

TRANSCRIPT

INTERVIEWEE: **Donnie Dendy** (DD)

INTERVIEWERS: David Todd (DT) and David Weisman (DW)

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DT: My name is David Todd. It's October 5th 2002. We're in Perryton, Texas and we have the good fortune to be visiting with Donnie Dendy who's head of a group called ACCORD, which has been trying to promote sustainable agriculture and—and—and has been particularly concerned with—with CAFOs, Confined Animal Feeding Operations in this area as well as other conservation issues that have come along the way. I wanted to take this chance to thank you for spending time with us.

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DD: You're welcome. Glad to be here.

DT: Well thank you. I thought we—we might start by talking about your childhood and whether there might have been some sort of influence in your early days from your family or—or childhood friends, aunts, uncles...

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DD: Okay.

DT: ...who might have introduced you to an interest in the outdoors concern for it?

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DD: Well my childhood actually began here in Ochiltree County. I was born and raised in the community here. And so my background has always been for—for the community itself and—and the support that we can give to it. My background is in farming. And farming helped develop this community. And so we've always been strong supporters of the—the farming interest and what it can provide as far as stimulus to the economy. But as an early child, my background as far as the civic institutions would have been 4-H. Most anybody who grew up in a rural community was at one time or another probably involved in 4-H activities. And so we—we progressed through that. We learned how

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to—to be safe in what we did as far as—as agriculture enterprises, the work. We—we learned how to cook and of course our sisters learned how to sew. So we grew up doing that. 4-H was a vital part of our communities, it still is. It's kind of taking a back seat to economic development issues now. And economic development for—for communities is—is kind of running unchecked. Some of the—the things going on nowadays are kind of a quick fix for our communities. And we're—we are forgetting our—our roots and

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the—and the slow development that built these communities and the sustainable part. So there again is—is a what I believe in is—is important for the communities and it begins in

the early childhood through associations with again the 4-H activities, the farmers—the Future Farmers of America and—and other school type activities along those lines.

DT: Well maybe you can talk a little bit about some of the sustainable farming ideas that you got through 4-H or FFA [Future Farmers of America] or just through experience in—in being a family farmer yourself?

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DD: Well sustainable agriculture in our area of course consisted of a herd of cattle. You could have a cow-calf operation or you could purchase cattle to—to graze on a winter wheat pasture and then cycle them through a—a feedlot, a CAFO operation. And that's typically how the industry developed in our area. We did not overdevelop the—the cattle feeding operations cause there's a—at a certain level that's—is what sustains a community. Anything over that and it becomes an industrial community more than a well-balanced type situation. Of course we—all the people in the community at one time or another had a—a—again a few head of cattle, a—a few hogs and these were all raised

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on kind of open pasture situations. And it was all turnover, you know, it was developed through our local small size packing plants and—and the food products were sent out into the local super markets in that fashion. To date, now most of the—the meat products come in from the super large packing plants. And—and we use—lose our individuality as a result of this type of a situation.

DT: And so it sounds like you—your family operation in a lot of the sustainable agricultural business here was—was a pretty small scale, family scale and it was diversified, is that fair to say?

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DD: Yes. Completely diversified smaller farms, more personnel, more families working the farms and—and that all worked to provide a stable economy for the local communities. And once the—the world market inner—inner—intervened in the local markets then it became a real issue of you had to grow larger to maintain the same level of income that provided growth for your families. And so as a result of the farms getting larger, we displaced some of the smaller producers and it eliminated some of the multi-family type operations that provided a stable development for the smaller communities.

DT: Can you give us some idea of what the timing was when you started seeing some of these changes where farms got to be larger, equipment got bigger, things got to be a little bit more industrialized in a—a sense?

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DD: Well I graduated from Texas Tech in 1978 with a Degree in Agriculture Economics and a Minor in Business. And upon my completion of my college exercise, I was seeing some larger farms developing in our area at that point. But most of the—the larger farms have really expanded within the last 10-year period. And again, that gets back to the—the world market situation. Originally, you know, lar—smaller markets affected our price but now the world market dominates our price. And so again that all has come about within the last 10 years. And that gets back to for—for a lack of any other term,

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NAFTA, the free trade agreements, they've all precipitated as development. So it's—it's what's happening now. And though it is recognized that it is affecting the local communities there's no real drive to—to over turn this type of import of foreign grains and stuff to—that

destabilizes our local economies.

DT: So you feel like the low and no tariff situation on NAFTA is—is—is lowering your commodity prices and making it hard to—to compete? Is that...

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DD: Absolutely. Of course, you know full well that the foreign countries are—are not as heavily involved in—in regulations regarding en—environmental abuses, industrial waste related to the agriculture production. Labor laws of course are—are non-existent in foreign countries. And so they are not competing at the same level of a—of inputs, expenses that we are. And as a result they are able to—to ship out product and—and lower our local prices and—and it is hard competing with that. And so un—until we actually develop laws that require our competitors to—to protect their workers against abuses and the environmental abuses that go on, we will not have a fair playing field. So we hope that day is coming soon before we're all put out of business.

DT: Can you talk a little bit about how these confined animal feeding operations first appeared on the scene here and how they're linked back to this sort of global market and low tariff situation you discussed?

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DD: Well originally like I said our community, our county has three cattle feeding operations and those were developed many, many years ago. So we've always had a—a small segment of our—our community depending on cattle feeding operation, concentrated feeding operation that we were able to—to develop our grain sells and our—our pasture through—for these animals that are—a—a finished out in these feeding operations. That was the early days. Now we have—and those were locally controlled too. The investors were local and so the money circulated through the local economy.

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Now we're seeing foreign controlled companies, foreign owned coming in and—and developing and of course abusing the environmental side. But most of that money now is—is taken out of the community and we're with the waste byproduct and we're supposed to be happy about that. And of course the—the rural property owner and the rural homeowner are—are seeing the—the negative sides of—of waste product levied on—on their social well being—being and their lifestyle. But they have come to enjoy, you know, people don't live out in the country because—well people actually live out in

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the country because they want to. They like the solitude. They like the fresh air. They like the quiet. Well those are evaporating because of the—the multi-national and the—and the foreign corporations that are—are now placing a burden of—of noise and—and dust emissions from the concentrated animal feeding operations, not just the cattle but we of course, have pork and dairy operations too, both developing in this area. So...

DT: Why do you think they've come to rest in this area—in this either in Texas as—as—as a larger area or—or as in Ochiltree County or in—in Perryton itself?

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DD: Well Texas of course is—is new to some rule changes back in '95 and '98 regarding permitting for CAFO operations has changed dramatically and it's changed in the favor of the—the confinement facilities. The—the regulations regarding those permits have weakened and we are one—one of the last states in the nation that has the weakest rules or weakest regulations regarding confinement facilities. So not only do we have the—the

weakened permitting structures, but we have a low voter turnout, low density population. So we are a prime area for development with confinement facilities. And there's virtually nothing we can do at this point except protest and—and hopefully change some of those rules in the near future.

DT: Can you go into a little more detail about these rules and I understand that—that there have been some rule changes that sort—are pretty substantive like the—the nuisance odor requirements and then some that have been more procedural about whether you can get a contested case here and can you talk about some of that?

