The Stakeholders in Agricultural Policy

A closer look at farmers, farmworkers, farm communities

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UR society cannot implement effective policies to reduce agricultural emissions without an accurate understanding of the primary constituencies. While analysts often make broad statements about “farmers,” “ranchers,” and “rural communities,” careful analysis of who actually produces our food, where and how they live, and how they are doing is much more rare. For example, while mainstream news reports suggested that 2019 was yet another crisis year for farmers, “when farm families wondered how they were going to keep the farm afloat,” farmers overall, in fact, saw their 11th highest per farm profits since 1929. Many of these commentators do not include in their assessment the profound impact on producer income of federal counter-cyclical subsidies, favorable tax treatment, and, over and above the established weather variability or extreme weather events do not analyze the lives and work of people in the different groups. In fact, lawmakers have excluded the agricultural industry from many labor and environmental regulations, which makes the distinctions between employers and employees, producers and their neighbors, starker than in almost any other context in the United States.

Note: This chapter is adapted from an unpublished manuscript by Nathan A. Rosenberg, Bryce W. Snucki, and Peter H. Lehner.


4. Labor law scholars have dubbed the phenomenon “agricultural exceptionalism” and environmental law scholars refer to the “anti-law” of farming and the environment due to the sector’s almost total exclusion from environmental regulations. E.g., Juan Perea, The Echoes of Slavery: Recognizing the Racist Origins of Agricultural and Domestic Worker Exclusion From the National Labor Relations Act, 72 Ohio St. L.J. 95-138 (2011) (discussing agricultural exceptionalism); J.B. Ruhl, Farms, Their Environmental Harms, and Environmental Law, 27 Ecology L.Q 263, 295-305 (2000) (arguing that the environmental law of agriculture constitutes an “anti-law”).
Policymakers created the foundations of modern farm policy at a time when a substantial portion of the American population lived on farms and the average farm family was more likely to be poor than the average non-farm family. But that is not the case today, and modern agriculture policy should be revised to reflect our current reality. As it exists now, U.S. farm policy largely benefits a small number of almost entirely white producers who are substantially wealthier than the average American, and who are required to do little to protect the health and environmental concerns of their workers and neighbors or to address climate change.

Sound, sustainable, and fair agriculture policy should be built on an accurate understanding of the affected constituencies, rather than on assumed and outdated images and narratives. Here, we try to provide this foundation, looking not only to the “farmer” and agribusiness, but also to other larger rural constituencies. These include farm laborers, who do most of the work on farms and outnumber farmers by a wide margin, and rural residents, who, according to numerous polls, support environmental reforms by substantial margins. These other constituencies, of course, should also include those who consume our food and all those affected by climate change.

To achieve climate-neutral agriculture in the United States, as well as to make it more just and sustainable, we must engage all these groups. They are the ones who will live with—and see through—these policies.

**Farmers and the Farm Economy**

The answer to the question “who farms?” for most people is simple: farmers. But it is hired farmworkers who do most of the work on American farms. Farmers are better understood as business owners or managers who hire or employ their own labor to turn a profit. We discuss the characteristics of farmworkers in a later section, but here we clarify who farmers are, including their economic positions. This discussion will inform the recommended policies set out later in the book.

We first provide a brief overview of the farm economy since the New Deal. We then analyze U.S. Department of Agriculture data to disaggregate different groups of “farmers” and “ranchers,” thus providing a clearer picture of the farm community and economy. We show that more than half of those whom USDA includes as “farmers” are actually retirees, hobbyists, and taxpayers with “paper farms” (so-classified for tax purposes), whose economic output distorts general, commonly reported statistics on actual farm businesses. The last subsection explains the origins, extent, and significance of the modern agricultural “safety net” that supports farmers and informs their politics. After our discussion of farmers, we turn to the rural constituencies that current farm policy largely ignores—workers, non-white farmers, and rural people in general—who are already pressing for many of the environmental reforms proposed in this book.

