Animal Legal Defense Fund

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November 21, 2017

RE: Saba Live Poultry Conditional Use Permit Application (2017-010819CUA)

Dear San Francisco Planning Department,

Animal Legal Defense Fund (ALDF) hereby submits these comments to the San Francisco Planning Department (Department) for consideration in regard to the conditional use permit application currently pending for 1526 Wallace Avenue.

ALDF is a California-based national nonprofit organization whose mission is to protect the lives and advance the interests of animals through the legal system. ALDF has more than 250,000 members and supporters nationwide, including nearly 2000 in San Francisco County. ALDF achieves its mission in part by encouraging stricter enforcement of laws that protect and require consideration of animals, including the California Environmental Quality Act (CEQA).

As it stands, the Department lacks an adequate legal basis for approving the conditional use of 1526 Wallace Avenue as a livestock processing facility. The conversion of this building into a livestock sale and processing facility has significant environmental effects that demand analysis and mitigation under CEQA, rendering a categorical exemption inappropriate. Moreover, approving the transport, housing, slaughter, and processing at this location will detract from future economic development of Bayview-Hunters Point, and will unduly burden a community that already suffers from disproportionate environmental impacts. This facility should not be approved—but at the very least, its effects should be identified, analyzed, and mitigated.

Background: Saba Live Poultry

Saba Live Poultry is a New York-based company with 10 outlets nationwide.[1] Saba specializes in the sale and slaughter of live animals: chicken, ducks, quail, roosters, guinea hens, other types of fowl, rabbits, lamb, veal calves, goats, and sheep.[2] Animals at its facilities are individually selected by customers and can be slaughtered and prepared according to their specifications.[3]

Saba has an existing Bay Area location at 849 Kennedy Street in Oakland. Saba initially applied for a conditional use permit from the City of Oakland in 2012 to slaughter 20,000 birds per year (up to 100 per day) at this facility. In 2015 Saba sought to increase the number of birds slaughtered at this location each year from 20,000 to 50,000 (up to 150 per day), and to diversify its operation by slaughtering 2500 sheep and goats per year (25-50 per week).[4] Saba's application to the S.F. Planning Department does not specify what types or how many animals it plans to process at its Bayview facility; the application merely states the proposed use is "livestock processing." To ALDF's knowledge, the Department has not made any further inquiry into the scale or nature of the proposed operation.

Saba's birds are raised in Lancaster, Pennsylvania and transported, live, nationwide.[5] Birds are trucked in to the Oakland facility alive each day.[6] They are housed in cages, three or four to a cage, for up to five days, before individual birds are purchased by customers and slaughtered to their specifications.[7] Birds housed longer than 48 hours are offered to customers either at a reduced price or for free with the sale of fresh live birds.[8] Goats and sheep are separately trucked in multiple times each week and housed on site for roughly two to three days.[9] None of this information is included on Saba's permit application, and to ALDF's knowledge, the Department has not made any further inquiry into the scale or nature of the proposed operation.

When a customer purchases an animal at the Saba facility, it is slaughtered in accordance with Halal standards—standards that govern the specific manner in which an animal is slaughtered, but not necessarily how an animal is raised or handled before arriving at the Saba facility. Under Halal standards, an animal's throat is cut by a sharp knife that severs the carotid artery, jugular vein, and windpipe in a single swipe. Animals are not stunned or rendered unconscious before being killed, as they would be in a non-Halal slaughterhouse. Once the blood drains from the carcass, the feathers are plucked out, the skin is removed, and all internal organs are cleaned out and disposed of[10]; how exactly the animal's feathers, skin, and organs are removed at Saba's facilities is unclear, as is the method of disposal for the animal's feathers, skin, head, feet, organs, innards, and blood. The meat is then cut to the customer's specifications, packaged into several bags, and delivered to the customer on site.[11] Again, none of this information is included on Saba's permit application, and to ALDF's knowledge, the Department has not inquired about any of these facts.

