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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

DAKOTA RURAL ACTION, <i>et al.</i> ,)	Case No.: 1:18-cv-02852-BAH
)	
Plaintiffs,)	
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE, <i>et al.</i> ,)	
)	
Federal Defendants.)	
_____)	

FEDERAL DEFENDANTS’ ANSWER

Pursuant to Federal Rule of Civil Procedure 8(b), Defendants U.S. Department of Agriculture; Sonny Perdue, Secretary of the U.S. Department of Agriculture; Farm Service Agency; and Richard Fordyce, Administrator of the Farm Service Agency (collectively, “Federal Defendants”) hereby answer Plaintiffs’ Complaint, ECF No. 1. The numbered paragraphs and sections of this Answer correspond to the numbered paragraphs and sections of Plaintiffs’

Complaint, and this Answer counts citation sentences as parts of the preceding substantive sentences.

1. The allegations in this paragraph constitute Plaintiffs' characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations in this paragraph.

2. Federal Defendants admit the allegations in the first sentence. Federal Defendants deny the allegations in the second sentence.

3. Federal Defendants deny the allegations in this paragraph and aver that FSA performed and continues to perform environmental analyses under the National Environmental Policy Act (NEPA) to assess the impact of government loans or loan guarantees on CAFOs.

4. Federal Defendants deny the allegations in the first sentence and aver that environmental analyses took place, and continue to take place, before loans or loan guarantees are approved. The allegations in the second sentence constitute Plaintiffs' characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations. Federal Defendants deny the allegations in the third sentence and aver that prior to 2016, a medium CAFO is required to have a Class 1 Environmental Assessment (EA) under 7 C.F.R. Part 1940, subpart G. Federal Defendants further aver that a Class 1 EA did not require public notice unless adverse effects to wetlands or floodplains were anticipated.

5. Federal Defendants deny the allegations in this paragraph. The allegations in the associated footnote purport to characterize USDA and EPA regulations, which speak for themselves and are the best evidence of their contents.

6. Federal Defendants deny the allegations in this paragraph and aver that FSA performed and continues to perform environmental analyses under NEPA to assess the impact of government loans or loan guarantees on CAFOs.

7. Federal Defendants deny the allegations in the first sentence. Federal Defendants deny the allegations in the second sentence because the terms high-density,” “more natural,” and unspecified “environmental impacts” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

8. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them. Federal Defendants aver that the FSA loan programs are not available for large corporations but instead for “family farm” business operations, as defined in 7 C.F.R. § 761.2.

9. Federal Defendants deny the allegations in this paragraph.

10. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the first sentence and therefore deny them. Federal Defendants deny the allegations in the second sentence.

11. The allegations set forth in this paragraph constitute Plaintiffs’ legal conclusions and characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations in this paragraph and deny that there is any violation of NEPA or the Administrative Procedure Act (APA).

12. The allegations in the first sentence constitute Plaintiffs’ characterization of their request for relief to which no response is required; to the extent a response is required, Federal Defendants deny that Plaintiffs are entitled to the relief they seek or any relief at all. The

allegations in second sentence constitute Plaintiffs' characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations.

“JURISDICTION AND VENUE”¹

13. The allegations in this paragraph constitute legal conclusions to which no response is required.

14. The allegations in this paragraph constitute legal conclusions to which no response is required. To the extent that a response is required, Federal Defendants deny any violations of law but admit that venue is proper in this District.

“PARTIES”

“Plaintiffs”

15. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the first eight sentences and therefore deny them. Federal Defendants deny the allegation in the ninth sentence and aver that the National Sustainable Agriculture Coalition submitted comments on the proposed rule at issue in this case.

16. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the first six sentences and the eighth sentence and therefore deny them. Federal Defendants deny the allegation in the seventh sentence and aver that the National Sustainable Agriculture Coalition submitted comments on the proposed rule at issue in this case.

¹ The headings here correspond to the headings in the Complaint. Federal Defendants include them to provide convenient reference to the Complaint and do not intend them to form any substantive part of the Federal Defendants' Answer. To the extent the Complaint headings make substantive allegations, Federal Defendants deny the allegations.

17. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

18. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

19. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

20. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

21. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

22. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

23. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

24. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

25. The allegations in the first sentence constitute Plaintiffs' legal conclusions and characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the second sentence and therefore deny them.

26. The allegations in the first sentence constitute Plaintiffs' characterization of their case, to which no response is required; to the extent a response is required, Federal

Defendants deny the allegations and deny that any violation of NEPA has occurred. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the second sentence and therefore deny them.

27. The allegations in this paragraph constitute Plaintiffs' characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegation in this paragraph.

28. The allegations in the first sentence constitute Plaintiffs' legal conclusions and characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations and deny that any violation of NEPA has occurred. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the second, third, and fourth sentence and therefore deny them.