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DD: Well back in 1995 was the first permit for a—a pork production facility and it was a small facility but still it was large enough to be, in our view, classed as a—as a factory type situation. Back prior to May, June of '95 we actually had some—some rules that allowed the public to—to participate in the permitting process. We were allowed to request and receive a contested case hearing regarding the permit application. And those brought in an im—impartial judge who looked at both sides of the issue. And he had the final say regarding the granting or—or—or not granting of that permit. And we did have

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a successful court hearing on the first application in this area. It was conducted in Spearman, Texas, the next county over. And a—the applicant withdrew his permit application as a result of that. Of course, the—the adjoining property owners are the ones who brought the contested case request and the—the permittee was not going to—to do any best available control technology. And so the impartial judge saw that as—as a negative takings type of asst—issue on the adjoining property owners. So again that permit was denied. So the TNRCC, the Texas Natural Resources Conservation

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Commission began at that point to adopt some new rules and those were posted in May, June of '95. And for three years these rules stayed into effect. And the new rules took away the right to the contested case hearing for adjoining property owners. The only way a contested case hearing could be brought before an impartial judge was if the applicant was denied his permit. So it was a one sided issue and he—he could request contes—contested case hearing but the adjoining property owners could not. So that wa—in effect, was a loss of the due process rights for the people involved. And so that's the way it went for three years. There was 56 CAFO permits in the State of Texas either for new

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operations or expanding operations granted during this period. And in September of '98 they again re—readopted some new rules, which took the contested case hearing out on both sides at that point. So they said they leveled the playing field. Actually what they did was take the public further away from their due process rights regarding these issues.

DT: I was wondering if we could go back to something you mentioned that I guess is rooted in due process and this idea of—of taking, what do you mean by that?

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DD: Well the—the development of a confined animal feeding operation is typically large enough that it impacts adjoining property owner's air quality and sometimes water quality, depending on our surface water issues or even the aquifer issues. In our particular instance, we have a—an aquifer, the Ogallala, and once it's contaminated, it can migrate to the adjoining property owner's property. And so in effect, the development of such a CAFO

facility can take away fresh air to the adjoining property owner, make it so they're confined to their house, windows closed constantly and so

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that's a kind of a takings of a lifestyle and once the water contamination migrates to their property again that's a takings issue. They've contaminated the adjoining property and then there's surface issues re—regarding dust emissions of course which is a—is a air quality type issue. But dairies typically have some waste runoff and if you happen to be down flow from the adjoining property owner with the CAFO permit, then you can

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have that waste contaminate your property. Of course the pro—the pro-CAFO people will tell you that it's diluted by the time it reaches your property but diluted is still a—an issue that amounts to a takings. You know, why should they allow that to happen. So—so the weakness in the CAFO reg—regulations continue to allow these interferences to occur. And some of them can be measured in dollars and some cannot but they all fall into a takings type issue. The—what am I trying to say at this point, I'll—I'll come up with a word later on but.

DT: So what—what you're saying is this rises to I guess a problem with the Fifth Amendment that you've got a right to your property and if—if there's a regulatory decision like a—a permit is issued for one of these CAFOs, then you've got a—a taking without due process and without compensation is—is what—what your...

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DD: Yes. It—it amounts to a—an unlawful easement across your property. They paid you nothing for that easement and you would not have granted that type of easement anyway. So—so that's—that's what it amounts to. And there was a case recently heard back in the northeast and it was confirmed through the Supreme Court that odor transmissions do amount to takings in an unlawful easement across your property. So—so we do have that as a precedent. It's—it's fairly recent and hopefully the State of Texas will recognize that when some of the I guess the lawsuits that are currently in the process in Texas are finalized. So we hope for some justice there and some—some overturning of some poor regulations. So we can only hope that that'll come real soon.

DT: You—you mentioned odors just now. Can you without going into too graphic detail, describe what these odors are like and maybe go back and talk a little bit about I think it was a fellow named Teel Bivins who managed to get some tweaking of the nuisance odor regulations in the State.

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DD: Well the—the odors, some of them are extreme depending on the type of operation. One of—in our particular instance, the odors coming from a hog production facility are—are fairly extreme. The TNRCC of course, rates that on a—on a scale of one to five, one being barely noticeable but five being strong enough to—to cause vomiting, sickness. And of course the TNRCC uses their own nose as—as their own gauge and no two people can gauge the same odor the same way using their—their nose but that's the TNRCC's method up here. And we do have some fairly large facilities that are causing

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sickness, vomiting by adjoining home owners and—but the TNRCC, unless they're there at the moment that someone hurls, they don't see it as a number five so—so it's—it's tough getting that addressed in—in our area.

DT: And sometimes it a pretty volatile passing problem?

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DD: Yes.

DT: Buy the time the official it may have already...

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DD: That's true.

DT: ...dissipated?

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DD: In—in a typical working situation, people are away from their home during the day. They're—they enjoy their—their home either in early morning hours or late evening, and that's typ—typically when the inversion—atmospheric inversions occur. And that's when the odors are strongest around or across your property. And so when you're trying to enjoy working in the garden or tending to your flowers or playing with your grandkids in the evening hours, that's when the odors can be the strongest and actually drive people indoors to—to avoid the—the nausea that would come with that. Of course the cattle

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feeding operations have dust emissions and again the atmospheric inversion causes that pattern to be worse in—in the morning and evening hours too. And so of course, the dust transmissions are closely monitored by the TNRCC. But they are not going out and doing these on a regular basis. And so we have lot of that happening ar—around our cattle feeding operations. And they do get by with a lot more than they should. So...

DT: Could you talk a—a little bit more about some of the—the environmental issues you see raised by some of these CAFOs, either the hog operations or the cattle feeding operations? I think earlier that you mentioned something about surface groundwater problems.

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DD: Well in—in our area we do not have a whole lot of surface water. I think the Canadian River is our—our biggest surface water issue and anything north of that is basically developed around Playa lake systems. And so we don't have the—the running water that can be contaminated by runoff that you would see around communities like Waco. That is a—a hot topic, has been for the least few years and will continue to be so due to some runoff from dairy operations. But again in our area we are dealing with the—the long term consequences of a leakage from lagoon systems associated with the

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cattle feeding operations and the pork production facilities. They are using what you would describe as a compacted clay liner and that's the—the minimum the state requires in the permitting process. But even the pork industry has acknowledged within the last three years that, that is not 100% leak proof. Prior to '97, even the TNRCC was denying that seepage would occur. But it's—it's in their rules that a certain amount is allowed in those permitting processes. So—so I—I have a problem with the TNRCC even allowing any seepage at all because of the long-term affect. It will eventually get to our aquifer, which runs anywhere from oh 25 feet deep below the surface to 400 feet deep. But we

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have numerous instances around the panhandle of contamination in the aquifer and all of that has gotten back to seepage. The perk—percolation through the soil surface, it eventually does reach the aquifer. There's an ongoing issue at Pantex regarding the Ogallala

aquifer and the contamination there. The City of Perryton has a—a city well that was contaminated with carbon tint. It qualified for the EPA Superfund and so it is currently in the clean-up process. We have instances at border regarding the—the Philips refinery. We have Celanese out of Pampa, Gray County. So we have numerous

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instances all around where the Ogallala is being contaminated through—again through seepage of lagoon systems or application of wastewater on—on surface. So it's not something the TNRCC can deny anymore. And it's—it is only a matter of time before the—the recent development and construction of the pork production facilities create numerous problems around the panhandle.

DT: What is the contaminant that you're most concerned about? Is it—is it nitrates, nitrites, is it viruses or bacteria that might be in the water?

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DD: Well the—the most—the most visible would be the nitrates of course. It can cause problems in the developing fetuses and—and—and babies and so that one's the one you hear the most about. But there are of course antibiotics that are deposited through the waste product into these lagoons that can migrate with the contaminants—other contaminants into the Ogallala. And we could be drinking those even now and are—are—are bad—bad bugs, bad germs could be developing a resistance and—and we're not aware of that. And so—so there's—there's several things that can be contaminating the aquifer from any one source. But the most visible in the confinement facilities would be the nitrates.