The Saba Facility is Not Compatible with Long-Term Economic Development in Bayview-Hunters Point

To be clear, the Saba facility is not a quaint butcher shop that will bring a bit of the Bayview's history back to the area,[†] nor is it akin to the many food-based small businesses that are currently thriving there today. As explained below, a facility that houses and slaughters tens of thousands of animals each year in extremely close proximity to other businesses, customers, and residents presents concerns that are distinct from and far more significant than those implicated by a traditional butcher shop or deli, which would simply cut or prepare raw meat products to customer specifications.

ALDF recognizes the importance of the successful economic development of the Bayview in accordance with the desires of local residents. For this very reason, prior to submitting these comments, ALDF has engaged with Greenaction for Health and Environmental Justice, the Bayview-Hunters Point Environmental Justice Task Force, and Bayview-Hunters Point Community Advocates, as well as individual business owners and members of Economic Development on Third (EDOT) and the Merchants of Butchertown—several of whom support ALDF's comments or are submitting comments separately to raise their concerns about this facility. Still, the nature and reality of animal slaughter and processing result in serious and significant environmental, social, and economic effects that the Department must thoroughly assess under CEQA *before* allowing this type of industry to be established in a sensitive and overly-burdened community. The designation of Bayview-Hunters Point as an industrial zone should not and does not provide the Department with carte blanche to site facilities that will further reduce the quality of life of its residents.

The Department Must Comply with CEQA

Upon receipt of an application for a conditional use permit,[12] CEQA requires the Planning Department to review the application and determine whether the proposed use qualifies for a categorical exemption.[13] A project is exempt from CEQA *only if* the exemption is not barred by an exception to the exemption.[14] The Department has the authority to request additional information from the applicant to inform its CEQA analysis.[15]

[†] In fact, such a shop exists just 400 feet from the proposed Saba facility, which further demonstrates that the facility is not necessary to serve a need within the community. Just around the corner of Wallace Ave & Jennings Street is a family-owned business that has operated in the Bayview since 1917, which provides fresh eggs as well as fresh and frozen poultry, small game, and seafood, some of which are certified organic. Thus, the expansion of this chain is not necessary to bring the service it provides to the Bayview, nor to the Bay Area.

An exemption to CEQA applies to the permitting of existing private facilities involving negligible or no expansion of use beyond that existing at the time the Planning Department makes its CEQA determination.[16] This is not a categorical, statutory exemption to CEQA, but a regulatory guideline; it can only be applied in the absence of certain factors.[17] In assessing whether this exception applies, it is the Department's duty to determine whether there is substantial evidence that the project may have the particular environmental impacts described in the exception.[18] "The key consideration is whether the project involves negligible or no expansion of an existing *use*" of a facility.[19] That is, the Department must consider how the facility will be used, not simply the extent to which its physical structure will be altered. Moreover, CEQA requires the Department to consider the indirect effects of its actions,[20] including economic and social impacts that flow from the physical use of a facility.[21]

To determine whether an exemption can properly apply to a new project, the Department completes a CEQA Categorical Exemption Determination (CEQA Worksheet). This Worksheet contains several questions that purport to assess the potential impacts of a proposed action. Among these questions are whether the project has "the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)," or "the potential to adversely affect transit . . . ." In any event, a categorical exclusion is never appropriate "for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."[22]

The fact that other agencies will regulate the after-effects of an approved action does not absolve the Department of its duty to assess the environmental effects of a proposed action in the first instance.[23]

"[I]f a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an [Environmental Impact Report] even though it may also be presented with other substantial evidence that the project will not have a significant effect." After preparing an Environmental Impact Report, the Department may only issue a "negative determination" if there is no substantial evidence, in light of whole record, that the project may have a significant effect.[24]

The Saba Facility Will Have Significant Environmental Effects

Environmental issues associated with poultry and livestock processing include air emissions, wastewater and water emissions, solid waste management, socioeconomic and environmental justice, and animal health and welfare. The Department can and must consider all of these issues prior to granting a conditional use permit.