29. The allegations set forth in this paragraph constitute Plaintiffs' legal conclusions and characterization of their requested relief to which no response is required. To the extent a response is required, Federal Defendants deny that Plaintiffs are entitled to the relief sought or to any relief whatsoever.

"Defendants"

30. Federal Defendants admit the allegations in this paragraph.

31. Federal Defendants admit the allegations in this paragraph.

32. Federal Defendants admit the allegations in this paragraph.

33. Federal Defendants admit the allegations in this paragraph.

“LEGAL AND FACTUAL BACKGROUND”

“National Environmental Policy Act”

34. The allegations in this paragraph constitute a legal conclusion to which no response is required. The allegations in this paragraph also purport to characterize NEPA, which speaks for itself and is the best evidence of its contents.

35. The allegations in the first sentence constitute Plaintiffs’ legal conclusions to which no response is required. The allegations in the second sentence purport to characterize NEPA, which speaks for itself and is the best evidence of its contents.

36. The allegations in this paragraph purport to characterize judicial opinions, which speak for themselves and are the best evidence of their contents.

37. The allegations in this paragraph purport to characterize a judicial opinion, which speaks for itself and is the best evidence of its contents.

38. Federal Defendants admit that the Council for Environmental Quality (“CEQ”) has promulgated regulations for implementing NEPA and that the regulations are found at 40 C.F.R. Parts 1500-1508. The remainder of the allegations in this paragraph constitute legal conclusions to which no response is required.

39. The allegations in this paragraph purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

40. The allegations in this paragraph constitute Plaintiffs’ legal conclusions to which no response is required. The allegations also purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

41. The allegations in this paragraph purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

42. The allegations in this paragraph purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

43. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations in this paragraph also purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

44. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations in this paragraph also purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

45. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations in this paragraph also purport to characterize NEPA, its implementing guidance, and Federal Defendants' regulations, which speak for themselves and are the best evidence of their contents.

46. The allegations in this paragraph purport to characterize CEQ guidance, which speaks for itself and is the best evidence of its contents.

47. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations in this paragraph also purport to characterize

NEPA, as well as CEQ guidance, which speak for themselves and are the best evidence of their contents.

48. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required.

49. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required.

“Administrative Procedure Act”

50. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations also purport to characterize the APA, which speaks for itself and is the best evidence of its contents.

51. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations also purport to characterize the APA, which speaks for itself and is the best evidence of its contents.

52. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations also purport to characterize the APA, which speaks for itself and is the best evidence of its contents.

“FSA's Prior NEPA Regulations”

53. Federal Defendants admit the allegations in this paragraph.

54. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations also purport to characterize FSA regulations, which speak for themselves and are the best evidence of their contents.

55. The allegations in this paragraph purport to characterize FSA regulations, which speak for themselves and are the best evidence of their contents.

56. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. The allegations in this paragraph also purport to characterize FSA regulations, which speak for themselves and are the best evidence of their contents. With respect to the third sentence and the associated footnote, Federal Defendants aver that FSA continues to consider both the number of animals and potential environmental impacts of CAFOs to determine the level of NEPA review. Federal Defendants further aver that FSA regulations concerning the "numerical thresholds" are consistent with EPA's CAFO definitions.

57. The allegations in this paragraph purport to characterize NEPA's implementing regulations, which speak for themselves and are the best evidence of their contents.

58. Federal Defendants admit that FSA revised its regulations in 2016. The remaining allegations purport to characterize FSA's final rule, which speaks for itself and is the best evidence of its contents.

59. The allegations in the first two sentences purport to characterize FSA's final rule, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Federal Defendants deny the allegations in the second sentence and aver that the categorical exclusion does not substitute the EA process where FSA determines that there are extraordinary circumstances. Federal Defendants deny the allegations in the third sentence and aver that FSA uses the Environmental Screening Worksheet (ESW) to assist in determining whether there are extraordinary circumstances. Federal Defendants deny the remaining allegations in this paragraph.

"FSA's 2014 Proposed Rule"

60. Federal Defendants admit the allegations in this paragraph.

61. The allegations in this paragraph purport to characterize the proposed rule, which speaks for itself and is best evidence of its contents.

62. The allegations in this paragraph purport to characterize the proposed rule, which speaks for itself and is best evidence of its contents.

63. The allegations in this paragraph purport to characterize the proposed rule, which speaks for itself and is best evidence of its contents.

64. The allegations in this paragraph purport to characterize the proposed rule, which speaks for itself and is best evidence of its contents.

65. The allegations in this paragraph purport to characterize the proposed rule, which speaks for itself and is best evidence of its contents.

66. The allegations in this paragraph purport to characterize comments made on the proposed rule, which speak for themselves and are best evidence of their contents.

