CAFO Regulations
Affect Livestock Operations of All Sizes

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(Editors note: This is the second in a series of articles on CAFO regulations for small farm livestock operations. There are differences in CAFO regulations between the state of Oregon and Washington. However, there are also many similarities, i.e., both states are regulated by the federal Clean Water Act.)

In this second article in our series on Confined Animal Feeding Operations (CAFO’s) for small farms we will review CAFO definitions, regulations, permit requirements, and the recently released federal regulations.

Definitions – Animal Feeding Operation (AFO, a federal definition), is a lot or facility where the following conditions are met: (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portions of the lot or facility.

Confined Animal Feeding Operation (CAFO) is the concentrated, confined feeding or holding of animals or poultry, including but not limited to horse, cattle, sheep, or swine feeding areas, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities and for farms; in buildings or in pens or lots where the surface has been prepared with concrete, rock, or fibrous material to support animals in wet weather, that has wastewater treatment works, or that discharges any wastes into the waters of the state.

When is a livestock operation required to obtain a CAFO permit – Many small farms that concentrate livestock for feeding during winter months will meet the definition of an AFO. However, most small farm livestock operations will not meet the definition of a CAFO nor are required to obtain a CAFO permit. In Oregon, if an operation confines 1000 animal units of livestock for 45 days or more during any 12-month period a CAFO permit is required. If an operation confines 300 or more animal units for 45 days or more during any 12 month period AND (a) discharges pollutants into the waters of the state through a man-made ditch, flushing system, or similar man-made device, or (b) discharges pollutants directly into the waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals in the production area of the operation. The CAFO regulations contain specific
conversion factors for animal units of all species of domestic livestock. As defined by
the CAFO regulations 300 animal units is equivalent to 300 beef cattle, 750 swine, 150
horses, or 3,000 sheep. Refer to the CAFO regulations for animal unit conversions for
other livestock species.

These definitions can be confusing for managers of livestock operations. By definition,
essentially all small farms will not exceed the animal unit requirement of the CAFO
definition. However, as discussed in the first article in this series, CAFO regulations
require small farm livestock operations to do their part to sustain and/or improve water
quality. Under the CAFO regulations, small farm livestock operations (of any size) that
concentrate livestock for winter feeding and pollute the waters of the state (either by
contaminated runoff from the confinement area reaching the waters of the state or by
allowing confined livestock to have direct access to the waters of the state) are in
violation of the Clean Water Act and CAFO regulations. Waters of the state include, but
are not limited to creeks, streams, rivers, lakes, and irrigation ditches. To improve/
maintain water quality, small farm livestock operations, when confining their livestock
for winter feeding, should (a) eliminate all direct access to the waters of the state, and
(b) design these winter feeding areas in a manner that runoff can not reach the waters of
the state.

Update on the new Federal CAFO regulations – On December 15, 2002 the
Environmental Protection Agency (EPA) published the new federal CAFO regulations.
The new regulations replace requirements that had been in place for over 25 years. The
new regulations are estimated to affect 15,500 US livestock operations, 11,000 more than
the 4,500 operations that required permits under the old regulations. To help these
livestock operations meet the requirements of the new rules, Congress increased funding
for land and water conservation programs in the 2002 Farm Bill by $20.9 billion,
bringing total funding for these programs to $51 billion over the next decade. The
Environmental Quality Incentives Program (EQIP) was authorized at $200 million in
2002 and will ultimately go up to $1.3 billion in 2007; 60 percent of those funds must go
to livestock operations.

The new rules are 40 pages in length and have over 400 pages of “preamble” attached.
We are still in the process of reviewing the new rules to determine their impact on
livestock operations. Below is a list of some of the “new” items that have been added to
the CAFO regulations.

- Includes the land application of manure and the land that manure is to be applied to as
  part of the permit.

- Requires the CAFO permit to be maintained until the operator demonstrates to the
  state that there is not remaining potential for discharge of manure or associated
  wastewater.
• Requires a “Nutrient Management Plan” be developed that addresses the form, source, amount, timing, and methods of application of the manure and balances it with realistic production of the field.

• Clarifies the definition of the cow/calf pair as one animal unit until the calf is weaned.

There are more changes and updates, however, these are some of the main changes that will affect livestock producers. After additional review, other major changes will likely be identified.

(If you have specific questions regarding CAFO regulations for small farms, please send them to randy.mills@oregonstate.edu or to your local Extension Agent. We will answer your questions later in our series of articles on CAFO regulations.)