1. Air emissions

The CEQA Worksheet prepared for this facility indicates that it will not emit substantial pollutant concentrations from diesel trucks, nor adversely affect transit. This is incorrect. CEQA requires the Department to consider not just emissions and effects from the facility itself, but from the project as a whole—including the trucks and transport that are essential to its operation. If operations at Saba's Oakland facility are any indication, trucks will travel both to and from the Bayview facility each day to deliver birds, to and from the facility several times per week to deliver larger animals, and an unknown amount of times at unknown intervals to carry waste from the facility. Each of these trips is essential to Saba's operation, and also a direct contributor to air emissions and climate change. In fact, the federal Farm Service Agency recognizes that trucks are a primary source of greenhouse gases produced by the poultry industry.[25]

As of 2009, diesel particulate matter emission from trucks and buses made up 23 percent of all air emissions within Bayview-Hunters Point.[26] Over half of these emissions result from activity on the freeways that cut through the neighborhood and disproportionately burden the community with air quality impacts.[27] However, diesel trucks also account for over 1.6 million vehicle miles traveled through arterial streets and over 120,000 vehicle miles traveled on local roads in Bayview-Hunters Point, not including idling time.[28] Traffic densities in the western portion of the neighborhood exceed the traffic densities of more than 85 percent of the remaining tracts in San Francisco, and this is only expected to increase through 2040.[29] Increasing truck traffic on arterial and local streets will continue to decrease local air quality and public health, further burdening this community.

In addition to the diesel emissions caused by these trucks, trucks carrying animals to the facility have the potential to spread pathogens and other matter from the animals, themselves. The nature of live animal transport requires open-sided trucks or ventilatory openings.[30] The Food and Agriculture Organization (FAO) of the United Nations describes live animal transport as "ideally suited for spreading disease," given that animals are "confined together for long periods in a poorly

ventilated stressful environment."[31] The immunosuppressive stress of prolonged transport may not only increase a healthy animal's susceptibility to infection, but it may trigger the emergence of a variety of diarrheal and respiratory diseases caused by endogenous microoganisms that might not normally lead to disease.[32] Because no federal laws regulate the long-distance transport of chickens, specifically, it is even more difficult to ensure that flocks do not present disease risk to the communities of residents through which they are transported.[33]

Air emissions from animal confinement, slaughter, and processing that will take place at the facility also present significant environmental concerns. Animal holding areas, processing operations, sanitizing operations, wastewater systems, and heat sources are recognized by the U.S. Environmental Protection Agency as sources of volatile organic compounds, hazardous air pollutants, and other criteria pollutants. In addition to volatile organic compounds, confinement facilities can emit other air pollutants of concern, such as hydrogen sulfide, ammonia, and toxins less than 10 microns in diameter ("PM10"), including endotoxins, bacteria, yeasts, and molds.[34] They also cause odors from animal housing and waste management, and dust from feed storage, loading and unloading, and waste management activities.[35] Long-distance live animal transport also may increase the fecal shedding of disease agents: studies have shown that long-distance transport increases the prevalence of Salmonella within animal feces, and the number of contaminated animals.[36] Long-distance live animal transport may also facilitate the spread of animal pathogens with the potential to cause human disease, such as Avian influenza.[37]

Facilities that confine animals emit air pollutants through the management and disposal of animal manure, the movement of animals and their bedding, and the animals themselves. Ammonia gas and other sources of odor are generated primarily during denitrification of manure and can be released directly into the atmosphere at any stage of the manure handling process, including through ventilation of buildings and manure storage areas.[38] Ammonia gas levels also may be affected by the ambient temperature, ventilation rate, humidity, stocking rate, litter quality, and feed composition (crude protein). Ammonia gas (NH3) has a sharp and pungent odor and can act as an irritant when present in elevated concentrations. When deposited into surface waters it may contribute to euthrophication, which depletes water of oxygen and harms aquatic and other water-dependent species.

Airborne dust is another factor. In poultry production and processing operations, dust results from the handling and storage of feed ingredients that may include biological agents (pathogens, bacteria, fungi, mites, and viruses) and particles from grain, mites, fungi, and bacteria, as well as inorganic material such as limestone.[39]

Other sources of dust include bird manure and associated bioaerosols.[40] Dust can cause respiratory problems and facilitate transport of odors and diseases. Some dusts may contain antigens that can cause severe irritation to the respiratory tract.[41] Acute toxic alveolitis, otherwise known as organic dust toxic syndrome, can accompany even brief, occasional exposures to heavy concentrations of organic dust and moldy feed materials in agricultural environments.[42] Inadequately ventilated buildings can exacerbate these concerns for workers in the facility, while improper ventilation systems can disperse the risks to nearby businesses and their customers, as well as local residents.

