

Commercial Poultry News

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Protect Your Farm from Bird Flu: Tips For Managing Wild Birds During Migration Season

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Migrant birds traverse across the United States two times a year; they travel from the North to South in the late summer through fall and back to the North in late winter through spring.

Waterfowls, shorebirds, gulls, and terns are among these migrant birds and are known to have the avian influenza (Bird Flu) virus naturally. Nesting grounds and stop-over sites of these birds are mixing vessels of the Flu virus, where new viral variants arise from the intermixing of birds from wide geographical regions. Among the four major migratory pathways, the Atlantic flyway, which straddles across the eastern coast of North America and South America, plays an important role in the epidemiology of Bird Flu. The spread



Fig. 1: Wild geese during spring migration at Newmanstown, PA

of recent highly pathogenic Bird Flu, which is of Eurasian lineage, is believed to have occurred through infected migratory birds traversing across the Atlantic from Europe.

Spring migration of these birds usually lasts from February through April and can potentially lead to widespread outbreak across the migratory pathways. Domestic poultry, including commercial poultry and backyard flocks, are at great risk of Bird Flu through feed, equipment, and personnel contaminated by droppings and other secretions from these migratory birds. The risk of Bird Flu has been further heightened by the spread of the H5N1 subtype of AIV prevalent in Europe and Asia before emerging in North America in late 2021. Also, the recent spate of this flu outbreak in South America, which had been free of HPAI, has rung a bell of alarm in poultry farmers, public health officials, and animal health personnel alike across the nation.

The recent 2022 outbreak caused primarily by H5N1 subtype of the virus, has been recorded in poultry across 47 of the United States. The outbreak has been the most severe since the

Tips for Managing Wild Birds During Migration Season continued...

2014-2015 outbreak, causing the loss of more than 53 million birds. Unlike previously reported farm-farm spread of infection, this recent outbreak is driven primarily by movement of wild migrant birds. Unlike the 2014-2015 outbreak, which was killed by the bright sunshine and warm temperature of summer, the new virus persisted through summer in wild birds and the infection resurged afterwards in the cooler and wetter months of winter. Also, two human cases of bird flu have been reported this time caused by this prevailing virus. However, these two cases do not change the human risk assessment for the general public, which CDC considers to be low.

Due to the seasonal pattern shown by Avian Influenza, the number of outbreaks in poultry flocks is expected to increase in the coming days. So, stringent biosecurity measures outlined by the USDA APHIS and NPIP are recommended to apply on the farm to check the spread of infection. The routine farm biosecurity measures like the use of clean clothing before entering the bird area, disinfection of vehicle tires before entry onto the farm, bird proofing the poultry farm, All-In All-Out system, etc., can be effective to combat Bird Flu. Beside these measures, simple wildlife management practices like the following can potentially reduce the risk of Bird Flu on your farm.

- 1) Reducing the attraction of wild birds through the use of frightening devices (sirens, flash lights, scare-crows, bird distress calls, etc.)
- 2) Removing standing water that can attract thirsty wild birds
- 3) Managing risks at ponds and water basins
- 4) Promptly cleaning feed or grain spillover
- 5) Covering farm generated wastes (waste feed, dead birds, egg shells, litter)
- 6) Removal of trees which can be potentially used by wild birds for shelter or for food

Farmers who are concerned about wildlife intruding areas near their poultry facilities can contact their USDA-APHIS Wildlife Services' state office at 1-866-487-3297. They can also visit the USDA website at www.usda.gov/avianinfluenza to learn more about avian influenza and recommended biosecurity practices (as well as our own Maryland Poultry website with videos at extension.umd.edu/poultry). Wild-bird migration forecast tools provided by BirdCast can help producers prepare for future risk.

Moreover, reporting suspicious disease which resembles the symptoms of Bird Flu in domestic poultry, pet birds, game birds, and other wild birds can assist in the surveillance of AI. Together these biosecurity measures, alongside the active surveillance program from animal health authorities, can mitigate the risk of Bird Flu to a large extent.

