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Christy Noel

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Preemption Hogwash: North Carolina’s Judicial Repeal of Local Authority to Regulate Hog Farms in *Craig v. County of Chatham*

The North Carolina Supreme Court unanimously held in *Craig v. County of Chatham*¹ that state hog farm laws form a “complete and integrated regulatory scheme” intended to preempt local regulation.² Except for limited zoning authority,³ counties no longer may exercise their general police powers to protect public health and welfare⁴ through land use ordinances affecting intensive hog operations. The *Craig* decision is extraordinary because it invalidates numerous county hog farm ordinances in existence for the past decade.⁵ It also threatens to repeal other local livestock ordinances⁶ and has already

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2. *Id.* at 179 (concluding that state hog farm laws are “so comprehensive in scope that the General Assembly must have intended that they comprise a ‘complete and integrated regulatory scheme’ on a statewide basis, thus leaving no room for further local regulation” (quoting N.C. GEN. STAT. § 160A-174(b)(5) (2001))); *see also* Craig Jarvis, *Hog Farms to Stay Under State’s Control*, NEWS & OBSERVER (Raleigh, N.C.), June 29, 2002, at B1 (summarizing *Craig*’s holding “that counties cannot regulate large hog farms more strictly than the state does”).
3. *See* N.C. GEN. STAT. § 153A-340(b)(3) (2001) (allowing counties to zone hog operations of a certain size so long as the zoning does not effectively eliminate such hog operations from the county’s entire jurisdiction).
4. *See* § 153A-121(a) (2001) (delegating to counties broad ordinance-making power to “define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of [their] citizens”).
6. *See* Hogging, *supra* note 5 (“The unfortunate ruling is expected to void similar
stifled prospective regulation of North Carolina's poultry industry. The ruling also constricts local health board discretion in fulfilling the legal duty of "protect[ing] and promot[ing] the public health." Health boards may no longer consider anything other than health when promulgating rules and must now provide heightened justification for exercising their express statutory authority to enact hog farm ordinances that go beyond state requirements.

Craig is a watershed decision for North Carolina's pork industry. Factory hog farming practices, including the open-air storage of millions of gallons of liquid hog waste in the state's zoning ordinances and health board rules in other counties, where local officials are well acquainted with problems specific to their areas.

7. See, e.g., Matt Leclercq, Harnett Seeks 'Gentleman' Fix to Chicken Issue, FAYETTEVILLE OBSERVER, June 29, 2001, at C3 (citing the appeals court ruling affirmed by the supreme court in Craig as "put[ting] into question whether local governments can regulate poultry farms"). Soon after the first Craig ruling, Harnett County officials abandoned proposed regulations affecting poultry waste management in favor of seeking a non-binding compromise with poultry growers. Id.

8. N.C. GEN. STAT. § 130A-39(a) (2001) (granting local boards of health "the authority to adopt rules necessary for [the] purpose [of protecting and promoting public health]").

9. See Craig v. County of Chatham, 565 S.E.2d 172, 180 (2002); see also Craig v. County of Chatham, 143 N.C. App. 30, 43, 545 S.E.2d 455, 462 (2001) (Hudson, J., concurring) (reasoning that the health board rules under challenge were ultra vires because they made economic exceptions and thus were not exclusively health-based (citing City of Roanoke Rapids v. Peedin, 124 N.C. App. 578, 478 S.E.2d 528 (1996))).

10. Craig, 565 S.E.2d at 180 (holding that boards of health must "show[]" that more stringent regulation is necessary to protect public health (citing N.C. GEN. STAT. § 130A-39(b) (2001) (specifically allowing local boards to adopt rules stricter than those promulgated by state agencies "where, in the opinion of the [board], a more stringent rule is required to protect the public health")). Craig does not specify what boards must "show[]", but it faults Chatham County's Health Board for failing to "provide any rationale or basis for making the restrictions in Chatham County more rigorous than those applicable to and followed by the rest of the state." Id.; see also Daniel J. Whittle, Editorial, An Ill-Wind for Local Rights, NEWS & OBSERVER (Raleigh, N.C.), July 18, 2002, at A15 (warning that the "unusually broad" ruling puts any local health-based rules "on shaky ground").