Children, the elderly, and other sensitive populations are particularly susceptible to air emissions, including particulate matter and suspended dust that are linked to asthma and bronchitis. Smaller particles can actually be absorbed by the body and can have systemic effects, including cardiac arrest. Long-term exposure can lead to decreased lung function.[43] Ammonia emissions are rapidly absorbed by the upper airways in the body, causing severe coughing and mucous build-up—and if severe enough, scarring of the airways. Particulate matter may lead to more severe health consequences for workers who are exposed by their occupation.[44]

This is especially relevant in Bayview-Hunters Point. Compared to San Francisco as a whole, all of Bayview-Hunters Point is in the top 25 percent of tracts with highest "PM2.5"[45] concentrations; however, the average concentration in Bayview-Hunters Point is about 2 percent higher than the average for all of San Francisco. In 2010, 4.4 percent of Bayview-Hunters Point population lived in an area with a PM2.5 concentration at or above 10 µg/m3, compared to 1.2 percent of citywide populations living in such an area.[46] Likewise, 5.5 percent of Bayview-Hunters Point residents live in an area with total cancer risk greater than 100 cases per 1 million people, compared to 3.3 percent of residents citywide—a disproportionately greater percentage than the surrounding community.[47]

Degraded air quality can negatively affect the mental health and quality of life of nearby residents. Odors can cause lifestyle changes for individuals in the surrounding communities and can alter many daily activities. If odors are severe, people may choose to keep their windows closed, even in high temperatures when there is no air conditioning; parents may choose to not let their children play outside nearby. Odors can cause negative mood states, such as tension, depression, or anger, and possibly neurophysciatric abnormalities, such as impaired balance or memory.[48]

These effects warrant consideration with regard to the Saba facility, especially, because nuisance odors, traffic density, and asthma hospitalization rates are already environmental justice indicators for Bayview-Hunters Point—meaning this

neighborhood already suffers from these adverse environmental circumstances disproportionately compared to San Francisco as a whole or other San Francisco neighborhoods.[49] The effect of nuisance odors is already familiar to residents of Bayview-Hunters Point: since publication of the Southeast Plant Odor Control Master Plan in 1998, the San Francisco Public Utility Commission has recognized that nuisance odors are an issue due to the siting of the treatment plant that processes 80 percent of San Francisco's wastewater.[50] Plus, the Saba facility will be located less than a half-mile from Drew and Carver Elementary Schools (.4), a half-mile from the Burnett Child Development Center, and under a mile from both Hart Elementary and the Malcolm X Academy (.7). As the members of this community who are most sensitive to airborne emissions, the health of students at these schools must be protected.

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to air emissions, which the Department can and must consider prior to granting a conditional use permit.

2. Wastewater and water emissions

Wastewater is one of the biggest concerns associated with slaughterhouses nationwide. Poultry operations, specifically, may generate effluents from various sources, including poultry housing, feeding, and watering, as well as from waste storage and management. The siting of the Southeast Plant mentioned above indicates that the Bayview-Hunters Point community already bears a disproportionate burden from the indirect impacts of wastewater.[51]

Effluents from poultry operations typically have a high content of organic material—and consequently a high biochemical oxygen demand and chemical oxygen demand—as well as nutrients and suspended solids such as fat, grease, and manure.[52] The greenhouse gases methane and carbon dioxide are created both in the process of slaughter and by the degradation of wastewater. Wastewater contains a number of organic materials, all of which release methane and carbon dioxide when they decompose. It may also contain residual amounts of growth enhancers and antibiotics, hazardous materials such as disinfecting agents, and pesticides and rodenticides that may be used to control pests within the facility.[53]

Wastewater from slaughterhouses is also one of the largest sources of nitrate pollution in drinking water nationwide.[54] High nitrate levels can cause blue baby syndrome, a fatal condition that impacts babies under six months of age. Nitrogen pollution in waterways can also kill aquatic life, and make it much more difficult for fish, insects, and other water-dependent species to survive.