DT: Well speaking of antibiotics...  
(misc.)

DT: Do you see any problem with CAFOs in particular and the antibiotics or hormones that are needed so sustain these really very dense feeding operations?

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DD: Well i—it does, particularly in the pork industry takes a lot of antibiotics to—to—to reduce the death loss associated with the—with the production of these animals, in these concentrated facilities. The germs are passed along more readily between animals. And so they are normally fed large amounts of antibiotics to reduce the transmission or—or clean up the—the disease before or after it happens. And even today, the USDA is developing some new guidelines regarding those antibiotics but that's going to be voluntary. A—at this point, it is not going to be a requirement that they reduce those, and they're only making suggestions and they hope the industry follows those suggestions. So there's still other tests going on but—but for the USDA to be concerned, to issue new guidelines, there's certainly proof out there that—that there is a problem developing.

DT: And I know in the cattle feeding operations sometimes they use hormones to enhance the speed of growth. I'm curious if that's a—an issue in the pork industry as well?

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DD: It probably is but I'm more aware of the hormone issue in cattle feeding operations. Of course, it is also used in the production of dairy milk. But you know, some of our export markets refuse to accept beef products that have been fed hormones. And there are still farmers and ranchers that will not give the implants to their animals because they view that also as a—a threat to the public health. And they're—they're more accepted, you know, locally than they might be in some other areas. But there's still a few people out

there that refuse to adopt this modernized technology, to add a few pounds to their animals. So there is still some resistance out there against this new approach. But hopefully that will grow and we'll migrate back the other direction.

DT: I guess another criticism I've heard about CAFOs is—is not so much the environmental public health kind of problem but more kind of ethical and—and some folks who challenge the way these animals are treated that—that it's not a kind way to deal with them. I was wondering if you could comment about that kind of concern?

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DD: Well the—of course with the cattle feeding operations are concentrated also but those cattle are typically moved from a cow-calf operation to wheat pasture and then to—to finish in a feedlot. So they actually have some—some free time you might say in—in open pastures. But in the pork industry, the pigs never do touch dirt or the—or mother earth. They're always confined in—in the real tight spaces with barely enough room to turn around in. They're on concrete for the—their entire life. And so the only daylight they see is through the open curtain of the building they were raised in. So it in a humane

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way, they—they are being deprived of at least a—a small part of—of the freedom that some of the other animals enjoy as far as open pastures and—and development that way. But it certainly borders on inhumane and for someone who—who actually has been inside a building in saw the raising these animals, it—it changes their focus forever. They know then that it—it is not a good situation and are ready to make changes themselves. So...

DT: Maybe you could tell us what if most—most folks who—who might view the tape will never get the chance to—visit a CAFO. Can you sort of describe how one of these, maybe starting with the—the milling operation and then talk a little bit about how the feeding end of it works, as well and then a lagoon at the end?

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DD: Well of—of course its—our organization's focus has always been on the pork industry, they are—are genetically alike. They are bred and—and produced to—to have identical genes and every animal basically look alike. It's as close to cloning as you could actually get in the—in the animal industry.

DT: How do you mean?

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DD: Well they're bred for their superior gene basically. So the—the boars and sows are handpicked for—for their—their weights and their—their build. And so they're trying to produce as many animals with—with the same identical build and—and muscle patterns as they can. And that is done through controlled breeding programs. So all—all it likes is tweaking a gene or two to be—to be, you know, like a clone situation.

DT: Is it—is it like traditional inbreeding and back breeding or are they actually doing some genetic engineering?

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DD: They are not to our knowledge doing the genetic engineering. Of course, they look at—and they look and advertise their sites as being genetic facilities. So the mere implication that—that they are a genetic facility leads one to believe that there may be some tweaking going on. Of course you know you have no access to their records to determine that but—

but it—it makes one wonder what's going on there. But again the animals are—are—are breed in—in like-minded situations and closely monitored for  
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their performance. The ones that do not meet that performance are—are—are basically destroyed at an—at an early point. And it's because, you know, they don't want to waste animal feed that—that is going to come in underweight and not perform as well as—as the rest of the units you might say.

DW: Is there not—I mean we've heard the TNRCC was relatively ineffective in dealing with this. Are there not federal USDA Standards that somehow supersede state's authority in controlling this (inaudible)?

DT: Perhaps you could discuss the—some of the regulatory framework that David was talking about USDA versus the TNRCC.

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DD: Well Texas is referred to as region six of the EPA. And region six was the last of the—the regions in the United States that the EPA delegated authority back to the State of Texas to develop and implement their own rules regarding confinement facilities. So the EPA now has taken a—a backseat approach to—to issuing guidelines and regulations on confinement facilities. They—they are doing what the state of Texas has been doing, regarding it as an agriculture issue. And they classify these con—confinement facilities as—in the same category as a small family farms. And are allowing widespread environmental abuses to occur that would not normally occur in a family farm situation. And again that is a result of delegating the authority back to the TNRCC. And even

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though they do have some guidelines regarding nitrates and stuff like that on land application, there's really not much enforcement going on. The monitoring is—is really light handed. As—as an example, you know, they're required to provide soil samples of land application sites. If they are no one's aware of it. So they are not going out and doing these tests themselves. They are voluntary and by the rules that have been developed by the TNRCC. The USDA, they issue guidelines as far as the antibiotics, as far as land application rates of waste from these facilities. But again, it falls back to the state to implement those rules and—and if the state meets or exceeds those guidelines,

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then the UDSDA and the EPA take the back seat approach and—and wait till problems actually surface to—to step back in. And so once they release that control, it's—they don't like to—to come back and—and—and grab hold again I guess could say. So...

DT: You were talking before about how these businesses have—have developed and—and how they're—I think you were talking about how the—the hogs were raised and their genetic similarity and then how they're fed and—and—and then I guess the next stage would be going to slaughter and—and a packing house is that...

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DD: That's true. Yeah.

DT: ...and is this all a vertically integrated business?

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DD: Yes. They—they reach a packing weight at 280 pounds and that's when they're shipped out for—for slaughter. In our particular instance in Ochiltree County, we have a por—pork production facility that is called Texas Farms Inc. And they are owned—they are a

subsidiary of Daily Food—Daily Foods out of California, which is wholly owned by Nippon Meat Packers out of Japan. And when you look at it from the production stand point as a—a comp—competition against our local producers for every, you know, thousand head of hogs they produce a year, they are putting small producer somewhere in the United States out of business. And so they're producing approximately 800,000

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animals a year, so the impact is tremendous across the U.S. They again—they own the seed product through the slaughter weights and they own the feed mill. They've developed their own feed mill so they are buying some local grain but the majority of the—the feed products actually come in from—from an area that has a cheaper supply. And so we believe the next phase of—of the local company would be to build their own packing plant. And so we're—we're waiting for that announcement any day now. So again, you know, like you said that is vertically integrated totally and all they lack is owning the grocery store then. And so they would have the whole product from start to finish.

DT: It sounds like they haven't taken the route that I understand some of the poultry producers have taken where they outsource, you know, the portion where they—and you get a young chicken and you—you grow it out and then it's sold back at a set price and you have to buy the feed from the company. This is totally integrated within...

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DD: For yes for the Texas Farms Company it is. Of course we have their nearest competitor is Seaboard and they both own their own facilities and contract to raise hogs to so we see them doing it both ways. But—but as far as the local situation goes, they own everything the buildings, the land, the animals, the feed mill, totally integrated.