67. The allegations in this paragraph purport to characterize comments made on the proposed rule, which speak for themselves and are best evidence of their contents.

68. The allegations in this paragraph purport to characterize comments made on the proposed rule, which speak for themselves and are best evidence of their contents

“FSA’s 2016 Final Rule”

69. Federal Defendants admit the allegations in this paragraph.

70. The allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

71. The allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

72. The allegations in the first sentence are denied. The allegations in the second and third sentences purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

73. The allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

74. The allegations in the first and second sentences purport to characterize the final rule, which speaks for itself and is best evidence of its contents. Federal Defendants deny the remaining allegations in this paragraph and aver that FSA officials responsible for completing the ESW do so in accordance with FSA regulations.

75. Federal Defendants deny that FSA failed to provide notice of the proposed rule. The remaining allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

76. Federal Defendants deny that FSA failed to provide notice of the proposed rule. Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations in this paragraph.

77. The allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

78. The allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

79. The allegations in this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents.

80. The allegations in the first sentence this paragraph purport to characterize the final rule, which speaks for itself and is best evidence of its contents. The allegations in the second sentence constitute legal conclusions to which no response is required.

“FSA’s Failure to Substantiate the Final Rule to CEQ”

81. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

82. The allegations in this paragraph purport to characterize CEQ guidance for establishing, applying, and revising categorical exclusions, 75 Fed. Reg. 75,628, which speaks for itself and is best evidence of its contents.

83. Federal Defendants deny the allegations in this paragraph and aver that FSA provided documents regarding the CatEx to CEQ on August 5, 2013, August 15, 2013, and May 16, 2016.

84. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

85. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

86. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

87. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

88. Federal Defendants deny the allegations in this paragraph and aver that following public comment on the 2014 proposed rule, FSA provided CEQ with FSA's final rule language, which changed the list of proposed actions requiring an EA.

89. Federal Defendants deny the allegations in this paragraph.

90. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

91. The allegations in this paragraph purport to characterize records that Plaintiffs obtained from CEQ, which speak for themselves and are best evidence of their contents.

“Practical Effects of the Medium CAFO CatEx on FSA Lending”

92. Federal Defendants deny the allegations in this paragraph and aver that FSA is responsible for providing direct farm loans, guaranteed farm loans, and land contract guaranteed loans to family farmers who are unable to obtain credit elsewhere. Federal Defendants further aver that this farm funding may include medium CAFOs.

93. The allegations in this paragraph constitute Plaintiffs' characterization of unidentified documents provided to them in response to a Freedom of Information Act (FOIA) request for information, which speak for themselves and are the best evidence of their contents.

94. The allegations in this paragraph constitute Plaintiffs' characterization of unidentified documents provided to them in response to a FOIA request, which speak for themselves and are the best evidence of their contents.

95. Federal Defendants deny the allegations in this paragraph.

96. The allegations in this paragraph constitute Plaintiffs' characterization of unidentified documents provided to them in response to a FOIA request, which speak for themselves and are the best evidence of their contents.

97. Federal Defendants admit the allegations in the first clause of the first sentence. The remaining allegations in this paragraph purport to characterize FSA regulations, which speak for themselves and are the best evidence of their contents. The allegations in the associated footnote purport to characterize content on the referenced website, which speaks for itself and is the best evidence of its contents.

98. The allegations in this paragraph purport to characterize FSA regulations, which speak for themselves and are the best evidence of their contents.

“Public Participation in the NEPA Process”

99. Federal Defendants deny the allegations in this paragraph.

100. The allegations in this paragraph constitute Plaintiffs' characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations in this paragraph. The allegations in the first sentence of the footnote to this paragraph purport to characterize a filing in another case, which speaks for itself and is the best evidence of its contents. The allegations in the second sentence of the footnote purport to characterize a final rule, which speaks for itself and is the best evidence of its contents. Federal Defendants deny the allegations in the third sentence of the footnote.

101. The allegations in the first sentence constitute Plaintiffs' characterization of their case to which no response is required. To the extent a response is required, Federal Defendants deny the allegations. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the second sentence and therefore deny them.

102. Federal Defendants deny the allegations in this paragraph and aver that the prior regulations for Class I EAs for loans for medium CAFOs did not require public notice.

103. Federal Defendants deny the allegations in this paragraph and aver that FSA evaluates public reaction through a variety of means. Federal Defendants further aver that the prior regulations for Class I EAs for loans for medium CAFOs did not require public notice.

104. The allegations in the first through fourth sentences purport to characterize two ESWs, which speak for themselves and are the best evidence of their contents. Federal Defendants deny the allegations in the fifth sentence.

105. The allegations in this paragraph purport to characterize FSA regulations, which speak for themselves and are the best evidence of their contents.

