

Six Myths and Facts About Perdue's Savefarmfamilies.org

Fact Sheet • October 2011

Savefarmfamilies.org, a website launched on September 15, 2011, was purportedly created to help Alan and Kristin Hudson, who own a poultry operation located near Maryland's Eastern Shore, pay their mounting legal bills from a lawsuit filed by the environmental non-profit Waterkeeper Alliance and its local member program, Assateague Coastkeeper. It claims to be a grassroots effort to help save the "family farm," including the Hudsons', from radical environmental groups. Unfortunately, it attempts to do so by perpetuating many myths about industrial chicken operations in Maryland and the lawsuit itself. In fact, SaveFarmFamilies.org is an "astroturfing" effort — an industry-generated website used to spread misinformation while purporting to be by farmers, for farmers. This fact sheet is intended to debunk some of the many inaccuracies and misstatements promoted by the website.

Corporate agribusiness is taking over food production around the world. By 2006, four chicken companies controlled nearly three out of five (58.5 percent) broiler operations in the United States.¹ These companies, known as integrators, control every step of chicken production. Chicken growers are subjected to unfair and abusive contracts and their economic condition is more similar to a serf's than a farmer's. The Hudsons are "contract growers" — little more than chicken sitters — who do not even own the birds they raise and fatten for Perdue. But Perdue is shirking its responsibility and manipulating local growers like the Hudsons to avoid taking responsibility for the waste these birds produce.

The lawsuit against Hudson Farm and Perdue is, in part, an attempt to require Perdue to take responsibility for the waste produced by its chickens, which growers raise under unfair contracts. If the processors were forced to be responsible for the waste produced at their growers' operations, just like other industries have to manage their production wastes, there would be an incentive to stop polluting the waterways surrounding these contract farms.

Myth 1: Savefarmfamilies.org is a grassroots, local effort to stop the "family farm" from being destroyed.

Fact: Savefarmfamilies.org is a Perdue front. It was registered in secret so its true owner could not be identified, but its IP address goes right back to Perdue's servers in

Salisbury, Maryland.² Perdue has been one of the biggest enemies of the family farm in Maryland, trapping growers in its integrated system whereby it controls virtually every aspect of raising poultry and dictates the day-to-day lives of its contract growers. In fact, even the non-industry sponsors of the website can be traced back to the Maryland Farm Bureau, which does not protect the interests of family farmers. Many Farm Bureau members are not family farmers — or even farmers — and have major ties to agribusinesses like Perdue, advocating politically on their behalf.³

Myth 2: Waterkeeper Alliance sued Alan and Kristin Hudson without ever giving them any notice or opportunity to have a conversation about their concerns.⁴

Fact: Waterkeeper Alliance did not "sue first and ask questions later."⁵ In fact, the Clean Water Act requires that citizens provide potential defendants with at least 60 days notice of their claims before they can file a lawsuit. Waterkeeper Alliance, and its member program Assateague Coastkeeper, sent the Hudsons and Perdue their 60-day notice letter on December 17, 2009. During the 72-day period between the notice letter and the filing of the lawsuit, neither defendant contacted Waterkeeper Alliance to discuss the matter or to seek an out-of-court resolution. Instead, they refused to allow the Maryland Department of the Environment to conduct any sampling on the operation,⁶ and began their campaign of misinformation that continues to date.

Myth 3: Waterkeeper filed a lawsuit because they “mistakenly thought that a lawfully obtained pile of biosolids, delivered to the [Hudson] farm from Ocean City, was chicken manure.”⁷

Fact: Waterkeeper did not file a lawsuit over a pile of biosolids (or sewage sludge). Waterkeeper Alliance and Assateague Coastkeeper filed a Clean Water Act lawsuit against Perdue and one of its growers, Hudson Farm, after documenting it had discharged significant amounts of pollutants from chicken waste into farm ditches that drain into the Franklin Branch and then out into the Pocomoke River. The Pocomoke River flows into the Chesapeake Bay. Both of these waterways are degraded from the same type of pollution that flows from Perdue’s Hudson Farm operation. The Court agreed that the Waterkeepers had sufficient evidence to proceed with a lawsuit and denied Perdue and the Hudsons’ request to dismiss the case.