References and useful resources:

1. **Wildlife Damage Management Technical Series** <http://bit.ly/408VVPF6>
2. **To track live bird migration maps over your area** <https://birdcast.info/>
3. **Biosecurity Guidelines against Avian Influenza** <https://bit.ly/3FDIMDp>
4. **Manage Wildlife To Prevent Avian Influenza** <https://bit.ly/ManageWildlifeToPreventflu>
5. **2022-2023 Detections of Highly Pathogenic Avian Influenza** <http://bit.ly/3ncTFpg>

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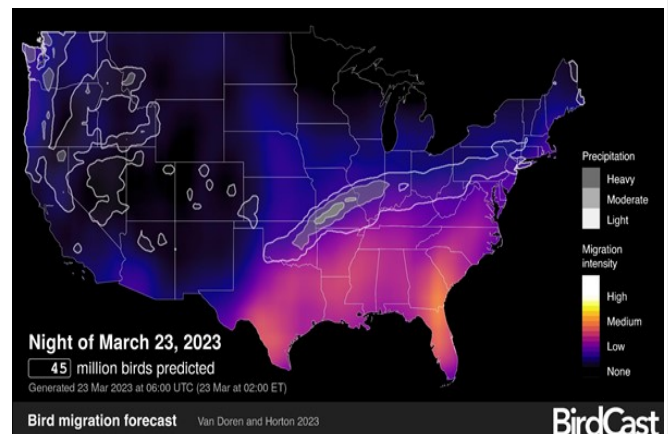


Figure 2: BirdCast, migration forecast map; night of March 23, 2023. Cornell Lab of Ornithology and Colorado State University

The 2023 Delmarva Chicken Festival **Will Celebrate 100 Years of Growing Chicken** **October 7, 2023 - 1:00-7:00 p.m.**

At a March 13 press conference, Zach Evans, DCA's Board President, of Mountaire Farms, made the announcement welcoming back the **Chicken Festival** for the special **100 year celebration of growing chicken on Delmarva** to be held at **Arthur W. Perdue Stadium in Salisbury, Oct 7, 2023**. This free public event will include many of the favorite activities from the Chicken Festivals of the past! Live music, Chicken Capers, local chicken companies representing, plenty of food, and the day-long event ending at 7 p.m. with fireworks. Take a look at the article from the Delmarva Chicken Association's James Fisher:

The Delmarva Chicken Festival, a long-running and beloved public event from 1948 to 2014, will return in 2023 to celebrate the 100th anniversary of the first dedicated broiler chicken farm on Delmarva. The festival will take place October 7, 2023 from 1-7 p.m. at Arthur W. Perdue Stadium in Salisbury, Maryland and will be free and open to the public. Attractions at the 2023 Delmarva Chicken Festival include local food trucks, vendors, historical and educational exhibits, children's activities, and more. Live music will be performed throughout the day by The Jones Boys, Jimmy Charles, and Mike Hines & The Look.



The 'Chicken Capers' contests, which pit teams of employees from Delmarva's five chicken companies against each other in field day style games, are returning for the 2023 event. A fireworks show will round out the event at 7 p.m. All five chicken companies - Allen Harim Foods, Amick Farms, Mountaire Farms, Perdue Farms, and Tyson - are presenting sponsors of the 2023 Delmarva Chicken Festival.

Delmarva Chicken Association, in the years when it was known as Delmarva Poultry Industry, Inc., organized an annual festival from 1948 (when it was known as the Chicken of Tomorrow

Festival) until 2014, when the festival ended. Historically, the Delmarva Chicken Festival featured parades, chicken cooking contests, and fried chicken prepared in the world's largest fry pan, 10 feet

The 2023 Delmarva Chicken Festival continued...

in diameter. The 2023 festival will pay homage to those traditions, but with a modern twist, focusing on local food, live music, and family-friendly attractions. The Greater Salisbury Committee, the Salisbury Area Chamber of Commerce, and the Wicomico Farm Bureau are working in partnership with DCA to plan the event.

“As our members started thinking about how to celebrate the chicken community’s 100th birthday, several chicken growers suggested bringing back the Delmarva Chicken Festival for a centennial celebration,” said Zach Evans, DCA’s 2023 board president. “We all recognized the warm welcome the festival would get, and we’re excited to invite everyone on Delmarva, and the many visitors to the region to join us for this year’s festival, in the region where the chicken industry was born.”

“I’ve participated in many Delmarva Chicken Festivals over the years, and I’m thrilled to part of the committee bringing it back one more time this year,” said Mary Lou Brown, a Hurlock, MD. chicken grower. “It’s a great opportunity for me, as a family farmer, to share with the public who the chicken community is and what we provide for Delmarva.”

