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Nuisance, Public Health and Industrial Hog Operations: An ethnographic study

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Qualitative Component of CHEIHO (2004-2005)

Participants Profile

Number of Participants	49
Number of Interviews	34
Number of Black Participants	43 (87.8%)
Number of White Participants	6 (12.2%)
Number of Female Participants	32 (65.3%)
Number of Male Participants	17 (34.7%)
Hours of Interview	34 hours, 11 min
Average Age of Participants	57 Years
Age Range (in Years)	32 – 84

Exploratory Questions

Category	Purpose	Sample Questions
Context	To explore social and physical environment	Do you consider yourself living in a community? If yes, what makes it a community to you? What do you like/dislike about your community?
Experiences and their meanings	To explore emotions, feelings, beliefs and meta-beliefs	What was it like for you growing up? What are/were some activities you enjoy doing? What do/did those activities mean to you? What are/were some activities you enjoy doing but you no longer do? Why?

Exploratory Questions (continued)

Category	Purpose	Sample Questions
Coping Mechanism	To explore attitudes and responses to hog odor	What do you do when the odor comes? [Probe: 1) what are specific lifestyle changes that are related to hog odor? 2) what are specific actions (personal, social, and political) taken that are related to hog odor?]
Recognition & Capacity Building	To create ongoing reflection about realities, capacities (e.g., a voice in decision-making process) and <i>understanding</i> the implications of not having these capacities	What do you think can be done about the odor? "What role do you think you and/or other community members could play in addressing the problem? (Why or why not?) What (resources) would you (or others) need to be able to do this?

The Context

"I grew up one mile east of here"

"I have been here all my life"

"My daddy had this land"

"here is our home, we were born here, we grew up here"

"everybody is our family, my cousins live over there, my mom lives back there, my grandmother lives back over there."

"everybody is from around here"

"all the land around here belongs to our family"

The Context (continued)

"people work together"

"have family reunion back there"

"it's a nice friendly community"

" you can feel free because everybody knows everybody and you don't have to worry about strangers."

"people look out for each other"

" you feel safe when you go outside or when children play outside, you don't have to be afraid."

The Odor

“...there was a very strong odor. It could happen any time, day or night, during the day.... mostly at night was the worst time...”

People's Experiences

“...the odor is sickening...it gets in our house, in our car...”

“...people ride by and later they tell me how can you stand it?!”

“...when the odor is so bad, you have no other choice but to go inside.”

People's Experiences (continued)

“...we couldn't go outside such disgusting odor....”

“... when the wind comes, you lose you appetite ... you go in...”

People's Experiences (continued)

“My son has asthma and allergies...he just stays inside.”

“My grandbaby has asthma...her mamma has allergies...she can't be here at night...when she come back home, she has a hard time breathing. It's because of the hog farm.”

“He [son] likes to go outside. He likes to play basketball. But when it smells like that, he can't go outside.”

Meanings

“I only had one cookout. One cookout! That has changed because I don't invite people over because I don't want them to come in and smell that odor.

Meanings

- “...those people [operations’ owners] don't understandthey enjoy their home...they enjoy their outside, they enjoy their outdoor...and as long as it doesn't bother them, they don't care...”

So, what does ODOR really mean for these communities?

**Where numbers and statistical
models dance, words tango.**

Overview into

Discrimination Cases

Oppression

Registration Rights

Nuisance Law

Nuisance is a use of property or an activity that unreasonably limits or diminishes another person's health, safety, or enjoyment of life or that interferes with the other person's quiet enjoyment or beneficial use of his or her own property (e.g., a land use that causes annoyance, harm, or inconvenience to another person or that causes damage which may include a mere reduction in value) to another person's property.

Public nuisance: a nuisance that violates public rights or causes a common injury to the public at large.

Private nuisance: a nuisance which is limited and peculiar to nearby residents and landowners.

Source: N.C. General Statutes § 7A-38.3 (Bender 1999)

“Right-to-Farm”

North Carolina’s right-to-farm statutes (N.C. General Statutes §§ 106-700 and -701 limit the circumstances under which an agricultural or forestry operation may be deemed a nuisance.


Date	Statute	Impact
1979	N.C. General Statutes § 106-700 & 701 – Nuisance Liability of Agricultural and Forestry Operations	Agricultural and forestry operations do not constitute nuisance by changed conditions in locality.
1985	Senate Bill 93 – Gas Tax XMP	Reduce cost of gas burned by feed delivery trucks (3 to 4 cents/ ga)
1986	NC Senate Bill 488- [Ratified: July 11, 1986] – Sales Tax XMP	Sales tax XMP of all materials used for repairing, building or improving a structure used for housing, raising, or feeding livestock or poultry
1988	House Bill 519 – (Introduced by W.Murphy) Inspection Bill XMP	Exempted the large-scale hog facilities from paying the 12-cent state inspection fee on each ton of ingredients purchased for use.
1987	Senate Bill 853 – Sales Tax XMP	Eliminated sales tax on livestock and poultry house equipment and equipment used in constructing the houses.
1988	Senate Bill 1645 – Property Tax XMP	Eliminated local property taxes on feed used in the production of livestock and poultry.
1991	Senate Bill 148 – Zoning XMP	Stated "bona fide" farm purpose included the production of livestock and poultry.
1991	Amendment to Senate Bill 386	Exempted poultry and hog farms from environmental penalties.
1991	Senate Bill 669	Allowed the N.C. Pork Producers Association Inc., with the permission of pork producers, to collect a 1 cent a hog levy.
1993	House Bill 33	Allowed the limited disclosure of veterinary medical records in the Department of Agriculture" -- researchers are blocked from obtaining and using agriculture department records including information on hog farm sites and sizes

“By the time we knew, they had everything in place and there was nothing we could do about it.”

Odor Impact Narratives & Public Health Ramification

- Reduced beneficial use of property
- Reduced social activities
- Reduced physical activities
- Violation of *sense of place*
- Adverse economic impact

Preponderance of Evidence-- Raising the Question of Nuisance for:

- Legal Remedy
- Policy Advocacy
- Community Organizing
-  Do nothing and hope for the best.

“Everybody complains about it....about how bad it is. Something will change or nothing will change. But I guess we don’t know until we try. ”