106. Federal Defendants deny the allegations in this paragraph and aver that the FSA loan programs are not available to large corporations but are instead available to "family farm" business operations, as defined in 7 C.F.R. §761.2.

"Community and Environmental Effects of FSA Funding of Medium CAFOs"

107. Federal Defendants deny the allegations in the first through fourth sentences.

108. The allegations in the first sentence constitute Plaintiffs' legal conclusions to which no response is required. The allegations in the second and third sentence purport to characterize a judicial opinion, which speaks for itself and is the best evidence of its contents.

109. Federal Defendants deny the allegations in this paragraph because the terms "small geographic areas," "close proximity," "within months" and "certain communities, watersheds, and ecosystems" are vague, ambiguous, and overly broad and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that FSA is responsible for providing direct farm loans, guaranteed farm loans, and land contract guaranteed loans to family farmers who are unable to obtain credit elsewhere. Federal Defendants further aver that loans and guarantees may include medium CAFOs.

"Medium CAFO air pollution"

110. Federal Defendants deny the allegations in this paragraph and aver that environmentally safe and compliant CAFO operations are ensured by the U.S. Environmental Protection Agency (EPA) regulation, permitting, and related monitoring and enforcement actions.

111. Federal Defendants deny the allegations in this paragraph because the terms "typically," and "frequently," and "CAFOs" to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that there are wet and dry types of waste collection systems and numerous types of waste management collection systems, which vary in size, structure, covering, and gas release.

112. Federal Defendants deny the allegations in this paragraph because the terms “nearby fields,” “surrounding communities for miles,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants further aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

113. Federal Defendants deny the allegations in the first sentence because the terms “typically” and “large” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentence because the allegations speculate as to the possible transport of emissions and particles from waste piles by wind.

114. Federal Defendants deny the allegations in this paragraph and aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

115. Federal Defendants deny the allegations in the first sentences because the terms “large” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentences because the term “dangerous” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. In addition, Federal Defendants deny the allegations in

the second sentence because the allegations speculate as to the effect of unidentified gases on animals and employees.

116. Federal Defendants deny the allegations in this paragraph because the terms “generally” and “a CAFO” to the extent no specific CAFOs is identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

117. Federal Defendants deny the allegations in this paragraph because the terms “traditional,” “small-scale,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

118. Federal Defendants deny the allegations in this paragraph because the term “CAFOs” to the extent no specific CAFOs are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

119. Federal Defendants deny the allegations in this paragraph because the term “they” to the extent no specific CAFOs are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

120. Federal Defendants deny the allegations in this paragraph because the term “such air pollution” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

121. Federal Defendants deny the allegations in this paragraph because the term “CAFO air pollution” to the extent no specific CAFOs are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

122. The allegations in first through third sentences purport to characterize a report from the U.S. Center for Disease Control and Prevention, which speaks for itself and is the best evidence of its contents. The allegations in the fourth and fifth sentences purport to characterize a 2006 study, which speaks for itself and is the best evidence of its contents.

123. Federal Defendants deny the allegations in the first three sentences because the terms “leading,” “health and environmental impacts,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. The allegations in the fourth sentence purport to characterize a 2002 study, which speaks for itself and is the best evidence of its contents.

124. The allegations in this paragraph purport to characterize two cited studies published in 2011, which speak for themselves and are best evidence of their contents.

125. The allegations in this paragraph purport to characterize a 2000 U.S. Geological Survey Fact Sheet, which speaks for itself and is best evidence of its contents.

126. Federal Defendants deny the allegations in the first sentence and aver that some CAFOs may produce hydrogen sulfide, which may exhibit the characteristics alleged in the first sentence. Federal Defendants further aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions. Federal Defendants deny the remaining allegations in this paragraph because the allegations speculate as to the possible effects of exposure to hydrogen sulfide.

127. Federal Defendants deny the allegations in the first sentence because the term “immediately” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentence because the allegations speculate as to the effects of exposure to hydrogen sulfide. Federal Defendants deny the allegations in the third sentence because the terms “slaughterhouse sledgehammer effect” and “has been referred” to the extent no speaker is specified are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

128. Federal Defendants deny the allegations in this paragraph because the terms “low” and “strong” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

129. The allegations in this paragraph purport to characterize a 2003 National Research Council study, which speaks for itself and is the best evidence of its contents.

130. The allegations in this paragraph purport to characterize a 2001 Natural Resources Defense Council and Clean Water Network study, which speaks for itself and is the best evidence of its contents.

131. Federal Defendants deny the allegations in the first sentence and aver that some CAFOs and some CAFOs' waste disposal may release methane and nitrous oxide. Federal Defendants further aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions. The allegations in the second and third sentences purport to characterize a 2009 EPA final rule, which speaks for itself and is the best evidence of its contents.