DT: Can you go into this a little bit more and talk about the sort of economic effects of that kind of not just concentrated feeding but concentrated ownership of the—the whole operation, what it does to (?)

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DD: Well okay by—by owning the total product from start to finish, they're able to compete superior with our—our local small producers across the U.S. because the small producers it takes around \$.42 a pound to—to break even raising a pork. And then the confinement facilities, in the industrial size their break even is approximately \$.31 a pound. That's because they can take profits from another area of their production line and—and apply it to the—the cash price that has paid for the pork itself. So they can take a loss in one area and offset it with a higher profit margin in a—in a finished product. So that is the direct competition with our U.S. producers. But as far as locally, Main Street in Perryton for instance was all behind the pork industry developing here.

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But after five years of production, Main Street Perryton is—is not any better off than they were five years ago. And sure enough, there's some new businesses—business in town but it—it caters to the immigrant labor that is used in the pork production—pork production facilities. So we are seeing some new businesses but the very people who thought it was going to benefit them are—are—are struggling to survive in this economically developed community now. So...

DT: Did Perryton or the county here subsidize or invite these companies to come here?

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DD: They created a tax abatement for the first two permits for Texas Farms. They had to—

to vote on—on—on the property, place it into an industrial category for that abatement to apply. And so it took about a million and half out of our tax base for that for about the first five or seven years. So—so that was a contribution by the local community. The county also applied for a—a grant through the Texas Capital Fund and they were given \$500,000 to—to build two and half to three miles of improved road—access road, which in our area would be blacktop surface and it was primarily for these pork production facilities. So we had one local commissioner who—who voted in favor of this because he said, “it’s free money it’s not going to cost us anything”. But it is still taxpayer money and we all chipped in for that. So we thought the lesser-improved road surface, (?) is what we call it in this area was sufficient for these facilities. But the commissioners went for the Texas Capital Fund and sure enough it was granted. So there—there’s two different tax-supporting projects there that provided improvement to these facilities.

DT: I—I can see why the—the companies would want to come here but it’s not clear to me why the local community would’ve not only welcomed them but helped underwrite their settling here. Especially after hearing your discussion of all the concerns about the operations environmental public health, the economic problems. Wh—why do you think the local city father, mothers or the county commissioners would have been persuaded that this was a good idea and good investment?

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DD: Well Perryton is the County Seat. It is—it is—is the only chartered community in the county. We have two smaller communities out west, approximately 100 people per community. But the—the Perryton Community saw this as an opportunity because it was not going to impact the community in a negative way as far as odors or—or water pollution goes. And sure enough, when you look at a map, all these pork production facilities and cattle feeding operations are sufficiently far enough out of town so there is no direct negative impact from the pollution sources. So in their view, they said well it’s not going to affect town so let’s—let’s back it, let’s—let’s be in favor of it and that’s the way things have developed. Our small organization was based in the western part of the county due to a small hog fitting operation and it was permitted there and we had very few members because it wasn’t in the next guy’s backyard. But when Texas Farms developed east of the City of Perryton, then our organization more than tripled in size

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because it’s now in someone else’s backyard. They are affected. They want to get involved and it’s—that’s what it takes it seems like in the confinement facilities for other people to—to be concerned is once it affects their property, then they—they wish they’d have done something long ago. And several people have told us that. They—they wish they’d joined forces earlier and maybe slowed this development down.

DT: What happens when you—you tell this story of your concerns to TNRCC or to legislators who seem to, you know, be more sympathetic to these companies, what—what kind of reception do you get?

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DD: Well it’s—we got many letters, standardized letters that, you know, that tells you to seek address or redress through legislative process. We weren’t getting any help from our local representative. He was not introducing bills that might protect property rights, you know, against odor transmission or dust. And our—our Senator, Senator Teel Bivins was not doing anything along those lines either. So we began in—in the fall of—or the spring of

'95 a little—a little late in the legislative session then, to contact legislators outside of our area. And surprisingly enough, some of those people sent us letters back and said that they did not like to cross district lines. And so we would have to fall back on our local representative or senator for that help. And—and so it's—they were looking at it as a local issue. But—but it concerned the whole State of Texas because you have the dairy situation, you have the chicken situation and those are not all located in the

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panhandle. Those are all across the State of Texas. So we felt it was a statewide issue but we were up against a stone wall so of speak, because some legislatures had an easy out by saying you're out of my district, you know, I can't consider your issues. So—so that's—that's the way it's been in—in each legislative session since then.

DT: What about the legislators either at the house or the senate that are—that are representing this area?

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DD: Again we're talking about Representative Warren Chisum, Senator Teel Bivins and Representative David Swinford and they are all pro-business. Most of their contributions do come from the bigger packs. So they are taking their guidelines or suggestions from industry and pro-business side. And they are all looking at it as economic development. But in the long run, it's going to wind up costing the taxpayers due to the—the cleanups that will invariably happen somewhere down the road. It'll amount to millions of dollars of taxpayer's money to—to clean up some of these facilities. So...

DT: Maybe you can discuss that a little bit, these companies aren't bonded I guess if they have to move?

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DD: They—they're not required because as—as an agriculture enterprise to not be bonded. The legislature does not want to require bonding for these type of facilities for fear that it would overlap into the—the smaller farming operations. But mer—that's merely a—a wording issue. It could be done and it should be done. But to—to date until we have new representatives elected in our area, those issues will go unaddressed locally.

DW: When you described ACCORD, in general, you said our goals are this, this and one of them was to take action. I'm wondering in terms of action like we've been around the state and seen what happens in communities and environmental justice issues and so forth and it seems to me at least in California when we thought that the state was giving a lot of B.S., they dumped a bucket of manure on the steps of the State Capitol. Nothing brings the smell home to the state legislators like that. I know that maybe that may not be the nature of this group but you did say take action was one of the goals. I was wondering if the action involved activism of any sort beyond just the letter-writing, campaigns for that and maybe you could possibly address that.

DT: Well I was wondering what sort of form your—your activism took. I think you mentioned that you all were involved in some letter writing and also I think there was a court case that you...

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DD: We—we did in the early days hope that our letters would provide some—some help by contacting our legislators directly. That's when we were getting the standardized letters, you know, to—to seek your help through—through the legislative process. Well if your

local legislature is not going to help you and people outside are—are—are passing the buck also, you're—you're basically left with one option and—and that's to go to court. And the ACCORD group did file suit in the State of Texas against the TNRCC back in '95. We went through the District Court in Travis County and then through the appeals court also. And we were successful in our court battle but we may have won the

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battle but we basically lost the war because the—the issues that were most important, the Right to Farm Act, the violation we believed of the U.S. and the Texas Constitutions were not addressed by the court in Travis County. They—we had approximately 13 issues before the court and they addressed only one and that was whether the TNRCC had the right to—to change the rules in May, June of '95. And Judge Margaret Cooper addressed that one issue and said they—they were illegal in adopting those new rules. And so the appeals court stood up to that too, again they did not bring in any of the other more important issues that would have brought about some changes in the property pro—

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pop—property rights act and reaffirmed her decision and made the rules in June of '95 null and void. And so that's when they came back and reworded the preamble I believe to the—to the permitting process and adopted the new rules in '98. And somewhere in that process, both sides lost the right to the contested case hearing. And so there was a further weakening of the—of the permitting process maybe as a direct result of our court action. But it was expensive for what little we gained. And because the TNRCC through

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the legislative process has been given the—the legal right to adopt rules that benefit and—and add to the economic development process, they are able to—to circumvent the—the court ruling in a way and—and adopt new rules each time a—a court issue is heard. So—so that's what we ran into was—was a further weakening of the rules while we were in—in the court battle itself. So...

