

## Not Really Fighting for their Homes

Bion response to a Posting by the Citizens for Family Farms: 08-28-2010

On August 28, 2010, Karen Hall of Citizens for Family Farms (CFF) posted a statement in opposition to Bion's proposed project entitled "Fighting for our Homes" that requires substantial correction. No doubt Ms. Hall and the CFF believe that they are fighting for their homes based on the examples they cite. Unfortunately those examples simply do not represent Bion's project nor do they reflect the substantial safeguards that Bion's proven waste treatment technology and professional operating protocols provide. What is most regrettable, however, is that the CFF has raised this discussion to a level approaching hysteria while refusing to contact Bion directly in an honest attempt to understand just how our project is substantively different than the examples that give rise to such fears. Nor does the CFF accept the reality of the rigorous SEQR process environmental review to which all proposed project activities will be subject.

Following are direct responses from Bion to many of the questions, claims and misrepresentations by CFF in their posting:

- *CFF states: "To insinuate that citizens who are truly concerned about the future of their communities "carefully crafts" statements is outrageous."*

Why is "carefully crafted" outrageous? It is clear from CFF statements that cited examples are called "similar" while the fear of environmental consequences they appear to document are stated as though they are "identical".

- *CFF states: "The fact that we have found and spoken to people whose lives and environments have been ruined by industrial agriculture operations is a testament to how much time and energy has been put into educating ourselves, and to in turn, educate our communities."*

These examples have nothing to do with the proposed Bion project other than they both raise livestock. **The environmental impacts from industrial scale livestock production that CFF has recently discovered are the very reason Bion has invested tens of millions of dollars of private investor capital over two decades to develop a solution to that environmental problem, so families will no longer be subjected to those impacts.**

- *CFF states: "Bion seems to be claiming that the residents of Oswego County do not have the right to do what Bion itself has been doing: meeting with elected officials and communicating through the local media. Has Bion forgotten that officials are elected to represent citizens, not Bion?"*

CFF should carefully check the reference. Bion simply stated a fact in response to reports in The Valley News --official media champion for the CFF-- that Bion had been meeting with legislators, implying that Bion's attempt to answer questions from public officials was somehow inappropriate. Our position is simply that either both sides have the right to make their case or neither should be allowed to make their case. It is interesting that CFF has now elevated this argument to who has the more "legitimate" right. CFF appears to have appointed themselves as the legitimate one, and as a result, that Bion is somehow less legitimate or illegitimate. We cede no higher moral authority especially in light of CFF's constant misrepresentations about

Bion, its technology, its proposed project and the moral motivations of its investors and management. Simply because you continue to make the same false statements and misrepresentations does not suddenly make them correct or "legitimate."

- *CFF states: "We have heard story after story where industrial agriculture operations became entrenched in communities and subsequently destroyed them because the citizens were not properly heard before the fact. We vow we will not allow that to happen here. We will speak to any elected official we deem appropriate."*

Agreed. Communities should protect themselves from such activities but what does that have to do with Bion's proposed project? It continues to amaze that CFF attacks Bion's project on environmental grounds yet Bion's proposed project is the only such proposed industrial livestock agricultural project in the nation that has VOLUNTARILY agreed to be permitted under NYS SEQR and monitored and regulated under NYS DEC regulations. This is the process that is used to permit and regulate every other economic activity in NYS. Bion's proposal provides NYS and Oswego County with the power to monitor and to fine or shut down the project if Bion violates its permit. Either this distinction is lost on CFF or it realizes that recognizing the power of SEQR would cause their environmental harm argument to become moot.

- *CFF states: "Bion has also stated, 'But it is necessary to note that they have simply not had any experience (let alone extensive familiarity) with facilities utilizing technology similar to that proposed by Bion!' This is indeed true because the technology that Bion proposes to utilize is unproven. Bion's presentation of information so far fails to adequately demonstrate that their solutions are feasible. It would give Bion's technology far more credence if Bion applied it to operations that need to be cleaned up rather than creating a new huge mess to clean up. Once the technology is proven at a facility of comparable size, perhaps the people of the community would be more willing to listen."*

Contrary to CFF's assertions, Bion's technology has indeed been proven and demonstrated. Initial installations date back to the early 1990's including on the NYS dairy that was the basis for existing CAFO regulations. Bion's Texas installation was operated under a third party scientific peer review panel. All of the data and identification of the scientists engaged can be found on Bion's website for all to look at. That data was the basis for Bion's PA project.