**Transformations in the Farm Economy**

Writers who discuss farm policy tend to rely on images and conceptions from the 1930s. At that time, almost a fifth of the population farmed, farms produced a fraction of what they do today, and farm household incomes were less than half that of non-farm households. The Great Depression caused widespread foreclosures and tax sales, which the government stopped with massive New Deal spending programs. These programs inaugurated a new regime in the farm economy. From 1929 to 1940, government payments increased from 3 percent of net farm income to 29 percent. Most of these funds went to large farms, a trend that has continued and intensified to the present day. Between 1930 and 1992, the number of white farmers fell by 65 percent and Black farmers by 98 percent, while the average farm size more than doubled from 199 to 464 acres.

As a result of these broad historical trends, the average farm household now has a higher annual income and more non-farm wealth than the average household. There are very few farm households below the poverty level, and the majority of the remaining ones are composed of elderly people who sell little to no agricultural products. The farm operations that produce the vast majority of our food now more closely resemble small factories. The operator is often dependent on the modern financial system for both loans and current and future sales.


8. Id. at 20-22.

9. Id. at 14.

10. Id.

11. Id. at 20-22.

12. Seventy-five percent of limited-resource farmers sold less than $10,000 of agricultural products in gross sales. Agricultural Resource Management Survey Special Tabulation Request From USDA ERS to Nathan Rosenberg (June 25, 2019) (on file with authors).
and manages their operation from an office while hired labor works the land or livestock. These businesses rely heavily on a seasonal work force, assisted by heavy machinery, to produce a huge amount of standardized product for minimal cost. Our discussion below distinguishes between farm businesses and nonbusinesses, and examines the implications for farm policy and analysis.

Overstatements in USDA Census of Agriculture Data

USDA reports many commonly cited statistics about farms and farm income that are distorted by the way the department’s Census of Agriculture counts farms. For example, the Wall Street Journal reported in 2019 that “more than half of U.S. farms lost money farming in recent years.” But statistics like median farm income are skewed by the huge number of retirement, “lifestyle,” paper farms created for tax purposes, and other “farms” that raise very little or no agricultural products that USDA nonetheless counts as farms.

Many of these problems relate to the Census of Agriculture’s methodology. Even as fewer farms came to control more and more acreage, the agricultural census began to register a sharp increase in farms after USDA took over the survey in 1997. At that time, the department introduced a series of methodological changes designed to increase the survey’s precision. By 2017, these changes had brought the total count of farms back to roughly the same level as 1987, even as other sources of data on farms continued to show a decline. The number of households filing Schedule F forms with the Internal Revenue Service, which are used to report farm income and expenses, declined by 34 percent between 1978 and 2017, and the number of farm households identified by the Current Population Survey, a federal survey conducted by the Census Bureau that is the source of national employment statistics, declined by 35 percent. Meanwhile, the agricultural census showed a decline of only 17 percent during this period. All three data sources showed similar trends until 1997. Today, the agriculture census shows twice as many “farms” as the CPS.15

USDA changed the agricultural census, at least in part, to address its historic undercounts of small-scale and non-white farmers—especially Black and indigenous farmers. But the department overcorrected and now counts a large number of non-farms as farms. One major source of this overcorrection comes from USDA’s definition of “farm,” which has not changed since 1974: “A farm is defined in the census as any place from which $1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year.” Had USDA adjusted the $1,000 income threshold for inflation, that alone would have excluded almost half of all “farms” in the 2017 Census of Agriculture.17

Not only did USDA not adjust the income threshold, it also broadened its interpretation of “normally would have been sold.” The department devised a point system to estimate how much income a plot of land could produce if it were used to raise or grow agricultural products—even if the operator had never used the land as agricultural land and the owners had no intention of using it that way. Rural homes with berry bushes (at least one-fifth of an acre), vegetables (one-fifth an acre), horses (10 acres of pasture), cattle (one acre), or other potential “agricultural products” all count as farms under the official definition.19