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to water emissions, which the Department can and must consider prior to granting a conditional use permit.

3. Solid waste management and disposal

Solid waste generated during poultry production includes waste feed, animal waste, carcasses, wastewater, contaminated ventilation filters, and used cleaning materials.

With regard to feed, common poultry feed primarily consists of corn and soy, although other grains, materials, and substances of animal origin (e.g. fish meal, meat and bone meal, and milk products) may also be added.[55] Feed is typically supplemented with amino acids, enzymes, vitamins, mineral supplements, and may contain hormones, antibiotics, and heavy metals.[56] Feed can become unusable waste material if spilled during storage, loading, and unloading or during animal feeding.[57]

With regard to animal waste, poultry production operations can generate significant quantities. Animal waste management requires collection, transport, storage, treatment, and either use or disposal. Manure is generally stored on-site at poultry processing facilities until it can be transported elsewhere. Poultry manure contains nitrogen, phosphorus, and potentially hormones, antibiotics, and heavy metals that are part of the animals' feed.[58] In fact, the U.S. Department of Agriculture has found that poultry manure generally contains two to four times more nutrients than is contained in the manure of other livestock.[59] These substances may result in air emissions of ammonia and other gases and may pose a potential risk of contamination to surface or groundwater resources if not properly stored, treated, and disposed of. Manure also contains bacteria and pathogens that may potentially affect soil, water, and food resources.[60] Animal carcasses are also a significant course of disease and odors, and can attract disease vectors.[61]

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to solid waste, which the Department can and must consider prior to granting a conditional use permit.

4. Socioeconomic and Environmental Justice impacts

CEQA requires the Department to analyze the effects of the Saba facility on the particular community in which it will operate; even if the facility could generally be permitted, it may not be appropriate for the Bayview, specifically. To guide an environmental justice analysis, "indicators" are used to determine what adverse socioeconomic, environmental, health, community, and other circumstances residents of Bayview-Hunters Point experience disproportionately compared to San Francisco as a whole or to other neighborhoods in San Francisco. The U.S. Environmental Protection Agency defines environmental justice indicators as data that "provide information that can be used in an environmental justice assessment to supplement, as appropriate, information more specific to the environmental decision being evaluated (e.g., impacts from a facility being sited or permitted, or potential impacts from a proposed rule) and data required by the statutes and regulations that apply to the particular situation."[62]

In June 2017, the San Francisco Public Utility Commission (SFPUC) published an Environmental Justice Analysis for Bayview-Hunters Point as part of its Biosolids Digester Facilities Project. This analysis builds upon previous or concurrent studies that are also relevant to the Department's environmental justice analysis of the Saba facility.[63] The recent SFPUC analysis shows that nuisance odors, traffic density, population of children, resiliency to climate change, and asthma hospitalization rates are considered environmental justice indicators for Bayview-Hunters Point—meaning this neighborhood already suffers from these adverse environmental circumstances disproportionately compared to San Francisco as a whole or other San Francisco neighborhoods.[64] These indicators are particularly relevant to the permitting of the Saba facility in light of its potential environmental effects explained above.

Over half of San Francisco's industrial zoning is located in Bayview-Hunters Point.[65] Ninety-one to 100 percent of residents in the immediate neighborhood around the proposed 1526 Wallace Ave are considered "minority" or non-White.[66] In the neighborhood as a whole, 19 percent of families and 21 percent of individuals live below the federal poverty thresholds.[67] This community's designation as an industrial zone should not and does not provide the Department with carte blanche to site facilities that will further reduce the quality of life of its residents.

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to environmental justice, which the Department can and must consider prior to granting a conditional use permit.

5. Animal Health and Welfare

Confining large numbers of animals indoors results in direct and detrimental impacts to the animals, which should be considered under CEQA.

