

# Commercial Poultry News

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## More Broiler Grower Settlement Forms Arriving to Mid-Atlantic Growers: Background on the Class Action

*By Paul Goeringer, Extension Legal Specialist, University of Maryland*

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

The region's poultry growers may have started to receive additional or new settlement forms for broiler grower class action lawsuit settlement. Many growers might be surprised to receive this form in the mail and may have questions about the class action. If you have questions about the settlement process, please check out the website for the litigation [here](#), which includes many important deadlines for broiler growers. On the website, you must look at the form and click on the settlement your form lists. Growers for Sanderson Farms and any of the listed co-conspirators below are getting forms. **This means even if you did not grow for Sanderson Farms, you might still receive a claims form with that company listed because you grew for a co-conspirator.** Each settlement adds to the pot of funds for growers, with other companies named in the litigation as co-conspirators. At this point, only Pilgrim's Pride has not settled in this class action litigation.

Initially filed in 2017 in the federal district court for the Eastern District of Oklahoma, the lawsuit alleges that several integrators colluded in the broiler market. According to the court filings, the plaintiffs alleged that the integrators agreed not to poach growers. In addition to the no-poaching agreement, the integrators allegedly used Agri Stats to share detailed data about their operations. Although this data shared through Agri Stats is anonymous, it is highly detailed, making it possible for companies to distinguish various operations. According to the court filings, this data is also non-public -- private data only available to the integrators. By sharing this detailed data with Agri Stats, the integrators can collude to lower grower compensation.

Plaintiffs brought these claims of collusion, antitrust, and unfair competition practices under the Sherman Antitrust Act and the Packers and Stockyards Act. Growers for other integrators may also be receiving settlement agreement forms. This is because the lawsuit involves a large number of integrators, including Koch,

*More Broiler Grower Settlement Forms Arriving to Mid-Atlantic Growers...continued*

Poultry, Pilgrim's Pride, Sanderson Farms, Tysons, and Perdue, and several co-conspirators, including Agri Stats, Foster Farms, Mountaire Farms, Wayne Farms, George's, Inc., Peco Foods, Inc., House of Raeford Farms, Simmons Foods, Keystone Foods, Fieldale Farms Corp., O.K. Industries, Case Foods, Marshall Durbin Companies, Amick Farms, Inc., Mar-Jac Poultry, Inc., Harrison Poultry, Inc., and Claxton Poultry Farms. At this point, Pilgrim's has not agreed to the settlement, and Koch, Sanderson Farms, Tysons, and Perdue have settled.

Growers for all these companies will receive settlement forms as potential class members impacted by the lower grower compensation amount due to the alleged collusion. **Initially, growers getting settlement forms must pay attention to specific dates.** The first date is July 31, 2023, for postmarking requests to be excluded from the settlement or to object to the settlement/attorneys' fees. Remember that you always have the right to be excluded from a settlement. When you do this, you often have the right to sue for similar claims on your own or do nothing, but you must opt out by the July 31st date. Secondly, a fairness hearing will be held on August 25, 2023, at 2 pm in Oklahoma. **Thirdly, all claims forms must be submitted online or be postmarked by December 13, 2023.** Please check the website at <https://www.broilergrowersantitrustsettlement.com/> for the critical dates to determine if a grower wants to be part of the settlement or notices mistakes on the settlement form.

*Paul Goeringer*

## Allies of the Chicken Community Award Winners

*Delmarva Chicken Association, June 7, 2023*

**The J. Frank Gordy Delmarva Distinguished Citizen Award:  
Virgil Shockley**



**The DCA Medal of Achievement:  
Delegate Sheree Sample-Hughs**



**The Edward H. Ralph Medal of Achievement:  
Dean Walston**



*Read more about their accomplishments at <https://www.dcachicken.com/media/>*



# Congratulations to the Outstanding Chicken Growers on Delmarva!

*DCA Booster Banquet Honorees - June 7, 2023*

Each outstanding grower is selected by the chicken company the grower is with based upon flock performance and a list of criteria including environmental stewardship, cooperation, attitude, and achievement. [Watch video at https://youtu.be/Eq6PIzOuqE](https://youtu.be/Eq6PIzOuqE)

Help us Congratulate this year's Outstanding Growers listed here:

**Brian Altvater**

**Altvater Farms | Trappe, MD  
(Mountaire Farms)**



**Gerald, Carol, Adam Brown**

**Gobbler Lane Farm LLC | Milford, DE  
(Mountaire Farms)**



**Adam and Brianna Dickerson**

**Dickerson Farms | Laurel, DE  
(Amick Farms)**



**Dennard and Elaine Hill**

**Mitten Tree Farm | Seaford, DE  
(Perdue Farms)**



**Ashley and Liz Kunder**

**PINT Farms | Wyoming, DE  
(Perdue Farms)**



**Kenny and Connie Moore**

**Moore Farms | Dover, DE  
(Allen Harim)**



**Chas & Maria Nau**

**Sweet Air Farm | Kennedyville, MD  
(Coleman Foods)**





# Congratulations to the Outstanding Chicken Growers on Delmarva!

*DCA Booster Banquet Honorees - June 7, 2023*

***Dan Parsons***

**PG Farms | Salisbury, MD  
(Perdue Farms)**



***Bert Ramsay & Juke Marshall***

**Pineapple Willey Farm | Westover, MD  
(Mountaire Farms)**



***John & Brenda Sapp***

**Flock Together Farm | Felton, DE  
(Amick Farms)**



***Scott Strickland***

**White Marsh Farm | Harrington, DE  
(Allen Harim)**



***Mary Turlington***

**Mary Turlington Farm | Melfa, VA  
(Tyson Foods)**



***Daniel, Joanne, Tyler Wilkins***

**Wilkins Farm | Georgetown, DE  
(Mountaire Farms)**



## And Don't Forget...

**October 7, 2023 - The Delmarva Chicken Festival**

1:00 - 7:00 p.m at the Arthur W. Perdue Stadium

6400 Hobbs Road, Salisbury, Maryland

Event Calendar at [dcachicken.com/festival/](https://dcachicken.com/festival/)

**Help celebrate 100 years of the chicken industry!**



# Maryland Department of Agriculture Pivots Toward a More Options-Driven Nutrient Management Plan Writing Program

*Maryland Department of Agriculture*

**Annapolis, MD (June 1, 2023)** - The Maryland Department of Agriculture today announced a shift in its Nutrient Management Plan Writing Program that will focus on a new approach to education, training, and farmer empowerment. The decision to move to this new options-rich model comes as a greater demand for plan writing has increased following the COVID-19 pandemic.

“The Maryland Department of Agriculture and the University of Maryland have enjoyed a long-standing partnership regarding Nutrient Management Plan writing and that will continue with this new program,” said Maryland Department of Agriculture Secretary Kevin Atticks. “In addition to new incentives for farmers, this program will align with Chesapeake Bay goals while giving Maryland farmers the tools they need to succeed as strong stewards of the environment.”

Maryland law requires all farmers grossing \$2,500 a year or more or livestock producers with 8,000 pounds or more of live animal weight to follow nutrient management plans when fertilizing crops and managing animal manure. Nutrient management plans specify how much fertilizer, manure or other nutrient sources may be safely applied to crops to achieve yields and prevent excess nutrients from impacting waterways.

Because of their complexity, these plans must be prepared by a certified University of Maryland specialist, certified private consultant, or farmer who is trained and certified by the Department to prepare his or her own plan. Driven by input from industry, the nutrient plan writing program will expand Maryland farmers' access to nutrient management plan writers and plan writing services, helping farmers meet their environmental stewardship needs and grow compliance with statewide regulations.

The transition is anchored by a valued partnership and educational and training expertise provided by the University of Maryland's College of Agriculture and Natural Resources, access to new, beneficial cost-share programs and plan-writing services offered by industry professionals.

The new program features a progressive approach that includes the following:

- Access to beneficial cost-share programs that will provide partial funding to all eligible farmers in Maryland to access plan-writing services from industry professionals;
- Opportunities and workshops to help nutrient management advisors become aware of plan writing employment through the private sector;
- Assisting current University of Maryland planners obtain business licenses to write plans privately;
- MDA funded UMD specialists providing expanded nutrient management plan writing workshops across the state for ALL Maryland farmers (underserved, small, medium, and large). Support may also be provided to write nutrient management plans for smaller operations;
- New opportunities for Maryland-based agricultural organizations to build alliances with privatized nutrient management planning services.

*MDA Pivots Toward a More Options-Driven Nutrient Management Plan Writing Program....*

“The time is right to privatize and move in the direction that the department envisioned years ago, and we are supportive of this decision,” said University of Maryland’s College of Agriculture and Natural Resources Dean Craig Beyroudy. “As is our role and duty as a land-grant institution, AGNR is highly motivated to stay involved and help plan writers and producers with nutrient management education, tools, and advice.”