Since 1997, the agricultural census has included a greater and greater share of “point farms”: properties that met the definition of “farm” because USDA estimated that they could have sold, but did not sell, $1,000 of agricultural products. By 2017, almost 30 percent of farms in the agricultural census were point farms and more than 20 percent of census “farms” did not sell any agricultural products whatsoever. In fact, well over half of all farms reported

15. Calculated by the authors from CPS March supplement data. Nat’l Bureau of Econ. Res., NBER CPS Supplements, available at

17. A total of 47.9 percent of all farms in the 2017 Census of Agriculture sold less than $5,000 in agricultural products.
20. See Rosenberg, supra note 14 (describing methodological changes to the census that lead to higher numbers of zero-sales and other point farms).
22. Calculated by the authors using Special Tabulation Request From USDA to Nathan Rosenberg (Nov. 20, 2019) (on file with authors) and 2017 Census of Agriculture, supra note 16. In
in the agricultural census are, by the department’s own definitions, not farm businesses, but retirement or “lifestyle” farms; this latter category was so-named “because many of the operators on these farms view their farms largely as an avocation or a place to live where they can enjoy a rural lifestyle.” As one journalist put it, most small farmers in the census “aren’t the farms of the poor; they’re the yards of the upper-middle-class.”

Another important, but harder to quantify source of overstatement of the number of farms comes from people who define their property as a farm for tax purposes. Farm operations receive numerous tax benefits, notably lower property taxes, which encourage property owners to classify their land as “agricultural.” All 50 states offer “use-value assessment” for agricultural land, which allows owners to assess their property at rates well below market value, often by 90 percent or more. Many states have extraordinarily broad definitions of “agricultural land” that make it easy for non-farms to qualify, and state and local governments often do not enforce the few restrictions that do exist or check if former agricultural operations are active. Rural property owners can count their land as “farmland” with nominal, and sometimes less than nominal, gestures at agricultural production. In Florida, landowners can take advantage of the state’s greenbelt law, designed to protect grassy, forested, and farming land, through a variety of well-known and inexpensive strategies, some as simple as renting cows. New Jersey requires that landowners have five acres and sell $500 of goods a year. In South Carolina, property owners only need five acres of trees to qualify for the agricultural land use benefit.

While there is no comprehensive study on how many landowners create paper farms for tax purposes, federal tax data suggest the number is considerable. Almost 75 percent of the 1.8 million taxpayers filing IRS Schedule F forms in 2017 reported net losses from their agricultural business, allowing them to collectively deduct $30 billion from their taxes. More than 150,000 taxpayers submitted a Schedule F form despite not receiving any gross income at all from agricultural products, allowing them to collectively deduct $6.8 billion from their returns.

As a result of these and other factors, Census of Agriculture data overstate the number of actual farms. At the same time, the data largely ignore many other aspects of the farm economy such as farmworkers, consumers, and residents affected by neighboring farms. This not only distorts economic data such as average income, but it also distorts politics and policymaking. A critical first step in more effective policymaking is the development of a more accurate assessment of actual farm businesses. The Economic Research Service has produced reports on these entities, but the department should make the distinction between business and nonbusiness farms central to its census reports.

We can develop a far more accurate understanding of farming businesses if we use multiple data sources—including the CPS, IRS tax data, and detailed census statistics—rather than relying only on summary agricultural census numbers. In 2017, the USDA census reported more than 2 million “farms” but around 950,000 “farm businesses” and between 1 and 1.4 million operators who said their primary occupation was farming. Almost 1.8 million households filed Schedule F forms in 2017, but only about 1 million farms reported gross sales over $50,000. The CPS reported around 900,000 farm households and around 1 million farmers—or people who said their longest job in the previous year was as a farmer—in 2017. These three sources all

Comparison, less than 6 percent of farms had zero-sales in 1992, the last agricultural census administered by the Census Bureau.  


Koertth, supra note 18.  