The cross-country journey from Pennsylvania undoubetly causes physical and psychological trauma to the animals before they even arrive at the Saba facility. No federal law protects live chickens, specifically, during transport, nor guarantees them access to food, water, and shelter. The nature of live animal transport requires open-sided trucks or ventilatory openings; crates are often improperly covered, and birds can be exposed to high winds and cold temperatures. The unfeathered parts of their bodies become red and swollen, and sometimes even gangrened. During the trip, many chickens can die from hypothermia or heart failure associated with stress.[68]

Once at the Saba facility, birds are housed in cages indoors. Indoor cage confinement causes hens more psychological stress, which is generally thought to render birds more susceptible to infectious disease.[69] Stress hormones can also increase bacteria colonization and systemic spread in chickens,[70] and stress-related corticosteroids can impair the immune system.[71]

The birds' environment also leads to social issues that affect their health. Feather pecking occurs when one bird pecks or pulls at the feathers of another; it can damage plumage and injure a bird's skin, and sometimes lead to cannibalism. Cannibalism refers to the pecking, tearing, and consuming of skin, tissue, or organs of flock mates. Pecking and cannibalism are easier to prevent than to stop once they start; because birds are attracted to blood and have a tendency to imitate each other, they mimic the aggressive pecking or cannibalistic behavior they see in other members of the flock. Overcrowding, overheating, inadequate nutrition, excessive lighting, incorrect flock sizes, flocks of different ages and colors, and abrupt changes in management and environment can all precipitate feather pecking and cannibalism among flocks in facilities of any size.[72]

Chickens, ducks, and turkeys are more sensitive to lights than humans—because chickens have greater sensitivity to multiple regions of visible light, they perceive light as brighter and more intense than humans.[73] As such, the number of hours of light provided to a flock and the intensity of the light can influence cannibalistic behavior; extremely bright lights or excessively long periods of light will cause birds to become hostile toward each other. High-energy and low-fiber diets, feed lacking in protein and other nutrients, and diets with inadequate salt content can also lead to pecking behavior. Underweight birds are particularly prone to be victims of this behavior.

Caged facilities are particularly problematic because they prevent chickens from engaging in natural behaviors that keep them mentally and physically healthy. A chicken's natural behavior includes spending a considerable portion of the day searching for food. Accordingly, when a bird's environment is not suitable for the expression of normal foraging behavior, pecking can be redirected toward flock mates and lead to cannibalism. Combining birds of different ages, breeds, colors, or sizes that have not been reared together often upsets the social order of a flock and increases the chances of cannibalism. Birds caged without access to a perch cannot escape it if it occurs within their cage. Because indoor, confined conditions exacerbate many of the social and environmental factors that contribute to pecking and cannibalism, they are particularly harmful.

Animal disease-causing agents can also spread rapidly among confined flocks. Animal diseases can enter a facility with new animals, on equipment, and on people. Some diseases can weaken or kill large numbers of animals at an infected facility. Both poultry manure and carcasses contain pathogenic organisms which can infect humans, for example viruses such as Avian Influenza (strain HN51), and parasites such as parasitical worms. In some cases, the only remedy available to an operation is to euthanize an entire group of animals to prevent the spread of the disease.

Good ventilation, air movement, proper temperature, dry conditions, freedom to express natural behaviors, and sunlight are also essential for other animals who may be housed at the Saba facility. ALDF is deeply concerned about the conditions in which these animals will be kept. However, due to Saba and the Department's lack of notice about the specific types of animals who will be housed and slaughtered at the Saba facility, ALDF is unable to provide meaningful comments about the health and welfare of these additional species.[74]

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's practices or effects with regard to animal health and welfare, which the Department can and must consider prior to granting a conditional use permit.

Conclusion

Animal confinement facilities, slaughterhouses, and processing plants of any scale may have significant environmental effects. The Department simply does not possess enough information about the proposed Saba Live Poultry facility and its effects to make the requisite determination that a categorical exemption under CEQA is appropriate. The Department's approval of this facility without proper analysis of the effects documented herein would violate CEQA.

The detrimental impact that live animal confinement, slaughter, and processing will have on the Bayview-Hunters Point community, environment, and animals counsel toward denying this facility a conditional use permit. At the very least, the Department must conduct a proper CEQA analysis before making a decision on the application. ALDF therefore urges the Department to deny the conditional use permit for this facility unless and until its effects on animals, the environment, and the local community are studied and mitigated.