“We would like to recognize the University of Maryland’s College of Agriculture and Natural Resources and its Department of Environmental Science and Technology for their success and contributions over the years,” said Atticks. “We look forward to building upon their strong foundation to take this already successful program to new heights.”

For a list of frequently asked questions related to the future of this program please visit the Maryland Department of Agriculture’s website at [mda.maryland.gov](http://mda.maryland.gov).

### **Nutrient Management Plan Writing Program FAQs**

**Q: Why are these changes taking place in the current nutrient management plan program?**

**A:** Driven by input from industry, the department will privatize the nutrient plan writing program by expanding Maryland farmers' access to nutrient management plan writers and plan writing services. This shift will help farmers meet their environmental stewardship needs, and to grow compliance with statewide regulations.

**Q: What will be the University of Maryland’s College of Agriculture and Natural Resources (AGNR) and the University of Maryland Extension’s future role in the statewide nutrient management process?**

**A:** The Maryland Department of Agriculture (MDA) will continue to fund Specialists at the University of Maryland (UMD) as well as maintain the Nutrient Management plan writing program. AGNR will supervise the Specialists and will continue to provide learning opportunities through crop meetings, field days, and webinars. Specialists will advise planners and farmers on the plan writing process, and assist in writing nutrient management plans in some cases.

**Q: What is your plan for assisting nutrient management planners that will transition out of their University roles?**

**A:** MDA will conduct workshops to assist UMD Nutrient Management Advisors to become aware of opportunities to write nutrient management plans for farmers through the private sector and provide assistance in obtaining the business license for farmers to write plans privately if desired.

**Q: How will UMD work with MDA to continue to subsidize farmers who do not have funds available to pay for nutrient management plans?**

**A:** MDA is developing a cost-share program that will provide partial funding to all eligible farmers in Maryland. UMD Specialists funded by MDA may also provide some assistance in writing nutrient management plans.

**Q: Explain the details of the cost-share assistance?**

**A:** The Nutrient Management Summer newsletter, available in June and will outline full details of the plan. **Additionally, the MDA will host a forum for farmers to come together and discuss this new program.**

*MDA Pivots Toward a More Options-Driven Nutrient Management Plan Writing Program....*

**Q: What about farmers that cannot afford to hire a private consultant?**

**A:** There will be three (3) options available for farms under 50 acres including use of MDA cost-share funding, Farmer Training Certification to allow farmers to write their own plans, as well as the above mentioned UMD Specialists who will be available to assist in plan writing for farms under 50 acres.

**Q: Is there an updated list of certified and licensed consultants readily available?**

**A:** Yes, the list was just updated in March of 2023 and we anticipate the list will be updated again when this announcement is made public.

**Q: When is the best time to look for a nutrient management planner?**

**A:** Depending on the operation, the busiest time for plan writers is traditionally in the fall, winter, and spring months before nutrients are applied. The critical issue is getting soil samples when the ground is in good condition and there are no crops growing. Additionally with current soil samples a Plan can be written in the summer when planners are not as busy.

**Q: What support is available if I have questions about the revised program for nutrient management planning?**

**A:** If individual farm operations have questions and believe they will not be served by the mentioned options, they should contact Dwight Dotterer 410-841-5877 or Bryan Harris 410-841-5951 at MDA for assistance. Updated 5/30/23.

As **Listening Sessions** are set around the State, we will notify by email and Facebook. If you have not yet, sign up for both at the top of our Maryland Poultry page [extension.umd.edu/poultry](https://extension.umd.edu/poultry)

**Please attend** and share your concerns. Please **feel free to contact Jenny Rhodes** if you have any questions. [jrhodes@umd.edu](mailto:jrhodes@umd.edu) or 410-758-0166



**Maryland**  
**Department of Agriculture**

**Listening Session Regarding Nutrient Management Plan Changes**

**Eastern Shore**

**Thursday, July 13, 2023**  
**5-7 pm**

**Talbot County Community Center**  
**10028 Ocean Gateway, Easton, MD 21601**

*Join members from MDA to discuss questions or concerns surrounding discussed changes*

**Maryland Department of Agriculture**  
**Listening Session**  
**Regarding Nutrient Management Plan Changes**

Southern Maryland Location

**Friday June 30th, 5:30 - 7:30pm**  
**Charles County Soil Conservation District Office**  
**4200 Gardiner Rd, Waldorf, MD 20601**

Join the Maryland Secretary of Agriculture and his team to discuss any concerns or questions over the recent changes.