For example, a 2005 Miami Herald investigation into Florida’s property tax expenditures for farmland found that local property appraisers awarded tax breaks on land that had been purchased for more than three times its agricultural value, rezoned for development, and not kept up to farming standards. Beth Reinhard & Samuel P. Nitze, Law Fails to Save Florida Farmland, Miami Herald, Sept. 8, 2014, https://www.miamiherald.com/latest-news/article1928900.html.  


show that there are about half as many farms and farmers as generally reported by USDA and in most press accounts.36

**A More Accurate Assessment of Farm Income and Wealth**

People who work on and write about farm policy are heavily influenced by the widespread belief, noted above, that farmers face an almost continuous financial crisis. In fact, recent years have, by and large, been lucrative for farmers. None of this is to say that there are not farmers who struggle, including many small-scale and sustainable farmers. But even when their incomes vary, farmers’ substantial wealth helps get them through. This more accurate understanding suggests that many farmers have some or all of the resources needed to shift agricultural practices, so that regulatory, educational, and outreach programs could be effective tools for accelerating climate-friendly farming, even if not linked to changes in subsidies.

First, it is critical to look at recent farm income data in context. From 2011 to 2013, farmers saw some of their highest total profits since 1929,37 so comparisons of current incomes against this peak can be misleading.38 Viewed more broadly, farmers’ total profits are projected to be at their 24th and 23rd highest ever in 2019 and 2020, far above average.

Second, it is important to look to income figures based on the number of actual farm businesses. Standard USDA annual ranking figures of total incomes understate the incomes of individual farmers, since almost all of the most profitable farm income years were in the 1940s, when there were two to three times as many farms sharing these profits. Using USDA’s figures for the number of farms, 2019 and 2020 are projected to be the 11th and 9th most profitable years ever. Measured by net income per farm, five of the best ten years happened in the past decade. And in absolute terms, these figures translated to a net median income of $195,000 for commercial farms in 2017. Using the more accurate figure of about one million farms, the net income per farm—of active farms—in recent years would be about double that shown using USDA’s official tally, and the rankings of the years’ profitability would go even higher.

Third, farm policy must reflect an accurate understanding of farm wealth. The median farm household, which includes retirement and lifestyle farms, had a total net worth of $1 million in 2019 according to USDA, about eight times median household wealth, and of that total their non-farm net wealth is about $370,000, which alone is three times median household wealth.39 Moreover, “intermediate” farm businesses (gross sales less than $350,000) had a median net worth around $1 million and commercial farms had a median net worth around $2 million.40 Farm owners also benefit from land appreciation, which has been positive in every year since 1990 and which has had a greater rate of return than the S&P 500 since the post-war period.41 As a result of these trends, farm wealth significantly exceeds that of non-farm households in every decile. See Figure 1 on page 53.

**The Legacy of Discriminatory Agricultural Policy**

Almost all farmers are old (66 percent 55 or older; 83 percent 45 or older), white (95 percent) men (76 percent) who live in rural areas.42 But while the popular press and general political conversation tends to conflate these farmers with the entire rural community, in fact there are many other farm constituencies. Farmworkers, non-white and female farmers, and the many millions of non-farmworkers who live near farms are all critical parts of rural communi-

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36. **Current Population Survey 2018 ASEC Supplement, available at** https://www2.census.gov/programs-surveys/cps/techdocs/cpsmart18.pdf. We calculated “farm households” by calculating the number of households with someone who said their longest job in the previous year was as a farmer in the household. We calculated farmers as the count of people who said their longest job in the previous year was as a farmer.

37. **2017 Census of Agriculture, supra note 16, at 7 tbl.1, 62 tbl.52.** Farm groups sometimes argue most low-sales farms like those excluded from USDA’s farm business count would expand their operations if they had the financial wherewithal. However, the evidence strongly suggests that this is not the case. USDA data show that “farms” with low and very low sales are almost exclusively owned by households with comfortable incomes and above average wealth (even excluding farm assets).


40. **Id.** Note that “low-sales farms” are sometimes called “intermediate farms” in USDA’s collapsed typology.