132. The allegations in this paragraph purport to characterize an unidentified EPA statement, which speaks for itself and is the best evidence of its contents.

133. Federal Defendants deny the allegations in this paragraph and aver that one source of methane may be from the decomposition of organic waste and another source of methane may be from livestock. Federal Defendants further aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

134. Federal Defendants deny the allegations in this paragraph because the term "typically" is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

135. Federal Defendants deny the allegations in the first sentence because the term "industrial animal agriculture" is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of

the allegations. The allegations in the second sentence purport to characterize the referenced EPA reports, which speak for themselves and are the best evidence of their contents.

136. Federal Defendants admit that the application of liquid manure to the soil is an agricultural soil management activity. Federal Defendants deny the remaining allegations because the terms “typically” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

137. Federal Defendants deny the allegations in the first sentence because the terms “significant” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. The allegations in the second sentence purport to characterize the Clean Air Act and its implementing regulations, which speak for themselves and are the best evidence of their contents. Federal Defendants deny the allegations in the third, fourth, and fifth sentences and aver that some CAFOs may emit some VOCs. Federal Defendants further aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions. Federal Defendants deny the allegations in the sixth sentence because the terms “other pollutants” and “serious health effects” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

138. Federal Defendants deny the allegations in the first sentence because the term “some VOCs” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. The

allegations in the second sentence purport to characterize a 2001 study, which speaks for itself and is best evidence of its contents.

139. The allegations in this paragraph purport to characterize a 2002 study, which speaks for itself and is the best evidence of its contents.

140. Federal Defendants admit that some CAFOs may emit some particulate matter and aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions. Federal Defendants deny the remaining allegations in the first sentence because the term “precursor gases” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants admit the allegations in the second and third sentences. Federal Defendants deny the allegations in the fourth sentence because the term “devastating effects” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. The allegations in the fifth sentence purport to characterize a 2008 study, which speaks for itself and is best evidence of its contents.

141. Federal Defendants deny the allegations in the first sentence because the term “persistently” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. The remaining allegations in this paragraph purport to characterize a 2005 San Joaquin Valley Air Pollution Control District report, which speaks for itself and is best evidence of its contents.

142. Federal Defendants deny the allegations in this paragraphs because the terms “drastically,” “significant,” and “tourism-dependent” are vague, ambiguous, and overly

broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth the allegations.

“Medium CAFO effects on surface and groundwater quality”

143. Federal Defendants deny the allegations in this paragraph because the term “one of the largest” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

144. The allegations in this paragraph purport to characterize EPA regulations, which speak for themselves and are the best evidence of their contents.

145. Federal Defendants deny the allegations in the first sentence because the term “mid-sized city” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. The allegations in the second sentence purport to characterize a judicial opinion, which speaks for itself and is the best evidence of its contents. The allegations in the third sentence purport to characterize a 1992 EPA fact sheet, which speaks for itself and is the best evidence of its contents. The allegations in the last sentence purport to characterize the cited judicial opinion and fact sheet, which speak for themselves and are the best evidence of their contents.

146. Federal Defendant lack sufficient knowledge or information to form a belief as to the truth of the allegations regarding human waste and therefore deny them. Federal Defendants deny the remaining allegations regarding CAFOs because the terms “generally” and “much” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

147. Federal Defendants deny the allegations in the first sentence and aver that some CAFOs may operate and produce waste throughout a calendar year. Federal Defendants

deny the allegations in the second sentence because the terms “prevalent,” “increases the risk,” and “long periods of time” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the last sentence because the allegations speculate as to the possible impact of “inadequately-lined manure storage lagoons.”

148. Federal Defendants deny the allegations in first sentence because the terms “massive,” “eventually,” and “usually” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second and third sentence because the allegations speculate as to the possible impact of “runoff, drainage, or percolation from land application of manure.”

149. Federal Defendants deny the allegations in the first sentence because the terms “geologic factors” and “certain areas” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentence because the term “direct infiltration of waste pollutants” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

150. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the possible impact of CAFOs. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

151. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

152. The allegations in this paragraph purport to characterize the cited case, which speaks for itself and is best evidence of its contents.

153. Federal Defendants deny the allegations in the first paragraph because the allegations speculate as to the possible impacts of “when manure pollutes surface water.” The allegations in the second sentence purport to characterize a 2016 report, which speaks for itself and is best evidence of its contents. Federal Defendants deny the allegations in the third sentence because the terms “major,” “significant,” and “other watercourses” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the fourth sentence because the allegations speculate as to the possible impacts of “contaminated groundwater.”

“Medium CAFO contribution to the development and spread of antibiotic resistance”

154. Federal Defendants deny the allegations in the first sentence because the terms “routinely” and “continuous” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentence because the term “routine antibiotics” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

155. The allegations in this paragraph purport to characterize a 1998 publication in the *New England Journal of Medicine* and a 2015 White House National Action Plan, which speak for themselves and are best evidence of their contents.

156. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the possible impacts of “antimicrobial-resistant pathogens.” Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

157. The allegations in this paragraph purport to characterize unreferenced scientific research and government findings, which speak for themselves and are best evidence of their contents.

158. The allegations in this paragraph purport to characterize a 2014 publication, which speaks for itself and is best evidence of its contents.

159. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the possible impacts of “resistant bacteria.”

160. The allegations in this paragraph purport to characterize a 2018 publication, which speaks for itself and is best evidence of its contents.

161. The allegations in the first sentence purport to characterize a 2016 United Nations press release, which speaks for itself and is best evidence of its contents. The allegations in the second sentence purport to characterize a 2014 Executive Order, which speaks for itself and is best evidence of its contents.

“Medium CAFO consumption of surface and groundwater”

162. Federal Defendants deny the allegations in this paragraph because the terms “extremely” and “significant” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

163. The allegations in the first and second sentences purport to characterize the cited study, which speaks for itself and is the best evidence of its contents. Federal Defendants deny the allegations in the second sentence and aver that generalized estimations for CAFO water consumption are inaccurate because of the many variables that exist. The allegations in the fourth sentence, in part, purport to characterize the cited study, which speaks for itself and is the best evidence of its contents. To the extent that the allegations in the fourth sentence do not purport to characterize the cited study, Federal Defendants deny the allegations in the fourth sentence and aver that generalized estimations for CAFO water consumption are inaccurate because of the many variables that exist.

164. Federal Defendants deny the allegations in the first sentence because the allegations speculate as to the possible impacts of “CAFO consumption of groundwater.” Federal Defendants further aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions. Federal Defendants admit that a decline in groundwater levels may cause polluted groundwater or seawater to migrate or be drawn into other areas but lack sufficient knowledge or information to form a belief as to the truth of whether areas affected by a decline in groundwater levels would not otherwise be affected by the polluted groundwater or seawater contamination. Federal Defendants admit the allegations in the last sentence.

165. Federal Defendants deny the allegations in the first sentence because the term “particularly significant effects” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentence. Federal Defendants deny the allegations in the third sentence because the terms “severe” and

“repeatedly” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the last sentence because the term “several” is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

“Medium CAFO effects on endangered and sensitive species”

166. Federal Defendants deny the allegations in this paragraph because the terms “significant” “endangered and threatened species” to the extent no specific species are identified, “sensitive wildlife and plants” to the extent no specific wildlife or plants are identified, and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation. Federal Defendants aver that consultation with the United States Fish & Wildlife Service is required for any new CAFO.

167. Federal Defendants deny the allegations in this paragraph because the term “CAFOs” to the extent no specific CAFOs are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions. Federal Defendants further aver that consultation with the United States Fish & Wildlife Service is required for any new CAFO.

168. The allegations in this paragraph purport to characterize a Material Safety Data Sheet, which speaks for itself and is best evidence of its contents.

169. Federal Defendants deny the allegations in this paragraph because the terms “regularly” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

170. Federal Defendants deny the allegations in this paragraph because the term “often” is overly broad, vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

171. The allegations in this paragraph purport to characterize Food and Drug Administration adverse drug reports as well as U.S. Fish and Wildlife Service habitat data, both of which speak for themselves and are the best evidence of their contents.

172. Federal Defendants deny the allegations in the first sentence because the allegations speculate as to the possible impacts caused by broadcasting CAFO waste near vernal pools. Federal Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in the second sentence and therefore deny them. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

173. Federal Defendants deny the allegations in the first sentence because the allegations speculate as to the possible effects caused by the confinement of animals and because the terms “intensive” and “conditions” are vague, ambiguous, and overly broad, and therefore

Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation. Federal Defendants deny the allegations in the second sentence because the term “CAFOs” to the extent no specific CAFOs are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegation.

“Medium CAFO effects on confined animals”

174. Federal Defendants deny the allegations in this paragraph because the terms “numerous threats,” “intensive,” “inhumane,” “unnatural,” massive quantities” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

175. Federal Defendants deny the allegations in the first clause because the terms “high density stocking,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second clause because the allegations speculate as to the possible spread of unidentified diseases from confined animals to wild animals and humans.