DT: So what are you left with if the administrative option doesn't work, the legislative option doesn't work? I mean you can go to the litigate it, that's a frustration too. What's left for a citizens group?

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DD: Well in the State of Texas there's not a whole lot of hope until our legislators are—are booted out you could say or until there's some major studies that are—that conclude that this damage is occurring. So basically the—the next step would be to go to federal court. Federal courts are not as heavily influenced by facts as the districts judges are in the State of Texas. So somewhere down the line whenever the timing is right and—and the finances are in place, I think action in federal court would provide the relief that our organization and others like us need to protect our—our rights as individuals.

DW: Is the next question about—how about the role of the media in this? I was on the plane flying here the other day and there was a four page article comparing an organic hog farmer in Iowa with a mass pork producer and it came out pretty favorably in favor of the free range hog operation. Had—we know the media also did a story in the land application in Sierra Blanca that seemed to get a lot of attention too? Wondering on a local or national level whether it's local or 60 Minutes have you had any media attention in the area or used to your advantage on the issue?

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DD: In—in our particular situation, Amarillo, Texas is our regional media service. We are approximately 120 miles from that location but they provide the local input both as far as a regional newspaper and the local new services. We've had a lot of interest from the TV Stations and have benefited some from the way they have covered the—the issues.

Sometimes it is unfortunate that they—when they cover the other side, it makes the confinement facilities look real good because of the promises that are provided by the industry itself. So while we are trying to address real pollution problems, they are merely saying it will never happen but it is happening. So the—the local TV stations are a little

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lax in their environmental approach from this area just because there's never been any real large environmental issues that would have brought them to develop an environmental department I guess you could say, an investigative department. And so we are seeing some changes there. I'm not sure it's going to work out but we do see them still addressing the issue every chance that they can by covering some of the—the newer formed organizations. So we see that going on. The newspaper on the other hand, their agriculture editor newspaper writer is pro-industry. She happened to grow up a mile

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within the—the IBP packing plant and maybe for some reason she thinks that because she had to put up with it as she—as a child, the rest of us should put up with it everywhere else. But we need someone different in the newspaper who really covers the—both sides of the issue fairly. The—the newspaper seems to be pro-industry. So media is—is kind of an iffy deal in our area.

DT: Is there any leverage to the market? I mean is—is it possibility to persuade people not to buy the products that are raised on these factory farms or the CAFO operations?

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DD: It's—yeah that is really doubtful to persuade people. In fact if you go through our local supermarkets we have two, I find it very doubtful that you even would even find an organic egg. And so I'm familiar with some of the markets in Austin and who provide an outlet for that type of product but as far as our community and Amarillo, it's all factory type foods. There's just not many organic producers in the area who have a, you might say a packing plant that would promote their product. It's all geared toward the industrial sized facility. So again due to our sparse population and—and our lack of education regarding organic farming, we are not seeing much of that in our supermarkets.

DW: Did you feel like you had a better shake back in the when like Jim Hightower might have been the State Secretary of Agriculture and maybe recount what things were like under his administration?

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DD: One ally that we had run across in recent years was Jim Hightower. I've spoke with him a bit on one of his radio programs and he of course covers the—the industrial side of—the confinement facilities. And—and he has certainly done a lot to—to get the word out. And we have really appreciated his support and—and—and the fact that he is—is standing behind organizations like ours in our pursuit for—for better farming and cleaner farming techniques.

(misc.)

[End of Reel 221]

DT: We were talking before about the—the pork industry and I was curious if you could

discuss the—the trade group that represents different segments of the pork industry and what—what's their view on these CAFOs and how they should be best managed and regulated?

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DD: Well you—you're probably referring to the National Pork Council. They're in charge of spending the—the money that is acquired through the pork check-off. You know, every time you sell an animal, there's a certain amount of dollars that go into the National Producer's Council. And they're using these funds for an advertising blitz, an advertising campaign to promote the white pork. But on the down side, the smaller producers aren't benefiting from this national campaign. And the smaller producers organized and petitioned to—to have a vote, a national vote on the—on the check off

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funds and to eliminate those funds because again they weren't seeing the benefits the industry—industrial side of pork production was seeing through the advertising campaigns.

DT: (inaudible)

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DD: Because it th—the again it is geared toward the larger sales. You know, when a packing plant buys hogs from an industrial operation, they know they're going to have so many thousand animals a day. The small producers who may be bringing in 50 or 100 animals a day are not seeing the—the cash value that the larger producers are. And so

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they are kind of being discriminated against is—at the packing plant level, the buyer level. So again they petitioned. And they got enough signatures to actually vote on the pork check off. Well it's my understanding that their petition was successful. The vote was in the favor of the small producers and they voted to eliminate the pork check off. Well the first thing that happens is a—is a judge steps in and puts a hold on—on those collections. They—they allow the check off to continue for a period of time. So that's where the—the Pork Council is right now. It's fighting to keep those check off funds in

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place even though they—they lost in a fair and impartial election. So it was rather ironic that the voter spoke and then a federal judge stepped in and—and kept the check off funds in place while they research the issue. So—so that's kind of like an election in Florida, you know, that's decided by a judge more than the voters. But—and the same thing in the cattle feeding industry. We don't—we do know that the smaller producers that have fewer animals are—are fighting to eliminate those funds too. Unfortunately the—the large cattle operations, national and state are fighting to keep those in place because those guys using the check off funds like those trips, you know, they—they like

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their high dollar expensive meals. And—and even though beef for the last five or seven years has been barely at the break even, producers have been losing lots of money, they're still using the check off funds in—in advertising, exporting packages and stuff but it's not making any difference. So the snall—small producers would rather see those funds remain in their pockets. And it would make a little difference to them where the advertising is not. So...

DT: I've heard some people explain the—the drift of these meat trade groups with the—the

Beef Council and I—I assume this—this rolls over to the pork council as well, that they're—they tend to be dominated by the—the processors, the packers more than the producers and particularly the small producers. Is that true do you think in the pork industry?

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DD: Yes I—I think that is very much the case that—that they—the USDA's determined that's there's no collusion in the packing industry. But when there's only five or six major packers, it's real easy for collusion to occur and there actually be no paperwork to—to provide the evidence to indicate that. So—so yeah that is the driving force be—behind those check off funds because those funds are being used to enhance their end product once it leaves the packing plant. So it benefits the—the packers more than the small producers because at the producer level they're not seeing any increase in—in the price per pound. It's—it's all levied on the supermarket packaging. For instance, two—

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two years ago when pork got down to \$.10 a pound, you know, that's—it's been a long time since that's happened. There was no real decrease in the price of pork at the supermarket. So the packers and industrial type operations that are vertically integrated were seeing huge profit margins whenever the producer was getting some \$.10 a pound. So the grocery stores really loved it then. They were buying meats dirt-cheap and virtually making probably 90 percent over what it cost them. So...

DT: You mentioned that there are about five major packing houses, how do you think that it's been that these companies have gotten so concentrated is it Cargill, IBP or some of the others, Archer Daniels?

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DD: The concentration it develops through the buy-outs. Of course, buy-outs are meant to enhance somebody's bottom line. And that is done of course, through eliminating employee's funds that—that are used to support pensions and stuff. So you now that's a little more technical than—than what I'm used to. So I really can't cover the packers a whole lot. I just—I've watched the articles and—and with suspicion, and it's beyond me how the USDA—USDA cannot determine a collusion in that industry and—because it seems so obvious to the rest of us.