42. Statistics are for primary producers. 2017 Census of Agriculture, supra note 16, at 62 tbl.52.
ties. Whereas farm owners enjoy federal subsidy payments and tax exemptions, these other groups largely do not. And while farm owners benefit from the exemption for farms from most environmental, antitrust, child labor, overtime, workplace safety, minimum wage, bankruptcy, motor carrier, and animal welfare laws, these other rural constituencies are often harmed by these same exemptions. As a result of these differences, these other constituencies have proven to be more open to changes to agricultural policy.

This stark contrast in attitudes among different rural groups is in part the result of a long and consistent history of farm policy that has favored white landowning farmers over others. The first Civil War Congress in 1861 created USDA, passed the Morrill Act—which provided funding for a nationwide system of colleges for "the Benefit of Agriculture and the Mechanic Arts"—and enacted the Homestead Act. The federal government eventually granted 246 million acres to 1.5 million families through the Homestead Act and its successors. Effectively closed off to most Blacks and other minorities, homesteading gave European immigrants and other white families an opportunity to acquire considerable property and assets.

In the first decades of the 1900s, Congress expanded the land-grant university system and federal funding for agricultural research, extension, and education. The New Deal increased assistance for large-scale, capital-intensive farms through an array of ambitious new subsidies and federal credit, crop insurance, and technical assistance programs.

The New Deal coalition that passed these new farm laws was heavily reliant on Jim Crow legislators. These legislators killed programs for and research on small farmers and sharecroppers, and ensured federal funds remained under "local control," by which they meant white landowners. These same legislators also excluded domestic workers and farmworkers, the two most common occupations for Black people, from key statutory benefits and labor protections. (Congress extended minimum wage requirements to farmworkers—with some important exceptions—in 1966, but federal law still denies farmworkers the right to unionize or earn overtime pay.) This political alliance of big money agriculture and white supremacy enacted policies that pushed hundreds of thousands of Black tenants and sharecroppers off the farm and into cities, in what one historian called one of the "largest government-impelled population movements in all our history."

New Constituencies

While farmers have a cabinet-level agency devoted to their interests, there are also millions of other people affected by farm policy who generally have little to no say in it and receive few benefits. Indeed, all too often current farm policy acts against the interests of farmworkers, non-white farmers, and rural people. As a result, these farm policy stakeholders are open to changes to agricultural policy, and many have already been advocating for reforms along the lines of those urged here.

Part of the outsized influence that the small group of farmers has on policy is the belief that they dominate rural economies. A close look shows that is not the case, and that instead most farm income goes elsewhere. The concern for food security also underlies part of the influence on policy of farm owners, but again, the evidence makes clear that employed farmworkers do most of the work on American farms and ensure our food supply. Despite this, they are often denied basic rights by federal policy. Black, indigenous, and Hispanic farm groups have also largely been denied the benefits of farm programs, resulting in most being driven out of farming, and yet they have a history of interest in more sustainable approaches. Finally, farm policy largely ignores the actual expressed interests of rural communities, who, contrary to assumptions, consistently list clean air and water as among their top priorities. All of these constituencies, in addition to farmers and food consumers, must be active and empowered stakeholders to design and implement effective, just, and climate-friendly farm policy reform.

Farmers in the Rural Economy

Many commentators argue that farmers are central to the rural economy, or conflate the farm economy with the rural economy in general. And this leads...
many of them to wonder why, with “more farming wealth than ever, farming communities are poorer.”

The typical answer is that monopolies and financial interests have siphoned off farm wealth. However, as discussed above, farmer income and wealth are far above the median. In fact, farmers play less of a role in the rural economy than is generally assumed.

Today, a small number of capital-intensive farms manage hundreds of millions of acres and produce a tremendous amount of commodity calories with a relatively small number of workers. From 1991 to 2015, farms with at least $1 million in sales (adjusted for inflation) increased their share of total production from 31 percent to 51 percent. This increasing dominance of large, industrialized operations has been a major long-term factor in rural depopulation, and researchers have associated the arrival of large-scale industrialized farms with increases in local income inequality and community conflict, as well as pollution. A study on midwestern counties in the late 2000s found almost no relationship between farm revenues and the non-farm economy. A USDA analysis also found that operators on larger farms are more likely to bypass local towns to acquire machinery, farm inputs, and credit.

