

Chicken Farmer Prevails In Pollution Lawsuit

ERIC TUCKER, Associated Press

WASHINGTON (AP) — A Maryland farmer who raises chickens for poultry giant Perdue Farms did not discharge pollution into a nearby river, a federal judge ruled Thursday in a case that had been closely watched by environmentalists and the poultry industry.

U.S. District Judge William Nickerson sided with Alan Hudson in a 50-page ruling, saying a New York-based environmental group that sued the farmer and Perdue for pollution had failed to prove its case.

The organization, Waterkeeper Alliance, alleged that chicken litter from the Hudson Farm in Berlin was discharged into a river that ultimately flows into the Chesapeake Bay, and that Perdue, which owns the chickens and monitors their growth, should be responsible for the pollution.

Nickerson said that while he agreed the bay was a vital resource of the state, and that citizens should feel empowered to protect the waterway in instances when regulators won't or can't, legal challenges must be brought "responsibly and effectively."

"The court finds that in this action, for whatever reason, Waterkeeper did not meet that obligation," Nickerson wrote.

He chastised the group for bringing the lawsuit without doing adequate sampling to identify the source of the pollution, saying that given the amount of time and resources spent on the court case, it was indefensible that Waterkeeper "would not have conducted the straightforward testing and sampling that could have established a discharge from the poultry operation, if there was such a discharge."

Waterkeeper said in a statement that it disagreed with the judge's decision and would consider an appeal. Perdue called the ruling a "good day for Maryland and for agriculture."

"We congratulate the Hudsons on their long-overdue exoneration. We are also pleased that the judge upheld existing law that safeguards the contractor relationship and confirms the independence of thousands of family farms who choose to raise poultry and livestock," spokeswoman Julie DeYoung said in a statement.

Waterkeeper alleged during a non-jury trial that chicken litter was being discharged from the farm into a tributary of the Pocomoke River, spread either by ventilation fans in the chicken houses or the shoes of people who come in and out of the houses.

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The federal suit was filed in 2010 after representatives from Waterkeeper flew over the farm and identified what they initially believed to be a large uncovered pile of chicken manure. The piles were eventually found not to be chicken manure. Lawyers for Perdue and the Hudson family said the chicken manure wasn't getting out in great enough amounts to pollute, and Hudson testified that he took steps to avoid pollution and to keep the manure in the houses.

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