DT: It—it seems like there are a lot of parallels in my mind between what goes on in the beef industry and the pork industry. I was wondering if you've seen that in the case of Texas CAFOs, you know, how the poultry operators or the dairy operators or the local pork business is run? Is it—is it similar sort of business and regulatory scheme?

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DD: Bas—yes they are. The—of course the concentration in the chicken industry is identical to the pork industry. There's—there's very few really big players that are controlling the industry. There's a few small contract farmers who are raising the animals for the big players. But it's—it's a struggle for them to survive in like in s—let's see in identical operations. Again everything is—in those industries is raised in a confinement facility housed in a—in a wooden structure basically with a—with a roof over it. So they're identical in appearance from a roadway. And unless you knew the difference between them the odors, you wouldn't know what they're raising in that

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particular facility. The cattle operation is still a slightly more diversified in—in their feedlots because there's multiple owners. In the cattle feeding industry the real

concentration again comes through the packing plant itself. And—but there's more players in the feedlot industry but still just one or two in the packing plant. So—but we see—do see a trend in the cattle feeding industry toward fewer owners also. We do know there's one or two people out there that own or control large numbers of feedlots and—and we do see that increasing also.

DT: Are there other sort of trends in agriculture that ACCORD is—is trying to keep up with or that you're trying to follow personally?

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DD: One of those is the Pantex situation. I've been attending their round table discussions for approximately three years now. And my real involvement there was to watch and see how they determine the contamination occurred around that facility. And it—it appears that it is through soil seepage through the soil surface that has happened over approximately a 25 to 35 year period. I wanted to look at that to see if it paralleled what could happen in the confinement facilities where they are doing some land application that are—that may tend to run off into our Playa lake systems. And that is

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our—our—our recharge features up in this area. And so it really does mirror what will be the next big environmental disaster in the panhandle is—is the way the contaminants do reach our aquifer. So that—that was the Pantex issue. There's a—another issue that concerns us but it's really beyond our organization to—to really step in on because ours centered around the confinement facilities and—and that's the transfer of water out of this area for municipal use or industrial use. And T. Boone Pickens is—is the lead person involved in that. That's the—the county directly south of us. And of course they want to

export water to whatever major community will purchase that water. And we view that as—as you know a—a valuable resource that is going to leave the region up here and we're—we're not in favor of that. But—but of course, we can see T. Boone Pickens' side cause the Amarillo and the Lubbock communities are—have started pumping water from their own well field this past winter. And it's a major amount of water; it's 24 hours a day, 7 days a week, 365 days a year. And it's providing again drinking water again for Amarillo and Lubbock and communities in between. But there's no indication that they will slow down the—the withdrawal during the winter when demand is low. They have

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other plans in place to—to pump the water for storage and they're not real clear on that. And the only place you can pump water for storage is basically back down a hole somewhere else. So we think they may be going to recharge some well fields that they've dried up over the years and provide more storage. But the continual pumping of that water source will affect the adjoining property owners and—and T. Boone Pickens is one of those. But there's quite a few members of his organization that will face some negative effects from the Amarillo and Lubbock well field. So we are watching that but

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we are not taking an active stand in that. I think it will play out on its own. And because as they pump more water, it'll affect more people further away and eventually somebody's going to go to court. And it my eventually overturn the right of capture in the State of Texas. And that's the state law that governs the withdrawal or the pumping of water under ones property as an individual right.

DT: Basically, the rule of capture says that you can pump as much as your pump can draw out – there’s—there’s no regulatory limit?

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DD: Well the—that is all—all those laws are governed by local water districts. In our particular district up here, we’re allowed to pump so many gallons per day, per acre. And so it’s a limited set amount. In the part—in T. Boone Pickens’ particular interest or situation, they have developed—it’s another water district and they have developed a

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different set of guidelines. And it’s hard to understand how they’re going to measure water withdrawals because they’re going to kind of take an average over a period of time instead of the—the actual measurement on a daily basis. So it’s kind of confusing as to how that’s going to work. But in our particular instance, we have set amounts that we can withdraw and—and south of here that’s kind of variable at this point. So I think that too will be addressed later on as—as the impact is felt on—on adjoining property owners.

DT: What do—do you think that these conservation districts are pretty effective way of administrating groundwater resources here?

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DD: Well they are—are as far as local control, yes we all want that. But early on whenever our fight with the pork industry started, the water district controls the underground water; the TNRCC controls surface water. So we went to our local water district and we’re requiring or asking that they require leak detection systems under the lagoons for hog farms so we could have an early detection system in place for pollutants. And that way, we could stop the—the seepage before it actually contaminated the aquifer. The water district did not see it our way and so they did not apply those type of regulations or requirements to the permitting process. So they kind of backed away from the issue. But we—we hope they’re looking at it in a different light nowadays because there is one such facility in the northwest part of the panhandle that is showing some signs of contaminants in the Ogallala through their own monitoring well. And the water district—lota—local water district is overseeing that. But as far as applying any pressure for—for further testing or any clean up, they’re not doing anything at this point.

DT: So the concentration districts are starting to look at least at these contaminate issues. I’m curious if—if the district where T. Boone Pickens is—is putting different conditions on export of water versus water that’s used within that watershed or within that county?

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DD: Well what the water district in T. Boone Pickens case did was step in and—and applied some new rules and—and that being they’re going to tax the water that’s to be exported. That’s how they were going to—to recover funds and use those funds in conservation efforts. That’s what they say. But the—the taxing rate is such a small amount that it won’t really impact the pumping of the water. I—it won’t slow it down another words. They did have discussions on disallowing the export of water beyond a certain point. But they waived that particular rule and—and they’re going to let it

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happen. So T. Boone may be exporting water to Dallas, Abilene, San Antonio, whoever can get the State of Texas to build them a water pipeline, a transfer system. A water pipeline to San Antonio is estimated cost is a little over one billion dollars. And that’s a lot of taxpayer money and but that’s what it’ll take to make the T. Boone Pickens’ water project work.

DT: Has this T. Boone Pickens had to demonstrate that that his export of water isn't going to curtail development in the watershed?

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DD: Well the—what their local district and our—well basically their local water district has developed is the 50/50 rule. They want to have 50% of their available water supplies remaining after 50 years and they're calling it the 50/50 rule. Of course anyone in this room can tell you that come the end of the 50 years, who's going to be there to enforce the rules if they're still in place. And—and once you start pumping water to a municipal source, they have superior rights over agriculture. In fact municipalities have first right to water. Industry has—are second on the list and agriculture is now third. So agriculture will be the first one bumped if there's any need for future water supplies to go to municipalities. And—and that's—that too is covered under the 50/50 rule.

DT: And I gather the—the environmental habitat needs don't score on the beneficiary use with...

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DD: No. No. When you mention beneficial use of water, in the hog industry we—we too fought the use of water in—in pork production facilities because they use so much fresh water to actually flush the waste from the buildings into the lagoon system. We saw that as a non-beneficial use of fresh water supplies. You know, that was beyond just the—the drinking supplies for the animals. And so we approached it in that manner and we didn't get any response or a real response from any legislator or the water district anyone—either one, excuse me.

DT: You talked a little bit about the 50/50 Rule for groundwater export and retention (?) county. I've heard some people say that—that even without these export schemes, the Ogallala is expected to last about 50 years in the panhandle part of the Ogallala because of I guess of municipal use, agricultural use. Do you agree with that and what do you think the consequences will be?