Not only do most farms appear to have a limited relationship with their surrounding community, their own role in the rural economy is very small. In 2018, farmers made up about 2 percent of the rural population, agricultural jobs—including both jobs on farms and those providing goods and services to farms—accounted for less than 6 percent of all jobs in rural counties, and farm jobs produced only about 3 percent of personal earnings. The number of counties defined as “farming dependent” by USDA fell about 10 percent during the 2000s, and the number of farm jobs fell by 14 percent.

In contrast to the relatively small role that commercial farms and farmers play in rural communities, farmworkers play a larger one. Yet mainstream news reports tend to ignore farmworkers and their challenges. For example, in 2018, news outlets ran hundreds of articles about a suicide crisis among farmers, relying on a study by the Centers for Disease Control and Prevention that found that “farming, fishing, and forestry” workers had the highest suicide rate of any occupational group. Journalists and the CDC assumed that this category included farmers, even though in fact it is composed predominantly of farmworkers. As a result, Congress set up a program to address the “farmer suicide crisis,” complete with grant applications that do not mention or otherwise include farmworkers, denying them the opportunity for relief.

There are about 2.5 million farmworkers—about twice as many as active farmers. Farmworkers do two-thirds of the work on commercial farms, where almost all production happens, but receive only a quarter of the wages. Crop workers reported a median annual income between only $17,500 and $20,000 in 2015-2016—a third with family incomes below the poverty line. USDA data suggest that the farmworker’s share of the food dollar is about a tenth of the farmer’s. Since there are more farmworkers

60. Martin, supra note 5.
than farmers, this money gets split up more for the former group, so that their incomes wind up an even smaller fraction than those of farmers.

Farmworkers also see little future under current farm policies. Even though the average farmworker is 41 and has been in farm work for more than 10 years, and though half of crop workers say they want to remain in agriculture until they retire, land is far too expensive and the threshold acreage for commercial agriculture far too high for them to have a realistic chance of becoming operators in the United States. Farmworkers face other barriers as well. About 83 percent of farmworkers are Hispanic, the average crop worker has only an eighth grade education, and almost two-thirds of crop workers say they cannot even “somewhat” speak English.

These workers are critical stakeholders and their greater involvement in farm policy would likely support more climate-friendly approaches. Farmworker groups have led campaigns for clean water, pesticide protections, and other environmental reforms since the 1960s and they are now at serious risk from climate change, with heat stress as the deadlest threat for farmworkers. Farmworkers are also vulnerable to wildfires due to the physically demanding outdoor nature of their work, and the fact that they often cannot afford to stop working. In 2018, wildfires burned 1.8 million acres in California, dispersing unsafe levels of smoke for hundreds of miles, and 2020 was vastly worse. Their interests must be reflected in effective climate-friendly farm policies, and their support will be critical to achieving those policies.

**Non-White Farmers**

The modern farm system also excludes almost anyone who is not a landowning white farmer. European settlers took land from the Native Americans and eventually forced them onto reservations. Even after that, the federal government mandated the sale of reservation land to non-Native Americans when tribal lands were deemed to be “surplus” or when the landowner was deemed not “competent” to hold property. Native Americans lost roughly 80 million acres in this way between 1871 and 1928. By 1910, freed Black people and their descendants had acquired at least 16 million acres of land, almost all of it in the South. Through a variety of means, white families, often with federal assistance, deprived them of almost all of their acreage, so that by 2012 there were only about 300 Black commercial farmers, or about 0.2 percent of the total. Black farmers’ lost wealth and income since 1910 would be worth hundreds of billions of dollars today according to recent estimates. Federal and state governments passed a series of laws in the late 19th and early 20th centuries that barred Asians from owning land.

Many Japanese American farmers who had been interned in camps during World War II returned to their farms to find white farmers had stolen them. Because of this and other widespread discrimination in landownership and agriculture, almost all farmers are white. USDA also still discriminates against Black and other non-white farmers on a systemic basis. For example, more than 99 percent of the 2019 tariff bail out, the single largest farm subsidy that year, went to white farmers. These payments further entrench the positions of those who received them.