This year, [DCA’s “Growing For 100 Years” campaign](#) celebrates the 100th anniversary of Delmarva’s chicken industry, which began in 1923 with a broiler flock raised by Ocean View, Del.’s Cecile Steele.



Food truck operators, vendors, or businesses interested in sponsorship opportunities at the Oct. 7 Delmarva Chicken Festival can sign up to receive more information [at dcachicken.com](http://atdcachicken.com), or contact DCA at 302-856-9037 or dca@dcachicken.com.

Citizen's Group Brings Action That USDA Violated Federal Law in Granting Loan Guarantees

By Paul Goeringer, Senior Faculty Specialist, UME, Agricultural & Resource Economics,

The article is not a substitute for legal advice. See here (<http://www.aglaw.umd.edu/about>) for the site's reposting policy.

In late 2022, a citizens' group brought suit against U.S. Department of Agriculture (USDA), Farm Service Agency (FSA), Farm Credit Mid-America, and two poultry growers (Dan Nguyen and Trang Nguyen) for claims that the loan guarantees USDA gave on Farm Credit loans to the two growers violated federal law. The citizens' group argues that the loan guarantees violated the federal law enabling FSA to grant loan guarantees and that FSA failed to do an adequate environmental review to comply with federal law. This action is *Concerned Citizens of West Tennessee v. USDA*.

Background

A citizens' group is bringing a lawsuit against the USDA, challenging the environmental review and authorization of a loan guarantee to two poultry operations contracting with Tyson Foods. The two operations received loans from Farm Credit Mid-America. Mid-America worked with the borrowers to receive FSA loan guarantees for 90 percent of both operations. The loan guarantees were provided under the Farm Ownership Program.

The citizens' group argues in the complaint about three issues. First, FSA failed to comply with the legislation creating the loan guarantee program limits eligible applicants to "owner-operators of not larger than [a] family farm." The second issue is that FSA loaned more than the maximum allowed under the program. The third issue is that FSA failed to comply with the National Environmental Policy Act (NEPA) when approving the loan guarantees.

Issues Raised in the Complaint

Focusing on the first issue raised by the citizens' group is an interesting argument. The group argues that the integrator (in this case Tyson Foods) will control the day-to-day operation of the poultry farm. Looking at the statute, federal law requires that the borrower "be or will become owner-operators of not larger than family farms" (§ 1922(a)(1)). The regulations broadly define a family farm to be:

Family farm is a business operation that:

- (1) Produces agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence;
- (2) Has both physical labor and management provided as follows:
 - (i) The majority of day-to-day, operational decisions, and all strategic management decisions are made by:
 - (A) The borrower, with input and assistance allowed from persons who are either related to the borrower by blood or marriage, or are a relative, for an individual borrower; or
 - (B) The members responsible for operating the farm, in the case of an entity.
 - (ii) A substantial amount of labor to operate the farm is provided by:
 - (A) The borrower, with input and assistance allowed from persons who are either related to the borrower by blood or marriage, or are a relative, for an individual borrower; or
 - (B) The members responsible for operating the farm, in the case of an entity.
- (3) May use full-time hired labor in amounts only to supplement family labor.

Citizens' Group Brings Action that USDA Violated Federal Law in Granting Loan Guarantees (continued)...

(4) May use reasonable amounts of temporary labor for seasonal peak workload periods or intermittently for labor intensive activities. (7. C.F.R. § 761.2).

The group contends that Tyson owns the chickens and the feed and controls how the houses are built so that Tyson, not the Nguyens, controls the operations. Therefore, the farm does not meet the statutory requirements to qualify for the loan guarantees because of Tyson's control.

The next argument focuses on the requirement that the borrowers "be unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time" (§ 1922(a)(1)). The group argues that the Nguyens could receive credit through Farm Credit of MidAmerica without the FSA loan guarantees. Because the Nguyens could receive credit, FSA should not have granted the loan guarantees. This argument fails to consider that Farm Credit may not have loaned the money without the loan guarantees. The borrowers were new poultry growers who may have only been considered for loans with FSA granting the loan guarantees.

The final loan guarantee related argument is related to the fact that at the time the Nguyens applied for a loan guarantee, the maximum amount a borrower could receive was \$1,776,000, which each Nguyen received or \$3,552,000 total. The citizens' group argues that the two poultry operations should be viewed as one operation and only entitled to a maximum loan guarantee of \$1,776,000. Therefore, FSA violated the program rules by granting more. The issue with this argument is that each Nguyen bought farmland. The properties are across the road from each other. Upon purchasing the farmland, Dan Nguyen transferred his property to an LLC owned by Dan, and Trang Nguyen transferred his farmland into an LLC owned by Trang. Here it appears to be not one borrower but two borrowers applying for separate loans and loan guarantees on separate farmland.