In Bion's proposed Oswego County project, Bion has proposed --but CFF refuses to acknowledge-- that the PA project data will be the basis for Bion's permit application in Oswego. Bion will publish its data before proceeding with its application for the Oswego project. So Bion's PA project is the building block for the Oswego project. The 1,200 milk cows are equivalent in waste load (manure) to approximately 4,000 beef cattle. That is the demonstration project that CFF calls for. Yet CFF refuses to acknowledge this fact while calling for a project of comparable size.

If CFF would have either spoken to Bion or read Bion's website information, it would be aware that Bion's waste treatment technology is designed to be modular. The modular treatment units will manage and treat the equivalent of 1,200 to 2,000 milk cows or 3,600 to 6,000 beef cattle in a finishing facility. Therefore, the 72,000 head Bion beef cattle project proposed for multiple sites will have between 12 to 20 modular and redundant Bion waste treatment units. As a result, the proposed PA project provides Oswego County and NYS DEC with the

demonstration project it requires to establish the permitting and ongoing regulatory standards for the project.

- *CFF states: "We ask them to explain how a project that plans to import up to 72,000 cattle, concentrate them into confined areas, collect their manure, slaughter 600 a day, import corn and other materials, likely import mechanical equipment and resources, and seek out external funds (likely from a government source) could possibly qualify as "renewable" or "sustainable"? Seriously? Seeing that this project is neither (renewable nor sustainable) does not require a degree in science. Making such a claim is an insult to the intelligence to the people of our community."*

Seriously???

CFF has created a definition of sustainability that only exists in the mind of the CFF. The purpose of your definition is to support you in making inaccurate sustainability arguments. Sustainability is measured against existing practice. As established by numerous experts including agricultural scientists at Cornell University, sustainability is measured as the ratio of environmental impact per unit of food produced. Essentially the more one improves agricultural productivity and enhances the environmental efficiency of existing practices, the more sustainable it is --versus ongoing and traditional practices of the industry, not as judged against an arbitrary standard that suits CFF's purpose.

Bion's project does both; it improves agricultural productivity as well as significantly reducing environmental impacts on a per head basis, or as measured for sustainability on a unit of food basis. Existing practice includes applying livestock manure to farmland, and moving Holstein cattle from upstate NY to PA and then to the Midwest for finishing, then to a slaughter plant where the beef is boxed and shipped in a refrigerated vehicle back to the east coast where much of the beef is then cooked for food service. **Bion's approach involves treating the livestock manure so that there is no manure stored in lagoons or applied to cropland** and moving the corn once from the Midwest to NYS where it is used to make ethanol and the ethanol co-product is fed to the cattle in Oswego, processing the cattle and delivering them to market within 350 miles. An internationally respected carbon consultancy has calculated that Bion's project will generate substantial carbon credits as compared with a baseline of ongoing industry practices. We look forward to a factual sustainability response.

As for funds from government sources, agriculture is a government subsidized activity nationally; that is national policy designed to maintain inexpensive food for consumers. Yet it appears that CFF believes that the Bion project should be selectively excluded from the same support extended to agriculture projects nationally by both federal and state agencies.

- *CFF asks: "If this is such a wonderful project, why is there not an existing project on this scale?"* Because no large scale livestock production facility has previously proposed to implement a proven, comprehensive waste treatment technology in concert with a closed-loop integration of associated economic activities.

- *CFF asks: "Why did St. Lawrence County not proceed with allowing the project to be built there?"* The CFF is certainly entitled to its opinions, but it is not entitled to its own facts. The vote in SLC County Legislature was 12 to 2 in favor of the project moving forward. Bion elected to not proceed in SLC based on many factors, including issues with expanding the Ogdensburg port.

