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Correcting the Record: Chicken Farms and Nutrient Control in Maryland

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It is concerning to see groups with no clear understanding of the agricultural or chicken communities create reports littered with errors and assumptions, then try to use them to undermine public trust in these communities. It's a distraction from all the work and progress all Marylanders have made in achieving water quality goals.

At the very beginning of *Blind Eye to Big Chicken*, an October 28, 2021 report by the Environmental Integrity Project, the executive summary relies on inaccurate information. While Arthur Perdue was a pioneer within our chicken community, he did not personally invent the chicken house, as EIP claims;¹ Perdue's company began as a hatchery and a table egg producer. And while the Eastern Shore of Maryland was a focal point for the beginning of the modern broiler industry, it is a matter of historical record that the first broiler-only farm was in Ocean View, Delaware.² While these are errors unconnected to water quality issues, they set a tone of carelessness with the facts that pervades the report.

A closer review of the report, along with its footnotes and appendix, tells a very different story than the headlines it generated.

Myth: Poultry farmers are overapplying litter to cropland.

Reality: EIP's report attempts to compare annual implementation reports (AIRs) from one year (2019) with Nutrient Management Plans that were submitted to MDE when the CAFO applicant submitted his/her notice of intent. Those years may not match up, resulting in flawed comparisons. However, when MDE does its inspections, it will ask for updated Nutrient Management Plans if they are required – especially for those farms that land apply litter.

EIP also performed calculations using a fertility index value (FIV) that is not equal to the regulated value to make unsupported claims about how many farmers were overapplying litter. They assumed litter could not be applied to fields with an FIV value greater than 100,³ but in fact, the lowest value to trigger concern according to the Phosphorous Management Tool (PMT) is 150 FIV.⁴ They also failed to note that AIRs submitted in 2019

¹ *Blind Eye to Big Chicken*, p. 3. "Since its invention by Arthur Perdue near Salisbury, Maryland, last century, the industrial-style poultry house has multiplied..."

² Williams, William. *Delmarva's Chicken Industry: 75 Years of Progress*. 1998.

³ *Blind Eye to Big Chicken*, p. 30. "Excessive values are higher than 100."

⁴ [Implementation Update: The Phosphorus Management Tool](#). Maryland Department of Agriculture (2021, January). "The PMT only impacts farm fields with high soil phosphorus levels (Fertility Index Value of 150 or greater)."



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would have reflected the growing season of 2018, when the PMT was just beginning to phase in and most farmers were still able to apply using the Phosphorous Site Index, not the PMT.

The effect of misstating what FIV levels were thresholds for litter application was to overstate the number of farms with NMPs that appeared to be overapplying litter. This mistake is gravely detrimental to the report's topline conclusions.

Myth: PMT is only about manure application and the chicken community does not support it.

Reality: The PMT applies to all fertilizer – commercial or manure. It simply means that grain farmers are no longer able to apply additional phosphorous to certain fields – a nutrient that is needed for the growth of plants – if the field's FIV is above certain limits. Delmarva Chicken Association, the voice of the chicken community, voted twice that the PMT should be fully phased in as written, on schedule. We have offered outreach to growers about the rule to help farmers make business decisions. We also invested nearly \$60,000 to develop and market the Littr. app – a tool to help connect those who have litter with those who can responsibly use it on their farms.

Myth: Chicken farmers are out of compliance and causing harm to the environment.

Reality: **It was clearly noted on page 35 that the vast majority of noncompliance documented is related to record-keeping, not on-the-ground water quality concerns.**⁵ And on pages 36-37 it was noted by EIP that every year since the CAFO permit (a new rule for farmers to follow) was first issued, significant violations have gone down. It's clear growers are doing what they are supposed to be doing according to the permit.



Myth: Chicken companies do not provide any help to growers when it comes to manure management and should do more.

Reality: Chicken companies have voluntarily provided cost-share funds to the state of Maryland for the manure transport program. Since 1999, chicken companies have contributed \$7.3 million of the \$19.5 million spent on the state's Manure Transport Program – more than a third of its budget. The program has relocated 2.4 million tons of manure from beef, swine, poultry and other livestock producers.⁶ This is in addition to the local and state taxes that chicken companies pay each year. No other companies offer cost share for the transport program, including other animal ag commodities.

⁵ *Blind Eye to Big Chicken*, p. 35. "A high percentage of the noncompliance documented on inspection reports is generally attributed to the keeping of required records by operators." See also p. 36: "Among the noncompliance identified at AFOs, recordkeeping issues are common."

⁶ [Nurturing Growth in Conservation](#), p. 10. Maryland Department of Agriculture. 2020.



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Myth: Increasing fines and fees to farmers will protect water quality.

Reality: DCA believes that bad actors or repeat offenders who are blatantly not following the rules and negatively impacting the environment should certainly be met with enforcement actions by regulators. However, fining farmers for record keeping errors will not help with water quality. Helping farmers understand the rules, offering guidance and assistance for compliance and offering cost-share assistance to implement best management practices is how farmers will continue to meet goals of improving water quality. It's not what is recorded on a paper – it's what is happening on the ground and farmers are doing a lot on the ground – they were the first environmentalists.



Myth: Farmers are not doing their part to help clean up the Chesapeake Bay.

Reality: EIP's report dances around the fundamental fact that in recent years, agriculture and wastewater are the only Bay TMDL sectors whose investments have led to consistent nutrient reductions, while developed areas have gradually increased the amount of nutrients they send the Bay.

- For every **8 pounds** of nitrogen Maryland farmers kept out of the Chesapeake Bay through improved practices and conservation in the past 10 years, Maryland's developed areas added back **1 pound** of nitrogen through increased stormwater pollution.⁷
- For every **13 pounds** of phosphorus Maryland farmers kept out of the Chesapeake Bay through improved practices and conservation in the past 10 years, Maryland's developed areas added back **1 pound** of phosphorus through increased stormwater pollution.⁸

Agriculture is meeting our water quality goals, while still producing an abundant food supply with decreased farms and decreased farmland. Between 1980 – 2017, Delmarva's human population increased by 35% and housing units by 44%. In that same timeframe, the land in farms decreased by 15% and the number of farms decreased by 27%.⁹

If you want to better understand what farmers and the chicken community are doing every day to protect the environment, please contact us and we'd be happy to schedule a tour that allows you hear from farmers and experts firsthand.



⁷ Chesapeake Bay Program Phase 6 Watershed Model data for nitrogen. Chesapeakeprogress.com.

⁸ Chesapeake Bay Program Phase 5 Watershed Model data for phosphorus. Chesapeakeprogress.com.

⁹ [Exploring Chicken Farming On Delmarva](http://ExploringChickenFarmingOnDelmarva). Delmarva Land & Litter Collaborative.