11. See Jarvis, supra note 2 (quoting the North Carolina Pork Council's statement that "[t]his decision will give individual producers and our members the confidence [sic] they can rely upon the regulatory structure of the state's permitting program when they are making decisions about their farms").

12. These open-air pits, or "lagoons," are defined in section 106-802(1) of the General Statutes of North Carolina as bodies of water that "hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials." Periodically, the liquid waste is sprayed aerially over crops, or "sprayfields," grown to absorb the excess nutrients present in liquid hog waste—a method of disposal that has been criticized as "primitive" and is cause for growing concern over North Carolina's air quality. See generally KATHRYN COCHRAN ET AL., Executive
eastern flood plains, have caused ecological disasters of national significance. North Carolina is infamous for its failure to regulate the hugely profitable pork industry at the expense of its public health and environment.

Craig is, therefore, all the more extraordinary when considered in full context. After the General Assembly granted counties zoning authority specifically for intensive hog operations, Chatham County, already among the counties with general livestock ordinances, enacted swine farm ordinances that were more stringent than state law. The Agribusiness Council of Chatham County challenged these ordinances up to the appellate level, where the North Carolina


16. See Okun, School of Public Health Documents, supra note 5, at "Chatham County Swine Farm Operation Ordinance and Rules: Background," available at http://checc.sph.unc.edu/rooms/library/docs/hogs/Chatham.HTM (last visited Aug. 20, 2002) (on file with the North Carolina Law Review); Editorial, Chatham's Handle on Hogs, NEWS & OBSERVER (Raleigh, N.C.), Apr. 1, 1998, at A14 (noting that Chatham had "thoroughly studied and discussed" hog waste issues "for three years" and that it "wouldn't be the first to use the [limited] zoning powers [over large hog operations]" granted by the 1997 General Assembly).

17. See Chatham County, N.C., Ordinance Regulating Swine Farms § 11(a)-(b) (Apr. 6, 1998), available at http://www.cals.ncsu.edu/wq/SwineFarmZoningNotebook/NCLocalOrdinances.htm (last visited Aug. 20, 2002) (on file with the North Carolina Law Review) [hereinafter Swine Ordinance] (dictating minimum setback distances of 2,500 to 5,500 feet from residences; child care centers; and commercial, governmental or public buildings depending on the size of the hog facility; and prohibiting the spray disposal of liquid waste from within 500 feet from these types of buildings or "wells used for human consumption"). The county also amended its zoning laws to condition the operation of larger swine farms on permits issued in accordance with the new Swine Ordinance requirements. See Chatham County, N.C., Ordinance to Amend the Chatham County Zoning Ordinance to Provide for the Regulation of Swine Farms (Apr. 6, 1998) (on file with the North Carolina Law Review).
Court of Appeals held that, excepting the express zoning allowance, state law preempted local regulation of hog farms. The County of Chatham then appealed, and the state's highest court granted discretionary review.

As testament to the importance of the issue at stake, voluminous amici curiae briefs were filed by environmental, trade and professional organizations. The final, unanimous opinion, authored by Chief Justice Lake, affirmed the appeals court's preemption holding but reversed the exception made for Chatham County's zoning provision, which the high court found to be illegally conditioned on the preempted swine farm ordinance. Thus, Craig ensures that the message of preemption will resound throughout the state. However, this Recent Development argues that the supreme court's preemption analysis is legally incorrect. Furthermore, negative health and environmental consequences for North Carolina will follow if the state legislature does not act to restore local authority to regulate hog waste and other intensive livestock operations.

First, the analysis provides an incomplete, inconsistent reading of relevant statutes. It harmonizes the Swine Farm Siting Act and the