Myth 4: The Maryland Department of the Environment (MDE) determined that the pile was biosolids and not chicken litter.⁸

Fact: MDE’s early claims that they tested the purported pile of biosolids were false.⁹ Moreover, to our knowledge there has never been a formal determination by MDE that any pile on the operation was purely biosolids. The agency did, however, collect water samples during an inspection of the Hudson Farm and found spikes in concentrations of pollutants such as fecal coliform, E. coli and nutrients that were well above levels that are set by MDE to protect environmental and public health.

Myth 5: This lawsuit is really about ending animal agriculture in this country.¹⁰

Fact: This lawsuit is an attempt to reverse an undeniable trend: the Chesapeake Bay is dying. The Environmental Protection Agency attributes 45 percent of phosphorous loading, 35 percent of nitrogen loading and 60 percent of sediment loading into the Bay to agricultural sources.¹¹ Animal manure accounts for about half of the nitrogen loads.¹² Companies like Perdue are reaping immense profits while Bay aquatic life and fishing and crabbing communities are suffering. This case is not about ending animal agriculture, but about limiting the damage to the Chesapeake Bay caused by having too many chickens concentrated on the Eastern Shore.

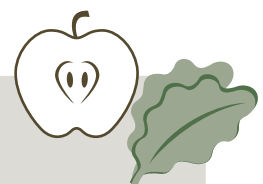
Myth 6: The lawsuit is an attempt to bankrupt the Hudsons and other farmers.¹³

Fact: This lawsuit seeks to both stop pollution and establish that poultry integrators cannot hide behind their contract growers to escape liability for polluting our waterways. This precedent will level the playing field for contract growers by incentivizing the big companies, who currently reap most of the profits without assuming responsibility for the manure, to help family farmers manage the manure more responsibly.



Endnotes

- 1 Food & Water Watch. “Factory Farm Nation: How America Turned Its Livestock Farms into Factories.” November 2010 at 24.
- 2 IP-address.com - IP Tracer and IP Locator. Available at http://www.ip-address.com/ip_tracer/50.56.18.114, accessed October 20, 2011.
- 3 Food & Water Watch. Fact Sheet. “The Farm Bureau’s Billions: The Voice of Farmers or Agribusiness.” July 2010. Available at <http://www.foodandwaterwatch.org/factsheet/farm-bureau/>, accessed October 20, 2010.
- 4 Video interview with Kristin Hudson. Available at <http://savefarmfamilies.org>, accessed October 17, 2011.
- 5 See <http://savefarmfamilies.org/>, accessed October 17, 2011.
- 6 Wheeler, Tim. “Chicken farm bars pollution tests, state says.” *Baltimore Sun*. January 19, 2010. Available at http://articles.baltimore-sun.com/2010-01-19/features/bal-md.gr.chicken19jan19_1_perdue-farms-chicken-farm-poultry-farm, accessed October 20, 2011.
- 7 Wren, Geni. “Waterkeepers stomping on a family farm.” *Bovine Veterinarian Magazine*. October 7, 2011. Available at <http://savefarmfamilies.org/news/>, accessed October 17, 2011.
- 8 See <http://www.savefarmfamilies.org/about-the-lawsuit/>, accessed October 17, 2011.
- 9 Wheeler, Tim, January 19, 2010.
- 10 News Release. “SaveFarmFamilies.org Adds Delmarva Poultry Industry, Inc., Worcester County Farm Bureau and Wicomico County Farm Bureau to Growing List of Supporters.” September 22, 2011. Available at <http://www.savefarmfamilies.org/wp-content/themes/news/pdfs/savefarmfamilies-org-news-release.pdf>, accessed October 20, 2011.
- 11 U.S. Environmental Protection Agency. Office of Enforcement and Compliance Assurance. “Chesapeake Bay Compliance and Enforcement Strategy.” May 2010 at 2. Available at <http://www.epa.gov/compliance/civil/initiatives/chesapeake-strategy-enforcement.pdf>, accessed October 20, 2010.
- 12 *Ibid.*
- 13 See <http://www.savefarmfamilies.org/about-us/>, accessed October 20, 2011.



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