

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL DRS45201-SB-2

Short Title: Direct ERC To Study Dry Litter Poultry Waste. (Public)

Sponsors: Senator Peterson (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY AND DETERMINE THE NUMBER AND LOCATION OF POULTRY FARMS (CAFOS) IN NORTH CAROLINA, THE DRY LITTER WASTE MANAGEMENT SYSTEMS AND PRACTICES THAT ARE EMPLOYED BY THESE FARMS, THE POTENTIAL ENVIRONMENTAL AND HEALTH IMPACTS AND DAMAGES THESE SYSTEMS AND PRACTICES MAY HAVE, AND RECOMMENDATIONS ON HOW BEST TO REGULATE THESE WASTE MANAGEMENT SYSTEMS IN PROTECTING THE ENVIRONMENT AND THE PUBLIC'S HEALTH AND SAFETY.

Whereas, it is estimated that in 2018 the State had over 515 million poultry and 4,700 dry litter poultry facilities, compared to 9.7 million hogs and 2,100 hog farms; and

Whereas, it is estimated that poultry CAFOs (concentrated animal feeding operations) produce 5 million tons of dry litter poultry waste a year, five times the amount of waste produced by hog CAFO facilities; and

Whereas, dry poultry waste is rich in nitrogen and phosphorus nutrients that, when properly managed, can be used for fertilizer, but when in excess and improperly managed, these nutrients can negatively impact natural resources and human populations in downstream counties, thereby leading to the degradation of aquatic life and can cause public health impacts related to odor, drinking water contamination, drug residues, pathogens, and disease vectors and pests; and

Whereas, poultry in North Carolina produces three times as much nitrogen as compared to swine waste and six times as much phosphorus as is produced by the swine industry; and

Whereas, animal operations for swine are heavily regulated with various requirements, including setbacks, inspections, and water quality permits; poultry operations are exempt from regulation, and inspections are only complaint-driven; and

Whereas, there are an unknown number of these poultry farms located in floodplains and flood-prone areas of the State; and

Whereas, 238 poultry houses flooded after Hurricane Florence, 179 that were not in previously identified floodplains, and a total of 4.2 million chickens and turkeys were drowned as a result, requiring composting and costing a combined total of \$12.6 million to both the State and federal governments; and

Whereas, these counties have experienced repeated flooding from recent hurricanes and storm events, and as a result unknown amounts of nutrients and other pathogens have entered public waters; and



1           Whereas, many poultry farms are located in close proximity to residential homes and  
2 developments due to zoning and State-approved setback exemptions, causing increased  
3 respiratory concerns and mounting odor and "quality of life" complaints from neighboring  
4 residential communities; and

5           Whereas, a growing body of research draws direct correlation between exposure to  
6 poultry production dust and increasing respiratory hazards and pulmonary disorders among  
7 poultry farm workers; and

8           Whereas, the nation's leading poultry states, including Georgia and Arkansas, have  
9 adopted proactive policy and comprehensive nutrient management plans that protect the natural  
10 environment and public health without creating an unnecessary burden on agricultural interests;  
11 and

12           Whereas, there have been substantial technological advances to the disposition of  
13 poultry waste, including various recycling technologies such as anaerobic digestion, with  
14 beneficial economic outcomes to both the industry and the public, and there has been significant  
15 passage of time since this agricultural industry has been studied. Such review and discovery can  
16 be beneficial to all; and

17           Whereas, the study required by this act in no way is meant to misrepresent, discredit,  
18 and/or diminish the viability and importance of this industry to the economy of our State and the  
19 value and integrity of the thousands associated with its operations; Now, therefore,  
20 The General Assembly of North Carolina enacts:

21           **SECTION 1.(a)** The definitions set out in G.S. 143-215.10B shall apply to this act.

22           **SECTION 1.(b)** The Environmental Review Commission shall conduct a  
23 fact-driven, science-based study of the environmental and public health impacts of dry litter  
24 poultry waste in North Carolina and the potential regulatory and technological solutions for  
25 addressing these impacts. The Commission shall specifically study all of the following:

- 26           (1) The growth of the poultry industry in the State, including the current location,  
27 size, and number of dry litter poultry facilities in the State.
- 28           (2) The location, size, and number of dry litter poultry facilities located in the  
29 500-year floodplain. The Commission shall consider options for removing  
30 such facilities from the floodplain or requiring management practices to make  
31 such facilities more resilient during flooding events.
- 32           (3) The amount of dry litter poultry waste produced by dry litter poultry facilities,  
33 the methods of disposing of the waste, the documentation of how waste is  
34 disposed of, and how much of the waste is disposed of onsite by the waste  
35 generator and how much is disposed of offsite by a third-party hauler or waste  
36 transport and disposal company.
- 37           (4) The environmental impacts of dry litter poultry waste, including surface water  
38 impacts, groundwater impacts, soil contamination, and atmospheric  
39 deposition caused by nutrients such as nitrogen and phosphorus and heavy  
40 metals such as arsenic, copper, and zinc.
- 41           (5) The public health impacts of dry litter poultry waste, including impacts related  
42 to odor, drinking water contamination, drug residues, pathogens, and disease  
43 vectors and pests.
- 44           (6) The health impacts of dry litter poultry waste on workers at dry litter poultry  
45 facilities and people living in close proximity to dry litter poultry facilities.
- 46           (7) The cumulative environmental and public health impacts of waste produced  
47 by dry litter poultry facilities and animal operations for swine.
- 48           (8) The current regulation of dry litter poultry facilities and the potential  
49 regulation of dry litter poultry facilities to better protect the environment and  
50 public health. The Commission shall identify the deficiencies in the regulation  
51 of dry litter poultry facilities in the State and consider whether the regulations

1 of dry litter poultry facilities in other states and the regulation of animal  
2 operations for swine in the State should be applied to dry litter poultry  
3 facilities.

4 (9) The disposal of dead poultry in cases of severe storms or flooding events.

5 (10) The current and potential animal waste management technologies that could  
6 reduce or eliminate the environmental and public health impacts of dry litter  
7 poultry waste.

8 (11) The need for additional resources, including appropriations, professional  
9 expertise, and scientific studies, necessary to comprehensively examine the  
10 issues set out in this act.

11 **SECTION 1.(c)** Upon its request, the Commission shall be assisted by all State  
12 agencies, including the Department of Agriculture and Consumer Services, the Department of  
13 Environmental Quality, the Department of Health and Human Services, the Department of Labor,  
14 the North Carolina Poultry Federation, and The University of North Carolina and its constituent  
15 institutions. The Commission may request recommendations from any of these entities related to  
16 any of the topics set out in this act.

17 **SECTION 1.(d)** The Commission shall report its findings, including any  
18 recommendations, to the 2020 Regular Session of the 2019 General Assembly upon its  
19 convening.

20 **SECTION 1.(e)** This act is effective when it becomes law.