Many non-white farmers have responded to this system by working toward reform. Black farmer groups have led numerous campaigns against discrimination at USDA, often connecting their problems with the problems of department employees who have protested harassment, abuse, and mismanagement within USDA itself. Black farmers have also led campaigns in regions throughout the South to prevent the construction of concentrated animal feeding operations and to support safer modes of production. Numerous leaders in the sustainable

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69. Calculated by the authors using 2012 Census of Agriculture, supra note 23, at tbl.3.

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65. Riden et al., supra note 63.
agriculture movement are non-white, and a wide variety of non-white farmer groups use sustainable and traditional practices to produce food and connect with their culture. These leaders are already creating a vision of a more sustainable agriculture, and policymakers should ensure also that farm policy reflects their interests.

Rural Communities

While the interests of rural communities are usually assumed to be identical to those of larger commercial farmers, most rural people are not attached to the farm economy. In rural areas, construction provides about as many jobs as farming, with about twice the total earnings. Health care and social assistance, retail, and manufacturing all provide about twice as many jobs as farming, and government provides almost three times as many. In total, these industries account for about 50 percent of the rural jobs and about 60 percent of rural income.

Moreover, most rural residents are supportive of heightened environmental protections, even those opposed by farmers. Since virtually all of the climate-friendly practices recommended in our book will also reduce air and water pollution, rural residents’ demonstrated concern for clean air and water makes it likely that they will be supportive of policies designed to encourage these practices. A national survey conducted in 2019 found that rural voters were more likely to be concerned about environmental and conservation issues that concerned farmland than urban and suburban voters. Rural voters said clean water was their highest environmental priority among the seven listed options and only 26 percent of the respondents opposed government regulations to ensure clean water. A majority of rural respondents (52 percent) also agreed with the statement that environmental protection should be prioritized, “even if the environment suffers to some extent.” A follow-up survey of rural voters in the upper Midwest found that rural voters in the region were much more likely to prioritize “ensuring clean water” and “ensuring clean air” than “conserving farmland/range lands.” Sixty-eight percent of voters said that “ensuring clean air” was very important to them personally.

Recent state-level surveys have also found that rural voters’ main agricultural priority is the regulation of pollution from farms. A 2019 survey in Pennsylvania found that voters rated “safe drinking water,” “protection and conservation of the environment,” and “development of alternative energy sources” highly among environmental and agriculture issues. A 2015 survey in Iowa found that the highest-ranked priority for agricultural policy was “protecting drinking water quality,” followed by “protecting water quality for aquatic life.” A majority (55 percent) agreed or strongly agreed that “Iowa agriculture has some negative impacts on the environment,” while only 25 percent disagreed or strongly disagreed with the statement that “farmland use should be regulated to ensure that it does not negatively impact the general public.” In addition, 79 percent of surveyed residents said they were concerned or very concerned by “water pollution from livestock production.”

Rural people who live near industrial livestock facilities have strong reasons to oppose them. CAFOs depress property values, and various studies link living near a CAFO with respiratory problems, MRSA, hypertension, and other health problems. Local residents and activist groups often oppose CAFOs because of their foul odors, pollution, and public health risks. These demonstrations rarely make the national news, but they are significant events in the places where they happen. In 2018, more than 150 people turned out to oppose a CAFO in Mercer County, Ohio, home to about 40,000 people; a demonstration of the same relative size in New York City would have had 70,000 people. In 2020, a group called KnowCAFOs in Polk County, Wisconsin, fought off an ordinance that would have allowed new CAFOs in the county.