20. See Craig v. County of Chatham, 565 S.E.2d 172, 174 (2002) (listing as amici curiae the Southern Environmental Law Center; Environmental Defense; the North Carolina Association of Health Board Directors; the Conservation Council of North Carolina, Inc.; North Carolina’s Agribusiness Council, Pork Producers Council, Cattlemen, Farm Bureau, Poultry Federation, and State Grange; the North Carolina Citizens for Business and Industry; the Waterkeeper Alliance; and the Alliance for a Responsible Swine Industry, among others).
21. Id. at 181.
22. See generally Jarvis, supra note 2 (quoting Southern Environmental Law Center attorney Michelle B. Nowlin's characterization of the ruling as “very troubling” for the health and welfare of North Carolina’s counties and citing Chatham County attorney G. Nicholas Herman's observation that state courts have never before required local health boards to justify more stringent regulations); see also Whittle, supra note 10 (claiming the implications “go far beyond the regulation of hog waste”).
23. N.C. GEN. STAT. § 106-800 to -805 (2001). This Act applies to farms raising 250 or more pigs, § 106-802(5), and prescribes minimum distances between livestock houses or manure pits and, inter alia, property lines, schools, churches, hospitals, parks, or public water systems. § 106-803. For example, swine houses and lagoons must be set back “at least 1,500 feet from any occupied residence” and “[at] least 500 feet from any . . . well that supplies water for human consumption.” § 106-803(a)(1), (5). Sprayfields must be set back “at least 75 feet from any boundary of property on which an occupied residence is located and from any perennial stream or river.” § 106-803(a)(1). The Swine Farm Siting Act also requires affected operators to notify (1) adjoining or nearby property owners; and (2) counties and local health departments with jurisdiction over the site of their plans to
Animal Waste Management Systems regulations to find a “complete and integrated regulatory scheme” excluding local regulation of hog farms. The court applied a statutory preemption test that requires consistency among local, state, and federal law and preempts any local “ordinance that purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation.” Nonetheless, the statute grants local authorities the express permission to regulate more stringently than state law: “The fact that a State or federal law, standing alone, makes a given act, omission, or condition unlawful shall not preclude [local] ordinances requiring a higher standard of conduct or condition.”

Chatham County’s ordinances affected industrial livestock operations, an area that counties have not been expressly forbidden to regulate and have, in fact, regulated since the early nineties. These ordinances established a permitting system that, besides requiring minimum compliance with state and federal laws governing factory hog production, dictated that open-air lagoons of liquid waste and their accompanying operations be set back from adjoining property and streams farther than required by North Carolina law. In addition to state guidelines, the county also required bacteria and excess nitrate testing for wells on permitted swine farm property and operator-provided financial guarantees, in proportion to waste lagoon capacity, to be used as remedies for violations or clean up costs after emergency spills or lagoon closures. In short, the ordinances

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24. § 143-215.10A to 215.10M. These regulations affect all livestock operations of a certain size and require operators to meet permit requirements set by North Carolina’s Department of Environment and Natural Resources (DENR), formerly the Environmental Management Commission (EMC), for animal waste management. § 143-215.10C(a) & (d). Requirements include minimum compliance with federal soil conservation law, annual state inspections, development of “site-specific emergency management plans” to “minimize the risk of environmental damage,” record keeping for compliance and enforcement purposes, and so on. § 143-215.10C(e), 215.10F; see also N.C. ADMIN. CODE tit. 15A, r. 2H.0217 (June 2002) (setting out permit requirements developed by the EMC under the statutory directive of the Animal Waste Management Systems regulations).

25. See Craig v. County of Chatham, 565 S.E.2d 172, 179 (2002); § 160A-174 (discussing a city’s general ordinance-making power).

26. § 160A-174(b)(5) (emphasis added). This statute, originally enacted to apply to cities, has been held to apply to counties as well. State v. Tenore, 280 N.C. 238, 247, 185 S.E.2d 644, 650 (1972).

27. § 160A-174. This is also known as the “higher standard” provision. Id.

28. See supra note 5 and accompanying text.

29. See Swine Ordinance, supra note 17.

30. Id.
required higher standards of conduct and conditions for factory hog operations than does North Carolina law, thereby falling within the preemption statute's "higher standard" allowance. Additionally, state prescribed setbacks setting out minimum distances of "at least 1,500 feet," for example, indicate legislative anticipation of more stringent setback requirements.

