*A U.S District Court Judge in Arkansas found today that in the case of a 6500-hog industrial facility located in the Buffalo River Watershed just 6 miles from the Buffalo National River,* ***“the public interest is best-served by ensuring that federal tax dollars aren’t backing a farm that could be harming natural resources and an endangered species.”***

*Please call Earthjustice attorneys Hannah Chang at 212-845-7382 or Marianne Engelman Lado at 917-608-2053 for details on the case and the implications for regulating concentrated animal feeding operations throughout the U.S.*

**For immediate release:** December 2, 2014

**Victory for the Buffalo River, Environmental Impacts Must Be Reviewed**

*An order by U.S. District Judge D. Price Marshall declares that federal agencies illegally guaranteed loans for factory hog farm in Buffalo River watershed*

Today, U.S. District Judge for the Eastern District of Arkansas D. Price Marshall issued a [decision](http://earthjustice.org/sites/default/files/files/58%20%20Order.pdf) in an action brought by local, state, and national conservation groups against two federal agencies. The Court found that the federal agencies arbitrarily and capriciously guaranteed loans to the C&H factory farm near the Buffalo National River by failing to take a hard look at environmental impacts and failing to follow proper procedures to protect threatened and endangered species potentially affected by the facility. The following are statements regarding the decision issued today:

“The Court saw the federal government agencies’ actions for what they were—a disdain and complete disregard for the laws that protect our environment,” said **Earthjustice attorney Hannah Chang.** “We believe the Court’s decision will help to set things straight in this debacle that has put more than $3.6 million in federal taxpayer dollars on the line to support a massive swine factory farm upstream of a treasured national resource.”

**Buffalo River Watershed Alliance Board member Dane Schumacher**: "We are hopeful that the court's decision will result in a more thorough consideration by the U.S. Department of Agriculture’s Farm Service Agency and the U.S. Small Business Administration of the effects this swine facility, and others like it, have on local communities as well as on national treasures like the Buffalo River."

**Arkansas Canoe Club Board member Bob Allen:** “It is not a question of if, but rather when and how much, pollutants from the hog factory, including excess nitrogen, phosphorous and bacteria, will make their way to the Buffalo National River. The Court’s decision today means that the federal government will actually have to consider the environmental impacts of the hog factory that it made possible—something the involved agencies should have done from the very start.”

**Emily Jones, Senior Program Manager in NPCA’s Southeast Regional Office**: This ruling is an important step forward for the protection of the Buffalo, America's first National River. The Buffalo River belongs to the nation and the American people for this and future generations to enjoy and its protection is the responsibility of the federal government. This ruling squarely calls into question the adequacy of the Farm Service Agency’s and Small Business Administration’s prior environmental review, and requires that both agencies undertake the procedures necessary to ensure adequate protections of this national treasure.”

**Robert Cross, President of the Ozark Society**: “We are extremely pleased by Judge Marshall’s decision.  The flaunting of federal regulations by the Farm Service Agency and the Small Business Administration in the loan guarantee process that allowed the construction of C & H Hog Farms was a severe blow to the people of Arkansas and the nation who believe in the protection of our unique and beautiful natural resources such as the Buffalo River.  The decision can undo only some of the damage done, but it will hopefully serve as a message to others who consider similar egregious acts in the future."

 **Background:** A coalition of conservation and citizen groups, represented by Earthjustice, challenged the U.S. Department of Agriculture Farm Service Agency and the U.S. Small Business Administration for the inadequate review and improper authorization of loan guarantee assistance to C&H Hog Farms. C&H Hog Farms is a 6,500-pig factory farm located in Mount Judea, Arkansas, on a major tributary of the country’s first national river, the Buffalo National River. The factory farm is under contract with Cargill, an international producer and marketer of agricultural products.

The C&H facility’s loan guarantees were issued in 2012. Because of a failure to notify local residents and the community, the Mount Judea region did not find out about the facility’s construction until it was too late. The lack of adequate public notice is just one of a number of egregious failures on the part of the state and federal government to ensure that this facility will not have detrimental impacts on the exceptional natural resources of the Buffalo River watershed.

**Legal action:** On August 6, 2013, Earthjustice, Earthrise Law Center, and attorney Hank Bates filed a lawsuit against the USDA and SBA on behalf of the Buffalo River Watershed Alliance, Arkansas Canoe Club, National Parks Conservation Association, and The Ozark Society in Arkansas.

**More details:** <http://earthjustice.org/our_work/cases/2013/protecting-america-s-first-national-river>

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*Earthjustice is the premier nonprofit environmental law organization. We wield the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change.*

*Because the earth needs a good lawyer.*