74. U.S. Bureau of Economic Analysis, supra note 56.
75. Id.
76. Robert Bonnie et al., Duke Nicholas Institute, Understanding Rural Attitudes Toward the Environment and Conservation in America 15 fig.4 (2020).
77. Id. at 15 fig.4 & 19 fig.9.
78. Id. at 21 fig.11.
79. Id. at 19 fig.9.
80. Id.
82. J. Gordon Arbuckle et al., Iowa’s Perspectives on Targeted Approaches for Multiple-Benefit Agriculture 2 fig.1 (Iowa State University, Sociology Technical Report No. 1038, 2015).
83. Id. at 4 tbl.2.
84. Id. at 6 tbl.3.
So concerned are industry leaders about nuisance cases against animal production facilities that they have successfully urged many state legislators to enact laws limiting such cases.\(^\text{87}\) When the cases are allowed to proceed, the facts make clear that many rural residents would strongly support policies to limit pollution. For example, people living near a swine CAFO in eastern North Carolina filed a nuisance suit in 2014 against a subsidiary of Smithfield alleging that odors, pests, and truck traffic from a CAFO unreasonably interfered with their use and enjoyment of their properties.\(^\text{88}\) In 2018, a jury found in favor of these neighbors, awarding them millions of dollars of compensatory and punitive damages, and in 2020, the U.S. Court of Appeals for the Fourth Circuit largely affirmed the awards.\(^\text{89}\)

A judge, concurring in the judgment, wrote:

It is well-established—almost to the point of judicial notice—that environmental harms are visited disproportionately upon the dispossessed—here on minority populations and poor communities. But whether a home borders a golf course or a dirt road, it is a castle for those who reside in it. It is where children play and grow, friends sit and visit, and a life is built. Many plaintiffs in this suit have tended their hearths for generations—one family for almost 100 years. They are exactly whom the venerable tort of nuisance ought to protect. Murphy-Brown’s interference with their quiet enjoyment of their properties was unreasonable. It was willful, and it was wanton. The record fully supports the jury’s finding that punitive damages were warranted.\(^\text{90}\)

Local rural groups have led similar fights against pesticides. A 2019 literature review found that people who live closer to agricultural land have higher levels of pesticide exposure.\(^\text{91}\) Both acute and chronic exposure to pesticides is associated with cancer, depression, Parkinson’s disease, diabetes, respiratory diseases, and other chronic ailments.\(^\text{92}\) In 2012, a coalition of environmental, farmworker, and local California groups filed suit in response to the approval of methyl iodide, one of the most toxic pesticides used in agriculture. In response, the manufacturer pulled the pesticide from the U.S. market and it was eventually banned.

There are broad swaths of the rural population, far more numerous than farmers, who see the need for stronger environmental protections and would support policies to accelerate adoption of climate-friendly practices. Policymakers must include them fully as stakeholders.

**The Opportunity for Carbon Farming**

The modern agricultural system produces a vast amount of food cheaply, but with significant environmental and social costs. It externalizes the costs of water, air, and climate pollution, depends on resource extraction, and relies on an immigrant work force with few rights. And it is built on a system that must be changed, having been so shaped by people opposed to the interests of farmworkers, non-white farmers, and the rural poor.

The system of industrialized monocultures supported by federal policy depopulated rural towns, while polluting the air and water throughout the countryside. Farmers were once a large and diverse group, both in their backgrounds and in the operations they ran; now, in large part due to policy choices, the farmers that dominate policymaking are a small and largely homogeneous group of conservative, wealthy, and white families.

Just as federal policy has largely shaped today’s system, federal policy can change it. These changes could benefit and would be supported by many groups who should have a role in policymaking. While our recommendations to accelerate regenerative farming will also benefit farmers, we need to enlist everyone in the debate. Policies that expand carbon farming can create new constituencies with Black and other non-white farmers, agricultural workers, and rural residents. These constituencies, together with farmers already on the forefront of change, will, in turn, ensure these policies are successful, that they will endure, and that they are spread across the entire agricultural system. Together these constituencies will create a more just and sustainable farm economy.

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\(^{90}\) McKiver v. Murphy-Brown, LLC, No. 19-1019 (4th Cir. 2020).


\(^{92}\) Aaron Blair et al., Pesticides and Human Health, 72 OCCUPATIONAL & ENV’T MED. 81 (2015).
Figure 1. Comparison of Farm and Household Net Worth
