



Poultry Litter Management Act

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State and federal officials have long been aware of the pressing problem that industrial-scale animal agriculture brings to the Chesapeake Bay, the largest and one of the most important biologically productive estuaries in the United States.¹ Unfortunately, Maryland's elected officials and policy makers continue to allow the big chicken companies who profit so richly from this unsustainable industrial model to evade any responsibility for their waste. Instead, these lawmakers allow the companies to shift the liability for excess chicken manure onto overburdened "contract growers" who raise their chickens, and to pass the Bay clean-up costs onto taxpayers. It is time to make the poultry industry clean up after itself, as other industries across the country do.

Through the centuries, the Chesapeake Bay has served as a vital recreational and economic asset in the region, supporting a rich commercial fishing and crabbing industry and providing boating, swimming and other recreational activities. For the past few decades, however, this historic watershed has been significantly impaired due to excess levels of pollutants, like nitrogen and phosphorous, coming from manure that runs off from industrial operations in the region that raise large numbers of animals for food.²

Pollution from these factory farms has had dramatic impacts on the fishing economy of the Bay, causing algae blooms that consume oxygen and create "dead zones" where fish and shellfish cannot survive, while also blocking sunlight from reaching underwater Bay grasses and the aquatic life on the floor of the Bay.³ Today, most of the Bay and its tidal waters are listed as "impaired" because of excess nutrient pollution.⁴

Despite this common knowledge, Maryland legislators have not implemented the kind of regulatory practices for the chicken industry on Maryland's Eastern Shore that have worked to clean up other polluting industrial sectors. As the chicken industry has become increasingly concentrated, the powerful companies that control it, like Perdue, have been able to pay their contract growers a low wage while also avoiding any responsibility for the at least 228,000 tons of excess manure that their hundreds of millions of chickens produce every year.⁵ And with continuing industry expansion, that number will only increase.



During the past four decades of Clean Water Act regulation, our nation has managed to improve the quality of our waterways by holding a number of industries responsible for their waste — except, that is, industrial agriculture. It is no coincidence that the under-regulated and unaccountable agriculture industry is the largest ongoing source of impairment to our country's waterways, including the Bay.

Big chicken companies like Perdue, Tyson and Mountaire have found a way to game the system. Even though they own the chickens that they place on contract operations, they disavow any responsibility for the waste that their birds produce, instead dumping mountains of waste onto the backs of overburdened contract growers who have few options but to pile excess amounts of manure on farm fields as an irresponsible method of waste disposal. It is this unjust business model that allows Perdue, the largest chicken company in Maryland, to enjoy annual sales of \$6.3 billion, while not being required to spend any money to control its own wastes and protect the Bay.⁶

To make matters even more unfair, it is residents who are being taxed to offset their own contribution of pollutants to the Bay while the chicken industry gets a free ride. Maryland residents and businesses have contributed \$767 million in Bay restoration efforts since 2004, while the chicken industry in Maryland receives taxpayer dollars to continue its unsustainable and polluting ways.⁷ Over \$5.6 million in state taxpayer dollars has been spent since 1999 to move these companies' excess manure off of their contract operations that cannot handle the waste.⁸ Perdue alone has received over \$2.8 million dollars in payments since 2008 from Maryland's taxpayers just to move its own waste over to its for-profit pelletizer plant.⁹

It is clear that legislators have been willing to burden their own constituents with clean-up costs while giving Maryland's chick-

en companies a pass. It's time for a change in Maryland, and it must start with our elected officials enacting laws that make the chicken companies responsible for their own waste. For Perdue, and the rest of big chicken, the free ride must end.

What you can do....

The Poultry Litter Management Act (PLMA) will be introduced by state legislators to force the big chicken companies to finally take responsibility for their waste and for the impact on the Bay and local communities. The PLMA:

- Requires chicken companies to pick up all excess manure from their contract growing operations;
- Allows contract growers to retain the manure necessary to fertilize their own crops;
- Ensures that chicken companies dispose of their excess manure in a way that does not harm the environment or communities.

Call your elected officials and tell them that you support the Poultry Litter Management Act because it is time to hold the big chicken companies responsible for their own waste.

For more information, visit the link below and sign the petition to finally make big chicken companies accountable for cleaning up after themselves: <http://fwwat.ch/MDChicken>

Endnotes

- 1 74 Fed. Reg. 23099-23104. May 15, 2009.
- 2 U.S. Environmental Protection Agency. "Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorous and Sediment." December 29, 2010 at ES-3.
- 3 *Ibid.* at ES-3 and 2-7.
- 4 *Ibid.*
- 5 Maryland Department of Agriculture. Prepared by Business Economic and Community Outreach Network at Salisbury University. "A Scenario Analysis of the Potential Costs of Implementing the Phosphorus Management Tool on the Eastern Shore of Maryland." November 2014 at 7. Available at <http://mda.maryland.gov/Documents/pmt-analysis.pdf>.
- 6 Forbes. "America's Largest Private Companies: #57 Perdue." Available at <http://www.forbes.com/companies/perdue/>.
- 7 Maryland Bay Restoration Fund Advisory Committee. "Annual Status Report: January 2015 (10th Report)." January 2015 at 2. Available at <http://www.mde.state.md.us/programs/Water/BayRestorationFund/Documents/2015%20BRF%20Report%20-%20Final.pdf>; Maryland General Assembly. SB 320, 2004 Regular Session.
- 8 Maryland Department of Agriculture. Office of Resource Conservation. Maryland Agricultural Water Quality Cost-Share Program. "We Are Spot On: 2014 Annual Report." March 2015 at 10. Available at http://mda.maryland.gov/resource_conservation/counties/2014MACSAnnualReport.pdf.
- 9 Maryland Department of Budget and Management. "Maryland Funding Accountability & Transparency: Perdue Agrirecycle LLC." Available at <http://spending.dbm.maryland.gov/>.



For more information:

web: www.foodandwaterwatch.org

email: info@fwwatch.org

phone: (202) 683-2500 (DC) • (510) 922-0720 (CA)

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