



Written by [Raven Clabough](#) on June 5, 2012

EPA Defends Use of Spy Planes Over Iowa, Neb. Cattle Ranches

The Environmental Protection Agency reportedly has been using aircraft to spy on cattle ranchers in Iowa and Nebraska. Nebraska's congressional delegation recently [submitted](#) a joint letter to EPA Administrator Lisa Jackson expressing concerns about the surveillance, to which the EPA replied that its use of the planes is well within the legal boundaries, as well as "[cost-effective.](#)"



The EPA's surveillance has covered Region 7, comprised of Iowa, Nebraska, Kansas, and Missouri, though it has focused primarily on Nebraska and Iowa, because of the high concentration in those two states of livestock feeding operations in watersheds that have histories of contamination.

The aircraft have maintained an altitude of 1,200 to 1,500 feet. While the EPA alerts state environmental agencies when it is deploying its aircraft in their skies, it does not notify livestock farmers. Thus far, seven flights have taken place over Iowa, and nine over Nebraska.

Nebraska's congressional delegation — Republican Reps. Adrian Smith, Jeff Fortenberry, and Lee Terry, and GOP Sen. Mike Johanns (above photo, right of drone), as well as Democrat Sen. Ben Nelson (above photo, left of drone) — raised their objections in their letter to the EPA:

Farmers and ranchers in Nebraska pride themselves in the stewardship of our state's natural resources. As you might imagine, this practice [aircraft surveillance] has resulted in privacy concerns among our constituents and raises several questions.

According to Rep. Adrian Smith, who co-chairs the Modern Agriculture Caucus and the Congressional Rural Caucus, much of the surveillance takes place around homes, so "landowners deserve legitimate justification given the sensitivity of the information gathered by flyovers."

"Nebraskans are rightfully skeptical of an agency which continues to unilaterally insert itself into the affairs of rural America," Smith added.

Additionally, some have raised concerns about the impact that the EPA surveillance would have on costs to the farmers, as it may lead to expensive manure control modifications on the farms, dairies, and feedlots.

Chuck Folken, owner of a cattle feed yard in Nebraska, said that many producers find it easier to work with the Nebraska Department of Environmental Quality than with the federal environmental enforcers. "The state comes out and inspects us and watches us," he pointed out. "They [EPA officials] are overstepping what the state is doing and I think it's unnecessary."

Similar complaints came out of Iowa as well. Iowa Cattlemen's Association spokeswoman Dal Grooms noted that producers have been angered by having to comply with different sets of regulations handed down by both the state and federal governments.

The EPA attempted to assuage some of these concerns in its statement, asserting that the agency does



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not levy fines or take action against a livestock producer based solely on photos. The pictures taken by the aircraft, it claims, if compelling, may simply prompt inspections at the sites in question.

“Courts, including the Supreme Court, have found similar types of flights to be legal (for example to take aerial photographs of a chemical manufacturing facility) and EPA would use such flights in appropriate instances to protect people and the environment from violations of the Clean Water Act,” the agency said in response to the letter.

But the EPA’s response was not enough to allay the concerns of the congressional leaders.

“They are just way on the outer limits of any authority they’ve been granted,” declared Nebraska Sen. [Mike Johanns](#).

Constitutionalists point out that not only is the EPA overreaching in an attempt to acquire authority it does not have, but the agency itself is unconstitutional. No provision in the Constitution permits the U.S. Congress to legislate the environment. Under the 10th Amendment, such an authority belongs only to the states.

In its response to the Iowa and Nebraska congressional delegation’s letter, the EPA focused on cost efficiency. But as noted by PJ Media, “Cost isn’t the issue, as the EPA surely knows. What they’re doing using spy planes over the US, for what purpose, and what are they doing with the information they’re gathering — that’s the issue.”

This is just one of many capacities in which surveillance aircraft are being used in the skies over America, though all uses of the aerial spy vehicles pose similar problems regarding privacy rights.

Congress has already approved the deployment of approximately 30,000 drones in U.S. skies by the year 2020, prompting privacy advocates to question how the FAA will safeguard the American people from the aircraft.

In a recent appearance on the panel portion of Fox News’ “Special Report,” syndicated columnist Charles Krauthammer actually took a hard stance against the use of drones in the United States:

A drone is a high-tech version of an old army and a musket. It ought to be used in Somalia to hunt bad guys but not in America. I don’t want to see it hovering over anybody’s home. Yes, you can say we have satellites, we’ve got Google Street View and London has a camera on every street corner but that’s not an excuse to cave in on everything else and accept a society where you’re always under — being watched by the government. This is not what we want.

Concerns that the drones would add to privacy violations were vindicated when a newly discovered Air Force intelligence brief revealed that surveillance data of American citizens captured by drones “accidentally” can be stored and analyzed by the Pentagon.

“Collected imagery may incidentally include US persons or private property without consent,” the instruction states.

Meanwhile, the drone industry in the United States is doing its best to project a positive image to the public.

Michael Toscano, president of the Association of Unmanned Vehicle Systems International, is optimistic that some astute public relations will help the industry.

“You have to keep repeating the good words,” he said, adding that the word “drones” should also be dispensed with because of its negative connotations and replaced with the term “remotely piloted



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vehicles.”

[Salon](#) observed:

Toscano made it sound like something straight out of a crisis-management textbook — or Orwell. The AUVSI wants to bombard the American public with positive images and messages about drones in an effort to reverse the growing perception of the aircraft as a threat to privacy and safety.

This article originally said that the EPA was using drones to monitor feedlots, but a representative from Senator [Johanns](#) office has alerted us that in actuality manned aircraft have been used to monitor the feedlots. We apologize for the error.



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