

HOME RULE AS A MECHANISM FOR EXPLAINING STATE PREEMPTION OF LOCAL CAFO REGULATIONS

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Abstract. Recently, regulation of concentrated animal feeding operations (CAFOs) by local governments has been complicated by conflicting state Supreme Court. In *Idaho Dairymen’s Association v. Gooding County*, the Supreme Court of Idaho found that “regulation of water quality at CAFOs does not call for a uniform regulatory scheme” due to the diverse nature of Idaho’s counties. Despite the similarities, two years later in *Adams v. Wisconsin*, the Supreme Court held that a local government was not able to condition a livestock facility siting permit because the legislature “expressly withdrew the power of political subdivisions to enforce varied and inconsistent livestock facility siting standards.” This paper will analyze (1) the extent to which a state’s likelihood to preempt (indicated by strength of home rule) impacts a state’s livestock industry and (2) how limitation of local livestock regulation could negatively impact water quality.