Though neither the Animal Waste Management Systems regulations nor the Swine Farm Siting Act provide an express intent to preempt, the court found implied legislative intent to avoid "dual regulation" and to "balance ... two very important interests, the economy of North Carolina and the right of a landowner to enjoy his land with minimal interference." The Swine Farm Siting Act's statement of purpose, however, shows that the legislature aimed to assist North Carolina's growing pork industry "by lessening the interference with the use and enjoyment of adjoining property"; there is no language suggesting that "balance" was part of this goal. Furthermore, the General Assembly's purpose statement for the Animal Waste Management Systems regulations expresses legislative intent to "promote" cooperation and coordination "among the agencies of the State"—the Division of Soil and Water Conservation, charged with technical assistance and operations review, and the Division of Water Quality, responsible for permitting, inspection, and enforcement. Promoting state administrative cooperation is distinct from providing a comprehensive scheme meant to bar local action, but Craig fails to analyze this distinction. The opinion also omits the following reference to North Carolina's noted hog waste disasters from its citation of legislative intent: "The General Assembly finds that ... [t]he growth of animal operations in recent years has increased the importance of good animal waste management practices to protect water quality." Accordingly, the law was enacted as a

32. § 106-803(a)(1) (emphasis added).
34. § 106-801 (emphasis added).
35. § 143-215.10A.
36. Id. The statute's language indicates the urgency of testing and adopting new ways of managing growing volumes of livestock waste so as to better protect the public health and the environment. See § 143-215.10C. That is, the legislature recognized the value of freeing state agencies from time constraints usually accompanying the development and application of new animal waste management technologies.
directive for the promulgation of water quality and waste management regulations\textsuperscript{37} in the wake of environmental disasters caused by North Carolina's burgeoning pork industry.

Craig not only reads statutes selectively, it omits significant language from precedents. First, the court cited Greene \textit{v. City of Winston-Salem}\textsuperscript{38} for the proposition that legislative delegation of partial enforcement powers to a state agency may still imply preemptive intent.\textsuperscript{39} However, the statute at issue in Greene created a state Building Code expressly intended to "apply throughout the State," and its effects on local building codes were specifically articulated: "In the absence of approval by the [state] Building Code Council, or [if] approval is withdrawn, local codes and regulations shall have no force and effect."\textsuperscript{40} While intent to preempt may certainly be implied, the Greene court had express indications readily at hand. Furthermore, the local law invalidated by the state's high court required installation of sprinkler systems in all new high-rise buildings in Winston-Salem,\textsuperscript{41} whereas, the Chatham County Swine Ordinance would have had a much more limited effect.

Craig incorrectly relied on another easily distinguishable case, \textit{State v. Williams}.\textsuperscript{42} This case held that state alcohol statutes allowing unrestricted possession of "malt beverages" for individuals of legal drinking age preempted a Mount Airy ordinance making possession of beer on public streets illegal.\textsuperscript{43} However, the state drinking laws in this case "plainly state[d]" their purpose as one of "establish[ing] a uniform system of control over . . . possession of intoxicating liquors in North Carolina, and to insure, as far as possible, . . . a uniform system throughout the State."\textsuperscript{44} This broad language provides a sharp contrast to the Animal Waste Management Systems regulations' intent to foster cooperation specifically among state agencies. Craig's statutory analysis generally downplays the difficulty of divining legislative intent, as illustrated by the Williams dissent: Justices Huskins and Lake dissented from the majority, reading state

\textsuperscript{37} See § 143-215.10C.
\textsuperscript{39} Craig \textit{v. County of Chatham}, 565 S.E.2d 172, 177 (2002).
\textsuperscript{40} Greene, 287 N.C. at 70–71, 213 S.E.2d at 234 (emphasis omitted).
\textsuperscript{41} \textit{Id.} at 67, 213 S.E.2d at 232.
\textsuperscript{42} 283 N.C. 550, 196 S.E.2d 756 (1973).
\textsuperscript{43} \textit{Id.} at 554, 196 S.E.2d at 758–59.
\textsuperscript{44} \textit{Id.} at 553, 196 S.E.2d at 758 (emphasis added) (citing N.C. GEN. STAT. § 18A-1).
legislative intent to prohibit possession of open beer in streets (whereas the majority read the statutes to permit such possession) and therefore finding no conflict between the ordinance and statute.45

Placed in legal context, Craig compounds the difficulty of implying preemption by omitting important statutory language and case law distinctions from its analysis. In turn, confused preemption precedent impacts North Carolina legal and public policy. Public opinion quickly called upon the legislature to overrule the appellate court's reading of state law in Craig to allow more stringent local oversight of intensive livestock operations.46 Once the supreme court granted discretionary review to the case, public pressure to undo its holding continued.47 By over-emphasizing the economic benefits of the pork industry, the Craig court minimized the industry's devastating economic impact on North Carolina's tourist and recreational fishing industry48 and the accompanying decline in property values and increased health care expenses it has cost rural citizens living near industrial hog facilities.49

