAFO technology was also praised by scientists and scientific research institutions. In several instances, Dr. John McGlone, Chair of the Texas Tech Animal Science Department and director of the Pork Industry Institute, supported the soundness of CAFO technology. He stressed the fact that CAFO caused air pollution was only a temporary problem because new technologies now made it possible to produce pigs without odor.

The second element of the corporate image refers to corporations' attitudes regarding environmental contamination. CAFO representatives acknowledge that an odor issue exists; however, they stress that they do

everything possible to address the problem. More importantly, they insist that they have been cooperating with regulatory agencies whose rules are stricter than in many other states. As a CAFO operator put it, AWe do not need a watchdog group to oversee our operations. The TNRCC=s got that completely covered.@ CAFO corporations also have used the offer of financial contributions to community institutions such as schools and the promise of new jobs to ameliorate the perceived possible negative impacts of CAFO development. The Ochiltree County CAFO tour represents a public attempt to legitimize CAFOs not only by showing evidence of their environmentally sound operation, but also by allowing elected public officials and interested citizens to visit the facilities, and by empirically demonstrating that local anti-corporate activists= accusations are baseless.

It should be noted, however, that the creation of this image involved a highly selective use of Aempirical evidence.@ The accusations that the hog barns and lagoons are environmentally unsound was countered by allowing visitors to view them but only from a Asafe@ distance; no animals nor active lagoon was visited. By only visiting a lagoon under construction, evidence of environmental problems could not be detected because they emerge only after lagoons become operational. When the assumed environmental features of the lagoon were illustrated, the visitors were presented with an explanation of the functioning of the lagoon in which its post-operational undesirable consequences could not be verified while its potential - and therefore unchallengeable - ability to address the environmental problems of animal waste was emphasized. This is an effective strategy to legitimize the use of waste lagoons. At the feed mill under construction the promise of jobs was used to justify its positive contribution. In summary, the environmental soundness of CAFOs was demonstrated by using a strategy in which claims of these structures= positive features could not be compared with their actual characteristics.

The positive image of CAFOs was also reinforced through the endorsement of the corporate position carried out by political figures. The presence and actions of Sen. Bivins, Sen. Swinford, and members of the House Environmental Regulation Committee, are cases in point. During the tour, they addressed visitors and praised CAFOs for their economic and social contributions. The number of new jobs created and contributions to socio-economic development were central items of their talks. They dismissed claims of serious air pollution with statements such as Aonce you get a mile away, you can=t hardly smell them.@ The charge of environmental pollution was further discounted by decoupling house shortages, surging crime rates, school overcrowding and other related problems from the existence of CAFOs. These, Sen. Swinford maintained, are Amore social problems than pork problems.@ The background for these endorsements was the Pro-Ag. banners, reading material and other publicity items. As indicated above, Pro-Ag.=s primary objective is to counter anti-CAFO sentiments. The Ochiltree

County tour can best be analyzed as a concerted attempt to foster public legitimation for CAFO development.

The third component of the image building project deals with attempts to shift the dispute from the environmental to the property arena and to downplay the significance of the Court actions. After the CAFO advocates pressured TNRCC to classify odor issues as property issues, local TNRCC officials were unable to cite CAFOs for odors. TNRCC's proclamation that "We don't do property value" provides justification for their lack of intervention in the controversy. Its presentation of the adoption of the new rules as a way to bring Texas in line with a national trend where odor issues are considered land-use disputes provided legitimation for TNRCC and its pro-corporate position. By framing the Court ruling as being based only on legal technicalities and not substantive environmental issues, CAFO supporters were able to devalue the potential impact of the ruling. From the beginning Sen. Bivins proceeded from the premise that air pollution claims were not part of the CAFO permitting process and therefore public hearings were unnecessary. Judge Cooper found these assumptions without "Reasoned justification" and ruled them illegal. From ACCORD's view, the ruling referred to substantive matters such as local residents' rights to participate in decision making. Conversely, from the pro-CAFO viewpoint, the ruling only involved legal technicalities and was not related to legal objections of anti-CAFO activists. CAFO permitting, they maintained, is a matter that does not require local resident participation and the Court ruling would be ameliorated or appealed.

Finally, the strategy of attacking the credibility of anti-corporate activists by demeaning their claims and actions as exaggerated and unreasonable is the fourth component of the corporate position. In this instance, pro-CAFO actors construct a stigmatized view of activists' actions through the use of belittling terms such as "Radicals in need of a cause," and "people involved in Agricultural terrorism" and "Corporate sabotage." Claims that this outrageous behavior is not only dangerous to the well-being of local communities but something from which CAFO operators should be protected are typified by Dr. McGlone's call for Texas state lawmakers to introduce legislation to punish anti-CAFO activism. In this view, CAFOs should be protected from radical activism which hinders positive socio-economic growth.

