The Box of ‘Allowable Remedies’

The Legal Doctrines Which Control What We Do

**State Preemption** – Either explicit or field preemption; trumps ordinances or municipal decisions dealing with factory farms.

**Dillon’s Rule** – Under the law, municipalities are legally treated as “children” to the State “parent”. Thus, communities can only do what the State specifically authorizes it to do.

**Nature as Property** – Under the law, the more property that you own, the more property you can destroy, because communities cannot enforce the rights of ecosystems.

**What communities are allowed to do under existing law:**

- enforce state regulations by appealing permits issued by the state to factory farm corporations
- lobby state legislators to give municipal governments more authority, and lobby regulatory agencies to enforce state regulations
- work with factory farm corporations to get voluntary agreements on practices like trucking and odor

**Corporate Constitutional “Rights”** – Corporations can claim that municipal laws and decisions “take” property from them (State-issued permits are considered property) in violation of corporate constitutional rights; in addition, corporations can claim that gas production is interstate commerce, and use those doctrines to nullify municipal decisions and sue the community for damages.