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DD: Well they're calling the 50/50 Rule the long-term drought management plan or—or water conservation plan. We live beyond 50 years that is—is really a short-term plan. And when they talk a long-term plans, they need to be looking at 100, 150 years and they're not doing that at all. So—so what they have developed is a—is a short-term plan to exploit water supplies in the very near future. And 50 years from now, they'll look back on that and say, why did we let so much water get away from us in such a short period of time.

DT: What do you think it is that's driving, you know, a lot of this pressure to develop and I guess not just develop it but just sort of consume, whether it's the water resources of the area or some of these pork opportunities. It seems a little short sighted to—to me but do you see that there's a lot of pressure to—to somehow develop this here, to have some economic future here for the community?

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DD: Well the—of course the development in our area is all based on cheap resources. The air is free. The water is basically free at this point. T. Boone Pickens is—stands to gain quite a bit off water sales. But our rece—resources are so undervalued for the long term that its—it's a steal to develop in this area at this time. And there's really no conservation going on as far as the industrial side goes. Agriculture for irrigation of crops is—has migrated to the—the sprinkler systems that are supposed to conserve water. I'm not sure that that's

actually happening as far as conservation. What that does is—is

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when you put a sprinkler on your property it—it benefits so many acres and there's so many acres that are left out of the actual benefits of the sprinkler itself. So that in a way is a—is a conservation. But as far as actually the application of water per crop, they're using just as much. We are using just as much as we were before. But in a sense there is some conservation going on but it's certainly not in the actual crop application of water. We're—we're using just as much now even though they are developing drought tolerant varieties of corn, grain, sorghum, wheat, soy beans, it still takes so much water to raise a bushel of any one product and that will always be that way.

DT: Are you a dry land farmer yourself or do you irrigate?

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DD: I'm an irrigation farmer. Me and my father—my father started back in approximately '63. He was an oil field employee and my grandmother had a small parcel of land and he left the oil field to—to develop that. And he expanded into a slightly larger operation than—than what she had as—as an individual. And—and for a period of time it was a reasonable income. It—it put the kids through college. But the oil and the grain embargoes of the early and mid 70's ended all that. And that's when people had to get larger to survive.

DT: (inaudible)

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DD: Well the when the old embargo happened of course we were working with three dollar a barrel oil. And so, you know, you were driving around in a—in a car and buying \$.27, \$.25 gas per gallon. And after the embargo came into effect, everything migrated up to about a \$1.00 a gallon for gasoline. Oil centered around \$10.00 to \$15.00 dollars a barrel. So those pri—prices escalated the cost in agriculture. And it was a heavy burden because we used so much fuel oil in our production process that it was a big drain on—on the bottom line. And so we saw that happening and then of course the grain embargo, when it came to be, we lost markets that we never did recover. And so those are the two of the biggest impacts in agriculture in our area that affected our bottom line. So...

DT: It seems like a lot of these things whether you're talking about grain or fuel or pork hinge money and—and politics to I...

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DD: Well of course in agriculture our costs, our input costs—costs are not—there's no way we can pass those onto the consumer. We just take what the market will bear locally. But when our inputs go up 25%, there's no way we can recover that because we just take what the market will offer for in the sale of our grain. So—so we're kind of in a—in a—in a tough spot there. Where—where other processing industries pass those additional insurance costs, fuel costs along on a final product. We just can't do that.

DT: Are there any niches that you see available or do you feel like you're pretty trapped by being in the commodity (?) business?

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DD: There are some specialized crop production techniques out there. Those I think work best on—on a smaller scale. We—we are kind of trapped by our local environment. Mother Nature provides, you know, so much rain on an average and that's not guaranteed. So basically the wheat, the soybeans, the corn and the grain sorghum are what's best for this area. There's been some others crops tried, you know, as—as a conservation measure or—

or a cost cutting measure. And they'll last one or two years and those producers will—will switch back to trad—traditional crops. We used to be known as the Wheat heart of the nation because of the large volumes of wheat that we could produce with Mother Nature's help. But it's been a long time since we produced an overall average or above average wheat crop in this area.

DT: This was dry land wheat?

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DD: Dry land and the early part of irrigation. Most of it was based on dry land prior to about 1960. There were some good wheat crops prior to that but I'm not sure if it's all Mother Nature's fault or whether it's a difference in the genetics of the—the crops we're raising now.

DT: Speaking of genetics, do you raise any engineered crops?

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DD: The neighbors raise the—the corns that are genetically altered and I will have to admit that I'm raising the round-up ready soybeans. We're in a situation with grain sorghum production—there's some—what do I want to say some—some weeds or some—some wild seeds that come into play with grain sorghum production that can limit your production per acre. And there actually be some acres that you don't draw any income off of at all due to the—due to the infestation of—of gen—genetically like plant like, you know, along the same lines as grain sorghum. So we have lost dollar value as result of that. And—and with the soybeans, we're able to draw an income virtually from every acre where we were limited in some instances before. My belief—personal belief on the round-up ready soybeans at this point is—is there's still—there's no harm in those. I'm still watching the reports that do come out. But some of the genetics in corn do

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bother me and because it is more a direct link to the food source that all of us consume, you know, through the animal feed or through the soft tacos and the corn flour tortillas and stuff. All of those are based on—on food corns and—and so some of those can be a direct link whereas the soybeans are limited in—in their feeding use. And they're used in cosmetics and all sorts in—in oils, soy—soy oil and stuff. So to me, you know, they're still not enough out there as far as the soybean evidence, as far as negative effects there.

DT: Does it—when you grow a genetically altered crop, do you have to sign any letters of commitment with one Monsanto or the others?

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DD: Monsanto, we sign a letter that we say we guarantee that we will not save any of that crop to plant next year because the seed that comes off your current crop is viable for the next crop without any degradation in—in a—in a—in a plant quality. So they are closely monitoring that and that's so they can guarantee that they get the their royalty off of every bag they sell. You know, if you raised soybeans that were not round-up ready, there's no—no—no contract that prevents you from—from saving enough seed to plant in the next years crop. But it takes a—a more harmful level in amount of chemicals to produce that other line of crops than the round-up ready. Again the round-up is biodegradable and there's no carryover from that chemical. And the chemicals that you would be using on the non round-up ready soybeans do have a carry over effect and can be a little bit more harmful to humans to that apply those chemicals so. I—I—there's kind of give and take there in a sense but yeah, Mo—Monsanto does control the sale of their product quite well.

And they have taken people to court to regain that control. So it is close—closely monitored.

DT: Does that disturb you? I don't know if you did seed saving before?

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DD: Well in—in wheat, we typically save enough wheat off each crop to plant next year's crop because it works in the same fashion. So there's no real control at this point. Though there are plans in place to—to control wheat varieties like they're controlling the genetics in corn and soybeans and grain sorghum.

DT: It seems like you're trying to make the best of your situation but what are you think about this trend that companies sort of extending their control over what a farmer can and can't do once he's—he's bought the seed (inaudible).

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DD: Well the—yeah the—the trend already—it's here. We are merely employees of Monsanto and the other chemical companies due to their control in this genetic development of plant and plant growth and herbicide use. So we are no longer individual farmers. We're as (?) called collective group employees of the chemical companies and no I'm not in favor of that. But I'm not sure how to—to get away from that either.

DT: What would your advice to kids that are in FFA or 4-H now be considering some of the challenges that you faced, whether it's in what you plant or what sort of pork facility you see going up down the road? It's a pretty challenging time it sounds like.