#### CAFO Control of State Environmental Agencies and Regulation Processes

A second strategy CAFO corporations used to redefine the meaning of sound environmental action centers on their attempts to control state environmental agencies and regulation processes. Threatened by anti-CAFO activism, corporations lobbied to weaken environmental legislation and the sanctioning power of state agencies. Following the often described path in which corporate actors control the polity, (e.g., Block 1977; Domhoff 1979; Miliband 1969; Poulantzas 1978), CAFO corporations secured support from key members of the political apparatus

such as influential state Senator Teel Bivins, known for strong ties with, and financial support from, corporate agriculture.

In response to pro-CAFO actors' requests to make the permitting and citation process less problematic by limiting state agencies' bases for citing them on environmental issues, Sen. Bivins proceeded with a two part strategy. First, he established a discourse in which TNRCC's policy was defined as overbearing and damaging to Texas agriculture; then he proposed a pro-corporate reform of policies to remedy the situation. His position on TNRCC's CAFO citation policy was made clear through a memo to Amarillo air quality manager Rick Costa in which Sen. Bivins admonished Costa for his overly enthusiastic behavior. Additionally, in a letter to TNRCC he defined their actions in defense of existing environmental legislation as burdensome and unfavorable to Texas agriculture and warned that the continuation of such postures could motivate companies to move their operations outside of Texas. This is a case where the corporate strategy of capital hyper-mobility (Harvey 1990) was used as a threat to deter TNRCC from enforcing pro-environmental rules. Though Sen. Bivins was pursuing a pro-corporate conduct, he constructed a view in which his actions were legitimized by maintaining that he had received numerous complaints against TNRCC. Obviously, the popular support claimed by Sen. Bivins was contrasted by the actions of local TNRCC agents such as Rick Costa and local residents who protested CAFOs. Sen. Bivins and other members of the political apparatus were successful in establishing a new discourse that restructured the regulatory functioning of TNRCC from one based on substantive challenges concerning air, water or land pollution to only matters of technical merit. By shifting this agency's concerns to technical merit, the objections of anti-CAFO activists were placed outside TNRCC's sphere of jurisdiction thereby neutralizing its use as a vector of resistance.

The pro-CAFO influence on TNRCC is also illustrated by the acceptance of the corporate vision of the role of the agency by mid-level officials such as Debra Barber, air program director for TNRCC's Field Operation Division, and Brad Jones, the regional manager in Amarillo. Costa's resignation points to a case where the new discourse was not accepted. Though acknowledging their sense of frustration due to new limits on the agency's actions, Barber and Jones accepted the new mission of the agency. Jones did comment that he sympathized with the ACCORD group and expressed his frustration at how unempowered environmental agencies had become. While there is evidence from the case that the definition of the proper regulatory role of TNRCC was contested within the agency, it should come as no surprise that the pro-CAFO forces prevailed as TNRCC leadership had a clear connection to the agro-food sector. Indeed, Sen Bivins is one of the three TNRCC commissioners. Of the other two, one was commissioner of the Texas Department of Agriculture and the other was the former director of the Farm

Bureau and a number of producer organizations known to represent corporate agriculture in Texas. Of the twenty-four members of TNRCC's Agricultural Advisory Committee, only one is linked to an environmental organization while the other twenty-three have ties with commercial agricultural.

#### Corporate Use of Economic Powers

The final strategy that corporations used to redefine existing practices and react to anti-CAFO challenges was the use of economic power over local communities. CAFO corporations enticed local communities to support their production strategies with two approaches. First, they constructed a discourse which linked the development of CAFOs with the creation of new jobs and enhanced economic vitality. This discourse included a crucial dimension which stressed the fact that economic benefits depended upon the willingness of corporations to invest in the area and that more desirable conditions in other locations might lure investments away. The second aspect refers to the display of civic altruism whereby corporations provide solutions to community problems unattended to due to lack of financial resources.

CAFO corporations and political leaders present mega hog farms as a solution to local economic stagnation which promises to be extended into the future. The case of Guymon, Oklahoma is provided as an example of how an \$8 million inducement to attract the Seaboard Farms processing plant resulted in 5,000 new jobs, increased residential property values, and 140 new businesses in the past five years. The corporate discourse also points out that the CAFOs' presence in the area is the result of a partnership with the state of Texas as political leaders such as Governor Bush and Texas Agricultural Commissioner Rick Perry actively recruited the industry to the state. Casting CAFO development as a partnership highlights the service that CAFOs provide to Texas as opposed to other states or countries. The message which emerges is one in which local communities benefit greatly from the corporate presence and one in which these benefits are partially the outcome of the benevolence of corporations which act as responsible and caring citizens.