The real tragedy of SLC is their experience of continued job loss.

- *CFF asks: "And why did the only other attempt fail so miserably and leave the people of the community holding the check?"*

What community?? What check?? Please do a reality check with the County Administrator and Board of Legislature for SLC and you will find that these are fictions created by the CFF to support its opposition to a project that will safeguard the environment, provide true agricultural sustainability and generate substantial economic benefits throughout the regional economy.

- *CFF states: "Bion's response brings to light what Bion really thinks about the people of Oswego County: we are bumbling idiots who don't know what "sustainable" and "renewable" mean and who do not have a legitimate right to talk to their elected officials or the media.*

No, Bion states affirmatively that CFF has incorrectly but conveniently defined sustainability to fit its social agenda against the project and that both sides have an equal right to make their case to public officials.

- *CFF states: "Perhaps the Bion promotion team should consider giving some community members who have had to live with industrial agriculture operations a call themselves to see how perfect and trouble-free the technology has been and how many lives have been destroyed by "state of the art" technology.*

Bion has not offered "state of the art." Bion has offered ironclad VOLUNTARILY regulatory authority over the project to the Oswego County and NYS starting from the initial permitting and continuing through subsequent regulatory authority based on monitoring of project operations. This would be the first of its kind nationally and would establish a template for similar projects nationally. Bion's investors will lose \$200M if the project fails to perform according to its permit since NYS DEC and Oswego County will have the legal authority to shut it down. As CFF well knows, that legal authority over existing agricultural operations does not exist today. That is why it has been so very difficult to impact operations of existing livestock operations once they are established. Bion has VOLUNTARILY agreed to cede that independence from authority to NYS and Oswego County because its technology will meet the regulatory requirements.

- *CFF states: "What all of this boils down to is a few people making a ton of money off of government subsidies, carbon credits, and the back of the communities they force themselves upon."*

Bion is a public company with hundreds of shareholders. Its shareholders will benefit from the successful development of projects such as proposed in Oswego County as well as its operating partners and subsequent financial investors who will provide the capital. Bion's shareholders have invested tens of millions of dollars over almost two decades to develop this technology.

**Not one cent of federal or state grant money has been part of Bion's research and development effort.** Yet, CFF seems to infer that there is something wrong with people investing in companies to make money.

Who are these investors. Bion has not been financed by venture capital institutions nor by industry participants nor by environmental groups or institutions. **Bion's investors have been**

**individual citizens who understand that large scale livestock agriculture is necessary to continue to provide inexpensive and safe food to the nation. They are also aware of the problems associated with large scale animal production and have invested in a company whose mission it is to develop the technology and an implementation platform to address those problems.** Some of Bion's investors are individuals who have in the past or are presently living near livestock operations and know up close and personal the environmental impacts. They have seen their well water polluted with excess nitrogen. They have been unable to go outside in their yards due to flies or odor at different times of the year. Yet, they have elected to be part of the solution. **Bion's shareholders, who have put their dollars at risk to develop an environmental solution to the problem of livestock waste, take exception to CFF questioning their motives and somehow claiming some higher moral authority or legitimacy.** Other than oppose, what has CFF ever done to make it right.

- *CFF states: "We have no intention to sit back and allow that to happen."*

Then we offer CFF the opportunity to become constructively engaged rather than work to raise community fears by continuing to cast aspersions not supported by fact. To date, Bion has not heard from CFF other than its public attacks. Do they understand the Bion project? Do they understand the technology? Do they understand the long term positive impact on the agricultural community in upstate NY? The answer is no and they have not made any real attempt at a constructive dialogue. Bion welcomes such a constructive dialogue. In the meantime, we will continue to respond vigorously to CFF's misrepresentations regarding Bion's intentions and proposed project.

- *CFF states: "Bion's reaction shows they seem to expect the people of our community to just sit back and welcome them in without any legitimate questioning of the project. We will not be a passive part of allowing Bion to attempt to erode democracy or our environment."*

Bion welcomes legitimate questioning of the project as opposed to the attacks and false representations made in opposition. This statement is so out of touch with the process that Bion has proposed that any additional response would be insufficient.