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DD: Yes, as far as teaching in school, there's not enough emphasis put on—on the environment. You know, the environment is—is what governs the development of communities. And if you destroy that environment then—then you've hurt the community itself. So there's really not enough emphasis put on—on environmental education in schools. So—so the younger kids can adopt a—a—a guidelines or habits that—that prevent wasteful use of products. You know, typically, you know, even throwing trash out on the highways is—is a not even really covered in the classroom anymore. So we think there should be more emphasis there. And—and on the production end of industrial size agriculture too.

DT: When you look at what's being taught at your alma mater or—or at A&M or the research that's being done there, do you think it's responsive to the needs of Perryton or of the small farmer?

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DD: Well there—there's two universities in the State of Texas and I'm going to step on some toes here and A&M being one of those. They're th—the leader in technology regarding animal production. We have approached them on numerous occasions to develop studies governing the—the odors from the lagoon systems and ways to—to control that or eliminate that. And to my knowledge, there's no study currently underway for that—that type of operation. The seepage from the lagoons we've asked for A&M's help in determining the amount and what can be done to eliminate that. There's no study

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going on there either. And the other university is—is Texas Tech of which I'm—graduated from that university. And one instance being we had kind of a public hearing in '96 or '97 regarding the Texas Farms facilities and we had an animal science professor from Texas Tech who spoke on behalf of the Texas Farms facilities. And his last statement before the—

the board that was in place at that time listening to the public comments was he thought that people who filed a—a—an odor complaint against a animal production facility should be sued for harassment. And this came from a university professor. And I bring that up every year whenever Texas Tech asks me for

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my donation. But he's still employed there and that was beyond me. You know, he had to have had a lot of pressure from the—the people he was supposed to be speaking in favor of that particular day cause nobody would of made that kind of statement.

DT: What—what sort of pressure do you think these pork producers or other large agribusinesses put on educators, what kind of leverage do they have?

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DD: Well they, you know, they do provide funding for research projects. It may be cycled through a—a corporation or a company that appears to have no link to the animal sciences or animal production. So they are heavily dependent on those—on funding from outside sources. And so they don't want to go out in public and step on the very toes that they want to fund some of their projects. So—so we do understand their need for that money because that education is underfunded but there ought to be some guidelines for that funding.

DT: Do you find that some of these companies have the sort of leverage with the agencies or the legislature, when you try and get help from them and they—they don't seem responsive?

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DD: Sure. You know, a major part of the legislative funding for reelection comes from pacts. And—and the pacts are—are heavily dependant on industry and of course that can vary from the electric industry, the animal production industry, the nuclear industry. It's all out there. And by funneling it through the pacts, it's a little harder to identify exactly who's funding someone's reelection campaign.

DT: Well, you know, considering some of these challenges you talked about, whether it's the financing that you talked about or the education or some of the things that are very directly involved, you know, the—the odors from the pork plant down the road. What do you see as being the—the major conservation challenges for ACCORD or for yourself personally, this—this community?

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DD: The major challenge of course is—is changing some of the laws that are currently on the books. The TNRCC of course issues permits and controls enforcement both and there should be a separation of powers in there because, you know, you're not going to enforce—strictly enforce some of the rules regarding permitting if—if—if you're the one writing the permits to begin with. So—so we would like to see some changes made there, another agency or a whole new agency to control the enforcement of—of industrial pollution discharges, etcetera, etcetera. Locally we're still getting out the word that—that

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the problems still exist and we are monitoring some of the early indications of the water pollution that would certainly justify our stand on—on this—on these issues. And I think they will come to bear fruit sort of speak in the near future. And the communities that are wanting to adopt these type of facilities will certainly have something more concrete to look at than—than just our opinion I guess you could say. So we are still formulating some ideas there. And there's been a couple of new organizations form up here in the panhandle

again because development has—has crept into their backyard and that's all it takes. You know, if—if the first thing a community did was build a facility outside of their city limits in a prevailing wind pattern, they would never let the development go beyond that, you know, because they would realize the ne—the full negative affect of what's happening here.

DT: It sounds like there's—there's—it's been hard convincing people to realize what the impacts are and I was curious what—what folks say to you when you say with all sincerity, you know, you think this is a problem and they—they differ with you? How do they respond?

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DD: Well they—they are basing really their beliefs on—on what industries telling them. And when industry says their odors don't go over a quarter mile, people are quite gullible. And we've documented the—the odor from a small eight thousand head facility traveling four and a quarter miles. And we did test with a hydrogen sulfite meter and documented the hydrogen sulfite out four and a quarter miles. So—so industry can no longer stand behind that claim of—of a quarter mile. And—and the State of Texas regarding their permitting should not use that as a guideline either though it's still used.

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When we talk about contaminating the Ogallala aquifer, again they're taking the word of the industry and saying the water's 200 feet deep it'll never get there. And you can turn right around and say well look at Perryton's city well. That—that water is 375 feet deep. How did that contamination get there? It was through seepage in the ground and—and it too happened over about a 35 year period. So—so because water is 400 feet deep doesn't mean the contamination won't occur, it's just how soon and—and when.

DT: Sort of looking down the road when—when people are more aware of—of the problems that you're already foreseeing or seeing—they're already currently here, what sort of advice would you give to young people to—to try and a, you know, meet some of these challenges?

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DD: Do their research. Don't just take the information provided by your economic development group because their information is also coming from the industry that's wanting to—to develop in your area. You know, there's—there's got to be a balance b—between the information that is provided to the students or the civic leaders and it—it should be a requirement before any project goes forward. And more often than not the—the community leaders do not even read the information that an environmental group will provide them because, you know, they don't want to come back and say well yeah I read that information and—and it does sound accurate. But I'm still going to vote for the

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development, you know. It would make them really look bad. But if they don't read the information they can say they never saw it, you know. But so required reading I guess is, you know, and maybe there needs to be a textbook devoted strictly to the environmental causes, you know, maybe highlight some environmental groups that do research. And—and I think students would be more inclined to—to look for that type of work in—in the future whenever they do graduate from a school somewhere. They will know those jobs are out there. And—and pay quite well to.

DT: Yeah, I think there's a question I typically ask people is before folks get involved in a lot of the nitty- gritty of—of trying to press for conservation they often have been exposed to

the outdoors and have some special place that they've enjoyed visiting maybe many more than one. And I was wondering if you could tell us about places that you've enjoyed, gotten some respite and peace going to?

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DD: Well through my—my college years and for a time afterwards, I—I did enjoy backpacking and still do when the opportunity is available to me. I spent a lot of time up in the Colorado Rockies backpacking through the vast expanse up there. And with that experience, you know, I realized the need for the proper care and disposal of—of waste and—and the removal of waste from the national and state parks. You know its—it looks better for—for the environment and it's better for all people involved when the waste is eliminated from the landscape. And so that was kind of my early introduction to—to actually taking care of—of mother earth or nature and it is developed into a—a—the

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same sense is developed in my farming operation. Well with the—the careful collection in the removal of—of waste oil with our larger machinery, we do have the waste oil to deal with and—and we carefully collect that and run that through a recycling center. So we have basically we have improved our operation and—and the looks of our property through that collection process. So—so it's—it's kinds been a—a growing type development grown through the years and it's just kind of come by naturally. You know,

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because you want a clean prop—you want your property clean because when you let stuff stack up, you know, it's—it never gets cleaned up later on. It's—it's there for the next generation. Well I—I want my nieces and nephews to—to have a clean place to—to come out in and enjoy the countryside. It—and I'm guarantying that with the way we—we do our farming operation.

[Misc.]

DT: Thanks very much.

[End of reel 2222]

[End of interview with Donny Dendy]