176. Federal Defendants deny the allegations in the first sentence because the terms “high concentrations” of “many harmful,” unspecified “air pollutants” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the

allegations in the second clause because the allegations speculate as to the motive for installing fans and because the term “CAFOs” to the extent no specific CAFOs are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

177. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the motive for how CAFOs are operated and the effects on animals if unspecified “practices” were not followed and because the terms “CAFO operators” to the extent no specific CAFO operators are identified, “unnatural and inhumane practices,” and “bottom line” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

178. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the motive for how CAFOs are operated and the effects on confined chickens and turkeys and because the term “CAFO producers” to the extent no specific CAFO producer is identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

179. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the motive for how CAFOs are operated and the effects on confined pigs and because the term “CAFO producers” to the extent no specific CAFO producers are identified, is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal

Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

180. Federal Defendants deny the allegations in this paragraph because the terms “unnatural size,” “unnatural speeds,” unspecified “leg injuries” and “CAFO producers” to the extent no specific CAFO producers are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

181. Federal Defendants deny the allegations in this paragraph because the terms “innumerable,” “inhumane,” “system of extreme overcrowding,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

182. Federal Defendants deny the allegations in this paragraph because the terms “generally,” “better,” “excessive,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement action.

183. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the motive for how CAFOs are operated and because the terms “inhumane,” “intensive,” “massive quantities,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

“Medium CAFO effects on environmental justice communities”

184. Federal Defendants deny the allegations in this paragraph because the terms “under-resourced,” “nearby,” unspecified “public health harms,” and “CAFOs” to the extent no specific CAFOs are identified, are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that environmentally safe and compliant CAFO operations are ensured by EPA regulation, permitting, and related monitoring and enforcement actions.

185. The allegations in this paragraph purport to characterize a 2017 letter citing a 2000 study, both of which speak for themselves and are the best evidence of their contents.

186. The allegations in this paragraph purport to characterize an unidentified 2017 EPA External Civil Rights Compliance Office document, which speaks for itself and is best evidence of its contents.

187. The allegations in this paragraph purport to characterize a 2018 North Carolina Medical Journal study, which speaks for itself and is best evidence of its contents.

188. The allegations in this paragraph purport to characterize a 2007 Humane Society study, which speaks for itself and is best evidence of its contents.

189. Federal Defendants are without sufficient information to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

190. Federal Defendants deny the allegations in the first sentence because the terms “these communities,” “political power,” and unspecified “protections” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants are without sufficient information to form a belief as to the truth of the allegations in the second and third sentences and therefore deny them.

“Medium CAFO funding effects on family farmers”

191. Federal Defendants deny the allegations in this paragraph and aver that FSA issues loans and loan guarantees to qualifying family farmers.

192. Federal Defendants deny the allegations in the first sentence and aver that some loan applicants work with integrators. Federal Defendants deny the allegations in the second, third, and fourth sentences because the terms “often,” “control,” “typically,” “growers,” and “growing protocols” are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the fourth sentence, for the additional reason that the allegations speculate as to motives of “growers” and integrators to enter into contractual relationships. Federal Defendants deny the allegations in the fifth sentence because the terms “control,” “increased rapidly,” “vast majority,” and “contract CAFOs” to the extent no contract CAFOs are specifically identified, are vague, ambiguous, and overly broad, and

therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations.

193. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required.

194. Federal Defendants deny the allegations in this paragraph because the terms "historically, and "funding support" are vague, ambiguous, and overly broad and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants aver that FSA is responsible for providing direct farm loans, guaranteed farm loans, and land contract guaranteed loans to family farmers who are unable to obtain credit elsewhere.

195. The allegations in this paragraph purport to characterize an unidentified audit report by the SBA Office of Inspector General, which speaks for itself and is best evidence of its contents.

196. The allegations in the first sentence purport to characterize an unidentified audit report by the SBA Office of Inspector General, which speaks for itself and is best evidence of its contents. The allegations in the second sentence purport to characterize a 2018 news article, which speaks for itself and is best evidence of its contents.

197. The allegations in this paragraph purport to characterize an unidentified audit report by the SBA Office of Inspector General, which speaks for itself and is best evidence of its contents.

198. Federal Defendants deny the allegations in this paragraph and aver that that FSA has issued loans and loan guarantees to qualifying family farmers. Federal Defendants

also aver that some FSA loan applicants create or expand broiler chicken CAFOs and that some FSA loan applicants work with integrators.

199. The allegations in the first clause of the sentence purport to characterize an unidentified audit report by the SBA Office of Inspector General, which speaks for itself and is the best evidence of its contents. Federal Defendants deny the remaining allegations in this paragraph and aver that FSA issues loans and loan guarantees to qualifying family farmers. Federal Defendants further aver that some FSA loan applicants work with integrators.

200. The allegations in this paragraph constitute Plaintiffs' characterization of unidentified documents provided to them in response to a FOIA request, which speak for themselves and are the best evidence of their contents.

201. Federal Defendants deny the allegations in this paragraph because the allegations speculate as to the possible impacts of "federal funding" on "corporate integrators."