Respectfully Submitted,

Cristina Stella

Cristina Stella
Staff Attorney, Animal Legal Defense Fund

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[1] *See* Saba Fresh Meat, "About Our History Here at Saba Halal," http://www.sabahalal.com/about-us.html (last visited Nov. 20, 2017).

[2] *Id.*

[3] *Id.*

[4] Oakland City Planning Comm'n, Case File No. DET15-026-A01, Staff Report (July 1, 2015), available at http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak053781.pdf (hereinafter "Oakland Staff Report").

[5] Saba Fresh Meat, *supra* note 1.

[6] Oakland Staff Report, *supra* note 4.

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] Cal. Pub. Res. Code § 21080(a).

[13] Cal. Code Regs. tit. 14, § 15061(a).

[14] *Id.* § 15061(b)(2).

[15] *Id*. § 15060.5.

[16] *Id*. § 15301.

[17] *See Save Our Schs. v. Barstow Unified Sch. Dist.*, 240 Cal. App. 4th 128, 140-41 (Cal. Ct. App. 2015).

[18] *Id*. at 139.

[19] Cal. Code Regs. tit. 14, § 15301.

[20] *Id*. § 15064(d).

[21] *Id*. § 15064(e).

[22] *Id.* § 15300.2.

[23] *See Buffalo River Watershed Alliance v. USDA,* No. 4:13-cv-450-DPM, 2014 WL 6837005 (E.D. Ark. Dec. 2, 2014).

[24] Cal. Code Regs. tit. 14, § 15070.

[25] United States Dept. of Agric. Farm Serv. Agency, Draft Environmental Assessment (Oct. 2017), at 3-10, available at https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/State-Offices/Arkansas/env-docs/draft_ea_tracypoultry_20171025.pdf; *see generally* Humane Soc'y of the United States (HSUS), Green Gas Emissions from Animal Agriculture, available at http://www.humanesociety.org/assets/pdfs/farm/hsus-fact-sheet-greenhouse-gas-emissions-from-animal-agriculture.pdf.

[26] San Francisco Dept. of the Env't, Bayview Hunters Point Community Diesel Pollution Reduction Project at 10 (Feb. 2009), available at https://sfenvironment.org/sites/default/files/fliers/files/sfe_ej_bvhp_diesel_pollution_reduction_project_report.pdf (hereinafter "Diesel Pollution Report").

[27] *Id.* at 12, 17.

[28] *Id*. at 14.

[29] San Francisco Pub. Utils. Comm'n, Envtl. Justice Analysis for Bayview-Hunters Point at 4-30 (June 2017), available at http://sfwater.org/modules/showdocument.aspx?documentid=10879 (hereinafter "SFPUC Analysis").

[30] M. Greger, The Long Haul: Risks Associated With Livestock Transport, Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science at 305 (2007), available at http://www.humanesociety.org/assets/pdfs/farm/b-b2007-5-4.pdf.

[31] *Id.* at 301.

[32] *Id.*

[33] *Id.* at 304.

[34] Declaration of Professor Steven B. Wing, Ph.D., (Sept. 3, 2015), available at http://buffaloriveralliance.org/Resources/Documents/Ex.%205%20-%20Wing%20declaration%20FINAL%20w%20Exhibits%20-%20reduced%20size.pdf.

[35] Int'l Finance Corp., Environmental, Health, and Safety Guidelines for Poultry Production at 6 (Apr. 30, 2007), available at http://www.ifc.org/wps/wcm/connect/26baaf004886581fb43ef66a6515bb18/final+-+poultry+production.pdf?mod=ajperes (hereinafter "IFC Guidelines").

[36] Greger, *supra* note 30, at 301.

[37] *Id.* at 302.

[38] IFC Guidelines, *supra* note 35, at 6.
[39] *Id.* at 11.

[40] *Id.*

[41] *Id.*

[42] *Id.*

[43] Carrie Hribar, Nat'l Ass'n of Loc. Boards of Health, *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities* at 6 (Mark Schultz, ed., 2010), available at http://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf.

[44] *Id.*

[45] PM2.5, also called "fine particulates," consists of particles with diameters that are less than or equal to 2.5 microns in size. PM2.5 is a more serious health concern than PM10, since smaller particles can travel more deeply into our lungs and cause more harmful effects. SFPUC Analysis, *supra* note 29, at 4-24.