The final arguments point to the FSA violating NEPA by failing to do a proper environmental review of the two proposed poultry farms before granting the loan guarantees. The citizens' group argues that FSA was unable to provide public notice, to consider and disclose direct effects, to consider and disclose indirect and cumulative effects, to consider reasonable alternatives, to evaluate or disclose mitigation measures, and failed to prepare an environmental impact statement.

The NEPA claims are where the complaint becomes confusing because the loan guarantee applications need to be given dates. As I have previously discussed on this site, in September 2020, the Trump administration's final rule regarding NEPA revisions went into effect. Those changes included exemptions from NEPA review for loan guarantees, including FSA's program. Based on some of the dates listed in the complaint, it appears this loan guarantee is potentially exempt from NEPA review, and these arguments could be moot. We will have to wait to see how FSA, the lender, and the borrowers respond to these arguments. The other interesting issue is whether the citizens' group has standing to bring this challenge, which is very similar to one raised by an environmental group in Maryland. In that case, the appeals court found the group did not have standing. That could also be an issue here.

It will be interesting to see how the parties respond to all the issues raised by the citizens' group. I will watch this case as it moves through the court system.

References

Concerned Citizens of West Tennessee v. USDA, No. 1:22-cv-01275 (W.D. Tenn. December 12, 2022).

On-Farm Hatching Technology

Jennifer Timmons, Ph.D., Associate Professor, University of Maryland Eastern Shore



The broiler hatchery is the maternity ward of chickens. Fertile broiler eggs are placed in incubators and carefully monitored to ensure that correct temperature and humidity levels are maintained throughout the entire incubation period. During the last three days of incubation, the eggs are placed in hatching trays where the chicks hatch out by pecking their way through the large end of the egg. It is during this transfer stage to hatching trays, the developing embryos will be vaccinated in ovo. Once the chicks hatch, they will be processed, counted and delivered to the grow-out farm. This process is very familiar to chicken growers. On the placement date, growers will receive newly hatched chicks in their houses. However, just like many processes in the broiler industry, alternatives are being investigated.

The alternative to hatching eggs in a hatchery is on-farm hatching. This system is being investigated in Europe. With the on-farm hatching system, the steps in this process are a little different. Eighteen day incubated eggs are transported to the farm and placed in racks or in the litter where they hatch in the house. There are many proposed benefits to this system. Some of these include providing the chicks with immediate access to feed and water. Other proposed benefits include less chick handling and reduced stress from transportation and delivery to the farm. These benefits would promote bird welfare and may improve broiler health and performance.

A study conducted in The Netherlands evaluated the effects of on-farm and traditional hatching on broiler welfare, health and performance. In this study the average percent of non-hatched eggs was 4.25% with the eggs that were hatched at the hatchery and 2.3% with the eggs that were hatched on-farm. However, the on-farm hatched chicks had a worse naval and hock score at day 0 compared to the score of the chicks that were hatched in the hatchery. The authors reported that the on-farm hatched chickens were heavier at 21 days of age compared to the weight of the chickens that were hatched at the hatchery. However, the weight of the birds at 40 days of age was similar regardless of the hatching process used. Differences in flock mortality were reported between the two hatching systems. The total mortality at 40 days was lower in the flock that was hatched on-farm (3.4%) compared to the total mortality of the flock that was hatched in the hatchery (4.01%).

In addition to bird performance, litter quality was also measured. The litter from the pens with on-farm hatched chicks was drier compared to the litter from pens with the chicks that were hatched in the hatchery.

This study suggested that on-farm hatching may be beneficial to broiler welfare since a reduction in total mortality was observed. However, overall bird performance (weight gain and feed conversion ratio) was not improved by the on-farm hatching system. Since this is new technology there is still much to learn about managing the system. As management is improved, additional benefits to this system may be observed.

Estate and Succession Planning Survey is Now Available for Maryland Agricultural Operators

By Paul Goering, Senior Faculty Specialist, UME, Agricultural & Resource Economics,



We Need Your Help!