Craig is out of step with the legal and social climate in North Carolina, which is expanding regulation of factory farming practices. Recently, North Carolina hog facilities have been investigated by the EPA,50 charged with civil fines, and subjected to injunctions.51 A North Carolina operator pleaded guilty to criminal charges for the

45. Id. at 555, 196 S.E.2d at 759–60 (Huskins, J., dissenting).
48. See supra note 13 and accompanying text.
49. See COCHRAN ET AL., supra note 12.
50. See, e.g., North Carolina Hog Farm Agrees to Comply with EPA Emergency Administrative Order, BUS. WIRE, Nov. 7, 2001, at http://home.att.net/~u.s.hog/EPAsites hogfarmstobadwater.html (announcing that hog facility owners agreed to provide alternative drinking water sources to nearby residences whose wells had been contaminated with excess nitrates from the hog facility and to find a permanent remedy to the contamination); see also Kelly Kurt, EPA, Hog Farmer In Duel Over Waste: Consequences of Nitrates Discovery Could be Wide Reaching, MSNBC NEWS, at http://stacks.msnbc.com/news/600950.asp (July 18, 2001) (last visited Aug. 20, 2002) (on file with the North Carolina Law Review) (noting that EPA used RCRA to declare leaking hog manure a "solid waste" subject to federal industrial pollution law after it discovered excess nitrates in private wells near a hog farm).
51. See William Davis, Total $117,000: Water Quality Fines Paid by Two Hog Farms, MORNING STAR (Wilmington, N.C.), July 14, 2000, at 1B (noting this total as the second-largest fine ever imposed by the North Carolina Division of Water Quality).
release of seventy-thousand gallons of hog waste into a Northeast Cape Fear River tributary in August, 2001. Protests and lawsuits in North Carolina and other pork-producing states have increasingly challenged the factory livestock industry and called for more stringent regulations. Some members of North Carolina's pork industry acknowledge the need for self-regulation and more positive public relations. Even neighboring South Carolina, after months of controversy, adopted strict hog regulations that took statewide effect the same day the North Carolina Supreme Court issued the Craig opinion.

At the national level, the lasting popularity of FAST FOOD NATION, a nonfiction muckraking of the American processed food industry in the tradition of Upton Sinclair, indicates the public mood

52. Brian Feagans, Farmer Accepts Plea Bargain, MORNING STAR (Wilmington, N.C.), Aug. 8, 2001, at 1B. The farmer also paid $7,966 in fines to the North Carolina Division of Water Quality. Id.
53. See, e.g., Jerry Allegood, Environmentalists Rail Against Factory Hog Farming, NEWS & OBSERVER (Raleigh, N.C.), Jan. 12, 2001, at A4 (describing the “Summit for Sustainable Hog Farming” in New Bern sponsored by more than thirty North Carolina coalitions and attended by more than 600 national and international participants); Thomas Burr, Nose Patrol Will Monitor Iron County Pig Farms, SALT LAKE TRIBUNE, Apr. 15, 2001, at A1 (announcing a local ordinance requiring the formation of an “odor committee” to contribute “objective opinions” to factory farm permit requests or appeals before the county commissioners); Anne Fitzgerald & S.P. Dinnen, Ruling Jolts Hog-lot Law: Judge’s Decision Could Trigger More Suits Disputing Statute, IOWA REGISTER, Aug. 4, 2001, at A1 (announcing a Sioux County district court decision overturning as unconstitutional a Right to Farm statute barring nuisance suits against livestock facilities); Renee Wells, Officials Endorse Denial of Hog Farm Use Permit, S. IDAHO PRESS, May 23, 2001, at A1 (reporting county commissioners’ denial of a permit for a 964-acre factory farm facility).
54. See James Eli Shiffer, Hog Farmers Want to Make Allies of Foes, NEWS & OBSERVER (Raleigh, N.C.), Aug. 22, 2001, at A1 (describing Frontline Farmers, a coalition of hog growers working toward industry negotiation and compromise with environmentalists); see also Editorial, Hog Farmers Must Turn Their Words into Action, NEWS & REC. (Greensboro, N.C.), Aug. 31, 2001, at A14 (calling on Frontline Farmers to “follow words with action” to counter the “[s]keptics’ . . . wait-and-see attitude”).
55. McNelly Torres, New South Carolina Hog Regulations to Take Effect Soon, MORNING NEWS (Florence, S.C.), June 7, 2002, available at LEXIS FMN2002060701, News Library, News Group File, All. Though South Carolina’s hog industry is small, these preventative regulations impose setbacks to protect adjacent property and water quality, and they prohibit the lagoon waste storage system altogether for large hog operations. Id.
56. ERIC SCHLOSSER, FAST FOOD NATION: THE DARK SIDE OF THE ALL-AMERICAN MEAL (2001); see also Amy Martinez Starke, Organic, OREGONIAN, July 24, 2001, at FD01, available at LEXIS, News Library, News Group File, All (citing the listing of FAST FOOD NATION on the New York Times best-seller list “for weeks running” as “indicative of increased interest in the insidious and destructive impact” of fast food and growing “[concern] about factory farms, pesticides and chemical fertilizers”).
toward factory farming. The Food and Drug Administration appears to be moving into the regulatory field in accordance with an American Medical Association (AMA) resolution against the subtherapeutic use of antibiotics in livestock. Even a traditional hog farming state like Missouri has recently denied implied preemption of more stringent local ordinances affecting hog waste management.