202. Federal Defendants deny the allegations in the first sentence because the term "particularly" is vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the allegations in the second sentence because the terms "primary entities" and "high volume" are vague, ambiguous, and overly broad, and therefore Federal Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations. Federal Defendants deny the remaining allegations.

203. The allegations in this paragraph appear to characterize unidentified documents that Plaintiffs obtained through a FOIA request, which speak for themselves and are the best evidence of their contents.

204. Federal Defendants deny the allegations in this paragraph.

“CLAIMS FOR RELIEF”

**“Count 1: Violation of NEPA and the APA
(Arbitrary and Capricious Medium CAFO CatEx)”**

205. Federal Defendants hereby incorporate all preceding paragraphs.

206. The allegations in this paragraph constitute Plaintiffs’ legal conclusions to which no response is required. The allegations also purport to characterize NEPA, which speaks for itself and is the best evidence of its contents.

207. The allegations in this paragraph constitute Plaintiffs’ legal conclusions to which no response is required. The allegations also purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

208. Federal Defendants deny the allegations in this paragraph.

209. Federal Defendants deny the allegations in this paragraph.

210. Federal Defendants deny the allegations in this paragraph.

211. Federal Defendants deny the allegations in this paragraph.

212. Federal Defendants deny the allegations in this paragraph.

213. Federal Defendants deny the allegations in this paragraph.

214. Federal Defendants deny the allegations in this paragraph.

215. Federal Defendants deny the allegations in this paragraph.

216. Federal Defendants deny the allegations in this paragraph.

217. Federal Defendants deny the allegations in this paragraph.

218. The allegations in this paragraph constitute Plaintiffs’ legal conclusions to which no response is required.

219. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law and specifically any violation of the APA and NEPA whatsoever.

**“Count 2: Violation of NEPA and the APA
(Medium CAFO CatEx Contrary to Law and in Excess of Jurisdiction)”**

220. Federal Defendants hereby incorporate all preceding paragraphs.

221. The allegations in this paragraph purport to characterize NEPA, which speaks for itself and is the best evidence of its contents.

222. The allegations in this paragraph purport to characterize NEPA and its implementing regulations, which speak for themselves and are the best evidence of their contents.

223. Federal Defendants deny the allegations in this paragraph.

224. Federal Defendants deny the allegations in this paragraph.

225. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law.

226. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law.

**“Count 3: Violation of NEPA and the APA
(Failure to Substantiate Medium CAFO CatEx)”**

227. Federal Defendants hereby incorporate all preceding paragraphs.

228. The allegations in this paragraph purport to characterize CEQ and FSA regulations, which speak for themselves and are the best evidence of their contents.

229. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law.

230. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law.

231. Federal Defendants deny the allegations in this paragraph.

232. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law and specifically deny any violation of NEPA or the APA whatsoever.

**“Count 4: Violation of the APA
(Failure to Follow the Procedural Rulemaking Requirements of the APA)”**

233. Federal Defendants hereby incorporate all preceding paragraphs.

234. The allegations in this paragraph purport to characterize the APA, which speaks for itself and is the best evidence of its contents.

235. The allegations in this paragraph constitute legal conclusions to which no response is required.

236. Federal Defendants deny the allegations in this paragraph.

237. Federal Defendants deny the allegations in this paragraph.

238. Federal Defendants deny the allegations in this paragraph.

239. The allegations in this paragraph constitute Plaintiffs' legal conclusions to which no response is required. To the extent a response is required, Federal Defendants deny any violation of law and specifically deny any violation of NEPA and the APA whatsoever.

RESPONSE TO REQUEST FOR RELIEF

The allegations set forth in paragraphs A through F under the heading “REQUEST FOR RELIEF” constitute Plaintiffs’ characterization of their requested relief to which no response is required. To the extent a response is required, Federal Defendants deny that Plaintiffs are entitled to the relief sought or to any relief whatsoever.

GENERAL DENIAL

Federal Defendants hereby deny each and every allegation in the Complaint that is not specifically admitted or otherwise responded to in this Answer.

AFFIRMATIVE DEFENSES

The United States asserts the following defenses to the claims in Plaintiffs’ Complaint:

1. The Court lacks jurisdiction over some or all of Plaintiffs’ claims.
2. Some or all Plaintiffs lack standing as to some or all of their claims.
3. Some or all Plaintiffs have failed to exhaust their administrative remedies for some or all of their claims.
4. Some or all of Plaintiffs’ claims are waived.
5. Federal Defendants reserve their right to assert additional affirmative defenses during the course of this litigation.

WHEREFORE, Federal Defendants respectfully request that this Court deny Plaintiffs the relief they request, dismiss the Complaint in its entirety with prejudice, render judgment for the Federal Defendants and against Plaintiffs, and grant Federal Defendants any further relief that the nature of the case and justice require.

DATED: March 15, 2019.

Respectfully submitted,

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