[46] *Id.*

[47] *Id.* at 4-28, 4-29.

[48] Wing Decl., *supra* note 34, at ¶ 15.

[49] SFPUC Analysis, *supra* note 29, at 4-2.

[50] *Id.* at 4-29.

[51] SFPUC Analysis, *supra* note 29, at 4-29.

[52] IFC Guidelines, *supra* note 35, at 5.

[53] *See id.* at 5, 6-7.

[54] *See* Envtl. Working Group, Meat Processors/Slaughterhouses (2011), https://www.ewg.org/meateatersguide/interactive-graphic/meat-processorsslaughterhouses.

[55] IFC Guidelines, *supra* note 35, at 2.

[56] *Id.*

[57] *Id.*

[58] *Id.* at 3.

[59] The PEW Envt. Group, Big Chicken: Pollution and Industrial Poultry Production in America at 13 (July 27, 2011), available at http://www.pewtrusts.org/~/media/legacy/uploadedfiles/peg/publications/report/pegbigchickenjuly2011pdf.pdf.

[60] IFC Guidelines, *supra* note 35, at 3.

[61] *Id.* at 4.

[62] SFPUC Analysis, *supra* note 29, at 1-8.

[63] *See id.* at 4-10 – 4-22.

[64] *Id.* at 4-2.

[65] *Id.* at 4-39.

[66] *Id.* at 4-6.

[67] *Id.* at 4-7.

[68] *See generally* Greger, *supra* note 30.

[69] *See* T. Humphrey, *Are Happy Chickens Safer Chickens? Poultry Welfare and Disease Susceptibility*, 47 British Poultry Sci. 379, 379-91 (2006); A.M. de Passillé & J. Rushen, *Food Safety and Environmental Issues in Animal Welfare*, 24 Revue Scientifique et Technique de l'Office International des Epizooties 757, 757-66 (2005).

[70] U. Methner et al., *Effect of Norepinephrine on Colonisation and Systemic Spread of* Salmonella *Enterica in Infected Animals*: *Role of Catecholate Siderophore Precursors and Degradation Products*, 298 Int'l J. of Med. Microbiology 429, 429-39 (2008).

[71] M.T. Bailey et al., *In Vivo Adaptation of Attenuated* Salmonella *Typhimurium Results in Increased Growth Upon Exposure to Norepinephrine*, 67 Physiology & Behavior 359, 359-64 (1999); S. Shini et al., *Biological Response of Chickens* (Gallus gallus domesticus) *Induced by Corticosterone and a Bacterial Endotoxin*, 149 Comparative Biochemistry & Physiology Part B 324, 324-33 (2008).

[72] Jacquie Jacob, Feather Pecking and Cannibalism in Small and Backyard Poultry Flocks, eXtension.org, http://articles.extension.org/pages/66088/feather-pecking-and-cannibalism-in-small-and-backyard-poultry-flocks (last visited Nov. 20, 2017).

[73] Bob Alphin, Dept. of Animal and Food Sciences, Univ. of Delaware, Impact of Light on Poultry, available at http://extension.umd.edu/sites/extension.umd.edu/files/_images/programs/poultry/Alphin%20Light%20Impact%20on%20Poultry%203-11-14.pdf.

[74] See generally HSUS, The Welfare of Animals in the Veal Industry (July 2012), available at http://www.humanesociety.org/assets/pdfs/farm/hsus-the-welfare-of-animals-in-the-veal-industry-b.pdf (discussing animal welfare issues associated with veal calves); HSUS, The Welfare of Animals in the Duck Industry, available at http://www.humanesociety.org/assets/pdfs/farm/hsus-the-welfare-of-animals-in-the-duck-industry.pdf (ducks); HSUS, The Welfare of Animals in the Turkey Industry, available at http://www.humanesociety.org/assets/pdfs/farm/HSUS-Report-on-Turkey-Welfare.pdf (turkeys); HSUS, The Welfare of Animals in the Chicken Industry (Dec. 2013), available at http://www.humanesociety.org/assets/pdfs/farm/welfare_broiler.pdf (broiler chickens).