The University of Maryland Extension receives requests for educational resources related to estate and succession planning, but often when those resources are made available, only some agricultural operations take advantage of the resources. Researchers from the University of Maryland are surveying the estate and succession planning needs of Maryland agricultural operations. All agricultural producers, service providers, and anyone working with operators may participate in the survey. **Delaware residents may also fill this out.**

“We often hear from agricultural producers that estate planning is something they struggle with and is a top legal concern for many of them. But when we hold workshops or offer other outreach related to estate planning, we often get few participants. This survey will help us consider the needs of Maryland agricultural operations and how best to address those related to estate planning,” said Paul Goering, a senior faculty specialist and Extension specialist in agricultural law with the University of Maryland.

Goering encourages all agricultural operators and those working with agricultural operators to participate in the survey. “The more results we get the better we will be able to understand the needs in this topic. We can develop better programming that fits needs in this area.”

Information gathered will help Extension develop new resources and tools to support agricultural operations as they consider estate and succession planning. Participation is voluntary and confidential. **Anyone that completes a survey will be given the option to enter a raffle for 1 of 8 \$50 gift cards.** Funding for the gift cards was provided by Horizons Farm Credit.

If you are interested in participating, please visit this website to complete the survey: go.umd.edu/estatesurvey. We anticipate the survey will take 30 to 45 minutes. For more information, contact Paul Goering (lgoering@umd.edu).

Landowner-Oriented Agricultural Law Online Modules Now Available



Date: March 31 @ 12:00 pm - April 28 @ 1:30 pm

Location: Zoom

College Park, MD – The Department of Agricultural and Resource Economics (AREC) has released a new online course for rural landowners in Maryland. The *So You Want to Own Farmland in Maryland* course is now available through the University of Maryland’s Enterprise Learning Management System – Canvas.

The free program will cover those legal issues that Maryland landowners may face. A grant funds the program through the Northeast Risk Management Education Center.

The online course will feature Paul Goering, a Senior Faculty Specialist and Extension Specialist in agricultural law. He will address leasing, landowner liability issues, right-to-farm law, fencing laws, livestock liability, and estate planning.

“This online course is a great opportunity for landowners and other professionals in rural areas to learn about or refresh on some basic legal issues that many deal with daily. They can understand their rights and responsibilities whether they are involved in agriculture or own land in a rural area and live next door to an agricultural operation,” said Goering.

The online course is **free** to attend and is at a participant’s own pace.

Participants will receive copies of Extension fact sheets and other valuable documents as a part of the online course.

For more information or to register, go to <https://go.umd.edu/3ZSkv4r>. For more information, please get in touch with Paul Goering at goering@umd.edu.

Each webinar will begin at 12:00 pm and run to 1:30 pm. The dates and topics are:

- March 31 - **Negligence, Livestock, and Guests on Farmland**
- April 7 - Fencing and Right to Farm
- April 14 - **Agricultural Leasing**
- April 21 - Understanding Insurance
- April 28 - **Working with an Ag Law Attorney**

Participants will receive copies of Extension fact sheets and other valuable documents as a part of the workshop series.

This institution is an equal opportunity provider. If you need a reasonable accommodation to participate in any event or activity, please contact rzimmer7@umd.edu.

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Coming Events!

2023 Grower Lunch Breaks and More

See our Events and registration links and all things Poultry at:

extension.umd.edu/poultry

- [April 5: Litter Management - Dr. Craig Coufal, Jones-Hamilton Co. @ MDA, Salisbury](#)
 - [April 6: Litter Management - Dr. Craig Coufal, Jones-Hamilton Co. @ Paradee Center](#)
 - May 3: Energy and Cost Share @ Caroline Co. 4-H Park, Denton
 - June 7: DCA Booster BBQ @ Fairgrounds, Harrington, DE
 - June ___: Pollinator Field Day @ LESREC, Salisbury
 - September 6: Taxes @ Caroline Co. 4-H Park, Denton
 - October 7: Delmarva Chicken Festival Arthur W. Perdue Stadium, Salisbury
 - November 1: Insurance @ Caroline Co. 4-H Park, Denton
 - December 6: Insurance @ MDA, Salisbury
-

Recent Programming:

See all recent programming topics and videos on University of Maryland Poultry page at:

extension.umd.edu/poultry

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Contact us if you have topics you would like covered, also if you want to be added to our mailing list!

Sheila at soscar@umd.edu or call 410-742-1178.