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Concentrated Animal Feeding Operations/Clean Water Act: Environmental Organizations Lawsuit Challenging Current U.S. Environmental Protection Agency Standards

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Food & Water Watch, Inc., and a number of other environmental organizations filed a Petition for a Writ of Mandamus ("Petition") in the United States Court of Appeals for the Ninth Circuit arguing that the United States Environmental Protection Agency ('EPA") has failed to adequately regulate Concentrated Animal Feeding Operations ("CAFOs") under the Clean Water Act.

The other organizations jointly filing the Petition include:

- Center for Food Safety
- Dakota Rural Action
- Dodge County Concerned Citizens
- Environmental Integrity Project
- Helping Others Maintain Environmental Standards
- Institute for Agriculture and Trade Policy
- Iowa Citizens for Community Improvement
- Kewaunee Cares
- Midwest Environmental Advocates
- North Carolina Environmental Justice Network

(collectively, "Food & Water Watch")

The Petitioners argue that Food & Water Watch and other organizations petitioned EPA in 2017 to:

. . . strengthen its regulatory approach to CAFOs, recommending specific actions the Agency should take to ensure that all discharging facilities are subject to Clean Water Act permits, and that those permits are sufficiently protective of water quality.

Food & Water Watch argues that a delay of five years for EPA to respond to the previous petition necessitates a Writ of Mandamus because the failure is unjustified. Cited are Clean Water Act timetables that are argued to strengthen EPA oversight of CAFOs.

The Ninth Circuit Court of Appeals is asked to issue a Writ of Mandamus compelling EPA to take a final, reviewable action in response to their March 8, 2017, Petition to Revise the Clean Water Act Regulations for Concentrated Animal Feeding Operations by approving or denying it in writing.

A link to the Food & Water Watch Petition can be found here.