The civic responsibility aspect of the pro-CAFO discourse is supported through economic actions not directly related to production. The episode of Seaboard Farms and Keyes reveals how donations to the public school district combined with other commercial concessions - such as providing their own wastewater treatment and water supply - are presented as good faith efforts to avoid confrontations with the local community. Although community resistance to pro-CAFO plans is present, corporate actions in the social arena are provided as compensation for the perceived negative impacts. Seaboard responded to the controversial history of CAFOs by offering additional forms of enticement to the citizens of Cimarron County but these incentives were not enough to persuade the county to provide requested tax abatement. As Cimarron County Commissioner Williams commented, they had learned their

lesson by watching how much Guymon had to provide in incentives to get Seaboard to locate and would not be a part of any bond offers.

The economic rationale of CAFO presence in the Texas Panhandle area assumes that communities will tolerate inadequate environmental conditions if provided with sufficient economic benefits. Because these communities are in a desperate economic situation, pro-CAFO actors assume that residents will allow the level of environmental degradation necessary for the implementation of mega hog farms. While the economic vulnerability of these areas provides the key factor for the success of CAFOs, the local residents' resistance indicates the problematic nature of the establishment of mega hog farms and the limits attached to these strategies of regional economic development.

## CONCLUSIONS

In this paper we assert the premise that pro-environmental groups resist the growth of concentrated forms of agro-food production. The case supports this premise by documenting the actions of anti-CAFO groups in the Panhandle area of Texas. Events of the case also highlight the difficulties associated with the reconciliation of the goal of socio-economic development in rural areas with that of the protection of the environment and of the enhancement of the quality of life of rural residents. While corporate discourses stress the economic benefits they generate for communities, local anti-CAFO discourses focus on the limits of, and rural residents' dissatisfaction with, pro-CAFO strategies. In other words, accumulation strategies related to mega hog farms are faced with legitimation crises regarding environmental and community degradation. DeLind (1985) was the first to document such a situation in her study of the Parma in Michigan. Since then other researchers have found similar scenarios in North Carolina (McMillan and Schulman 1998; Thu and Durrenberger 1994), Utah (Kleiner and Constance 1998b), Iowa (Padgitt, Lasley and Trca-Black 1998; Thu 1996), and Missouri (Constance, Kleiner, and Rikoon 1997; Hendrickson and Pigg 1998; Kleiner and Constance 1998a; Seipel, Kleiner, and Rikoon 1998). One of the major differences between these cases (except for Utah) and this one is the lack of an agrarian discourse regarding family hog farmers in the Panhandle area.

The fact that pro-CAFO actions were successfully resisted through local mobilization and use of the Courts exposes the limits of corporate powers and reveals the ability of local groups to mobilize around substantive interests. The collective acceptance of the importance of environmental protection combined with interests in defense of property and quality of life serves as a catalyst for the solidification of local anti-CAFO forces. We conclude that contrary to the assertions of an important segment of the literature on agro-food corporations, corporations are vulnerable to local resistance. That being said, corporate powers should not be underestimated as

the events of the case reveal their ability to mobilize significant resources in support of their strategies; in this case strategies primarily aimed at narrowing the definition of sound environmental practices. Their goal was to create a public image in which pro-CAFO actions were seen as caring for the environment, sharing of community goals, and respectful of environmental regulations and laws. This image construction goal was accompanied by the use of political clout to reregulate state agency permitting protocols and by the use of economic incentives to entice communities to accept CAFO development.

In this case we not only illustrate the socially created dimension of what constitutes sound environmental practices, but also the contested nature of the issue of the environment. Because competing environmental discourses are proposed, the scrutiny of the substantive dimensions of these discourses appears as a necessary societal task. The oppositional visions of what constitutes sound environmental practices are linked to corresponding views of socio-economic development. This case shows that the concerted attempt by pro-CAFO forces to forge a hegemonic discourse that linked the development strategy of mega hog farms to environmental protection failed in the face of grassroots resistance. Indeed, anti-CAFO forces were able to successfully advance their own counter discourse - at least temporarily. Proceeding from the view that such battles are but one episode in a war between corporate actors and environmental groups characterized by an ongoing contested terrain to structure the terms of socio-economic development, we look forward to the outcome of the pro-CAFO appeal of the Court ruling and wonder how this action might set the stage for the next round of the fight.

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TABLE 1: ESTIMATES OF NUMBER OF HOGS PRODUCED ANNUALLY BY SITE: 1997

<u>Company</u>	<u># Hogs</u>	<u>County</u>	<u>State</u>
Premium Standard Farms	396,000	Dallem	Texas
Texas Farm	140,000	Ochiltree	Texas
Vall, Inc.	240,000	Texas	Oklahoma
Seaboard Farms	392,750	Texas	Oklahoma
Dean Paul	15,360	Hansford	Texas
Paul Hitch	300,000	Texas	Oklahoma
DeKalb	200,000	Steward	Kansas