The North Carolina Supreme Court's preemption ruling in Craig v. County of Chatham contributes to already clouded precedent defining state and local authority. The ruling is not a faithful reading of legislative intent, nor is it an accurate reflection of the current direction of public policy. The General Assembly should act decisively in its next session to clarify the law regarding the scope of local government authority concerning North Carolina's economic and environmental animal waste crises. Hereinafter, state courts should apply preemption principles carefully and consistently, toward the goals of avoiding confusion and promoting sound public policy.

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58. A Christian movement toward vegetarianism that condemns livestock industry practices has recently developed. See Maureen Hayden, Scholars See Modern Jesus as a Vegetarian, WASHINGTON TIMES, Sept. 24, 2001, at A2 (reporting that books, Web sites, and scholarly research indicate that "if Jesus found himself in a modern-day context of factory farming, environmental pollution from animal waste, and rampant cancer and heart disease, he would turn to a vegetarian diet").

59. See Wonder Drugs at Risk, WASH. POST, Apr. 19, 2001, at A18 (noting that "mounting evidence" of antibiotic resistance in humans resulting from factory livestock uses "has led the Food and Drug Administration to take its first stab in many years in curtailing the problem"); Groups Applaud AMA Action on Antibiotics in Agriculture, Antibiotic Resistance, U.S. NEWSWIRE, available at http://www.usnewswire.com/topnewslCurrent_Releases/0620-122.html (June 20, 2001) (last visited Aug. 20, 2002) (praising the AMA for "recognizing animal agriculture as a serious factor in the growing public health problems of antibiotic resistance"). At an annual meeting, the AMA adopted a resolution opposing subtherapeutic use of antibiotics on healthy farm animals and advocating a termination or phase out of such agricultural antibiotic uses. See AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES, RESOLUTION 508: ANTIMICROBIAL USE AND RESISTANCE (May 8, 2001). There has been a global call for more regulation of factory farming in the wake of mad cow and foot-and-mouth disease epidemics across Europe. See Brian Halweil & Dani Nierberg, Modern Farms Are Frat Party for Germs, LOS ANGELES TIMES, March 18, 2001, at M5.

60. See Borron v. Farrenkopf, 5 S.W.3d 618, 625 (Mo. App. 1999) (holding no "cover the field" preemption implied by state law where local ordinances "merely added extra regulations to those already imposed by the state," and where the county "was well within its authority [to do so], justified by reasonable health protections"). But see Premium Standard Farms, Inc. v. Lincoln Township, 946 S.W.2d 234, 239-40 (Mo. 1997) (reading a Right to Farm statute prohibiting county zoning from "impos[ing] regulations or [requiring] permits ... [for] the erection, maintenance, repair, alteration or extension of farm buildings ... or structures" to preempt ordinances enacted by the county under its general police powers to protect the public health and welfare).