All are welcome. Please RSVP at the link or by calling #240-304-8535 so we have a headcount. Lite snacks & beverages will be provided by SMADC



## Message from UMD AGNR Leadership on Changes to the Nutrient Management Program

*Craig Beyrouthy and Jinhee Kim, Director and Associate Director of UME*

The College of Agriculture and Natural Resources (AGNR) wishes to reaffirm its commitment to the state of Maryland and its citizens. As a trusted partner in the community, University of Maryland Extension (UME), administered by AGNR, has been providing timely, research-driven, problem-solving assistance to the public for over 100 years. Our dedicated faculty and staff not only serve their counties and regions, but live and thrive as your neighbors and colleagues.

We would like to address the recent announcement from the Maryland Department of Agriculture (MDA) concerning funding for the Nutrient Management Program (NMP) and AGNR's nutrient management services to farmers across the state. The funding for the NMP comes from MDA and has been used to hire nutrient management planners who are contractual and are employed by the University of Maryland. MDA has made the decision to reduce the funding to the UMD Nutrient Management program. UMD Advisors that have been writing plans for farmers will no longer be employed after August 31st and UMD will no longer have the capacity to write plans for the general farm community. MDA is planning to redirect much of the funding in order to offer cost share assistance to farmers to help offset the costs of having plans written by private industry.

As background, nutrient management advisors within county Extension offices have been developing nutrient management plans at no cost to Maryland farmers since 1989. Over the last 34 years, the nutrient management program has built a trusted partnership with our agricultural community by providing field specific, research-based fertility recommendations for farmers. The program has resulted in increased farm profitability and production and reduced nutrient inputs into the Chesapeake Bay watershed. In 2021, 1585 farmers worked with AGNR advisors for a total of 305,873 acres planned statewide. 148 new and updated "no land plans" were also generated.

We understand the difficulties surrounding this decision by MDA, but please know that AGNR remains committed to providing nutrient management planning services for our producers. **AGNR is actively pursuing alternative plan development models and funding sources.** We are committed to working with our partners at all levels to find workable solutions to this issue.

In addition, MDA will continue to provide limited financial support for 4 UMD NM Specialists to support education and research. These NM Specialists will help farmers learn how to write plans and support them in doing so. There will be a limited number of plans written by these specialists for small scale farms.

The modifications to the nutrient management program in no way diminish UME's service or commitment to the people of Maryland. We continue to provide solutions based on sound science to the public, not only in the agricultural realm, but also in healthy living, financial wellness, youth development, leadership and professional development, environmental quality, home gardening, and much more.

Thank you for your support as we transition through this period of change.

Sincerely,  
Craig Beyrouthy and Jinhee Kim



# Significance of Biosecurity Audits in Addressing HPAI Challenges

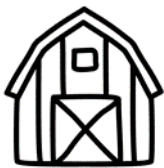
*Madhusudan Timilsina DVM, MS and Mostafa Ghanem DVM, MS, Ph.D.  
Department of Veterinary Medicine, University of Maryland*

## What is a Biosecurity Audit?

Biosecurity refers to the set of measures and protocols aimed at preventing the introduction and spread of diseases such as HPAI (High Pathogenic Avian Influenza) among poultry by using procedures like isolation, sanitation, and documentation. A biosecurity audit is a structured and methodical assessment of a poultry farm's biosecurity measures, designed to identify gaps, vulnerabilities, and potential areas of improvement in the farm's biosecurity plan.

## Why is Biosecurity Audit important for poultry producers?

By implementing effective biosecurity measures, farms can help minimize the risk of HPAI outbreaks, which can have serious financial and operational impacts on the farm. To be eligible for indemnity in the event of a Highly Pathogenic Avian Influenza (HPAI) outbreak, commercial producers must be enrolled in the [National Poultry Improvement Plan \(NPIP\)](#) and have their biosecurity audit carried out by the designated state agent. According to 9 CFR § 53.10 commercial poultry producer is defined as having a minimum annual production of:



- 100,000 broilers
- 30,000 turkeys
- 75,000 table eggs
- 25,000 gamebirds



## Who performs the Biosecurity Audit?

[Maryland Department of Agriculture \(MDA\)](#), the Official State Agent (OSA) of the NPIP, conducts the biennial (two-yearly) biosecurity audits. Field veterinarians from the MDA review the biosecurity plans periodically at the company level and check if the plans are implemented by individual producers or not. Any producer fulfilling the above criteria but not associated with any companies may contact MDA Animal Health at **410-841-5810**. For small-scale poultry producers and backyard growers who may not be required to undergo an audit from the OSA, it is advisable to have your biosecurity plan reviewed by your **flock veterinarian** or an **industry representative** every six months.

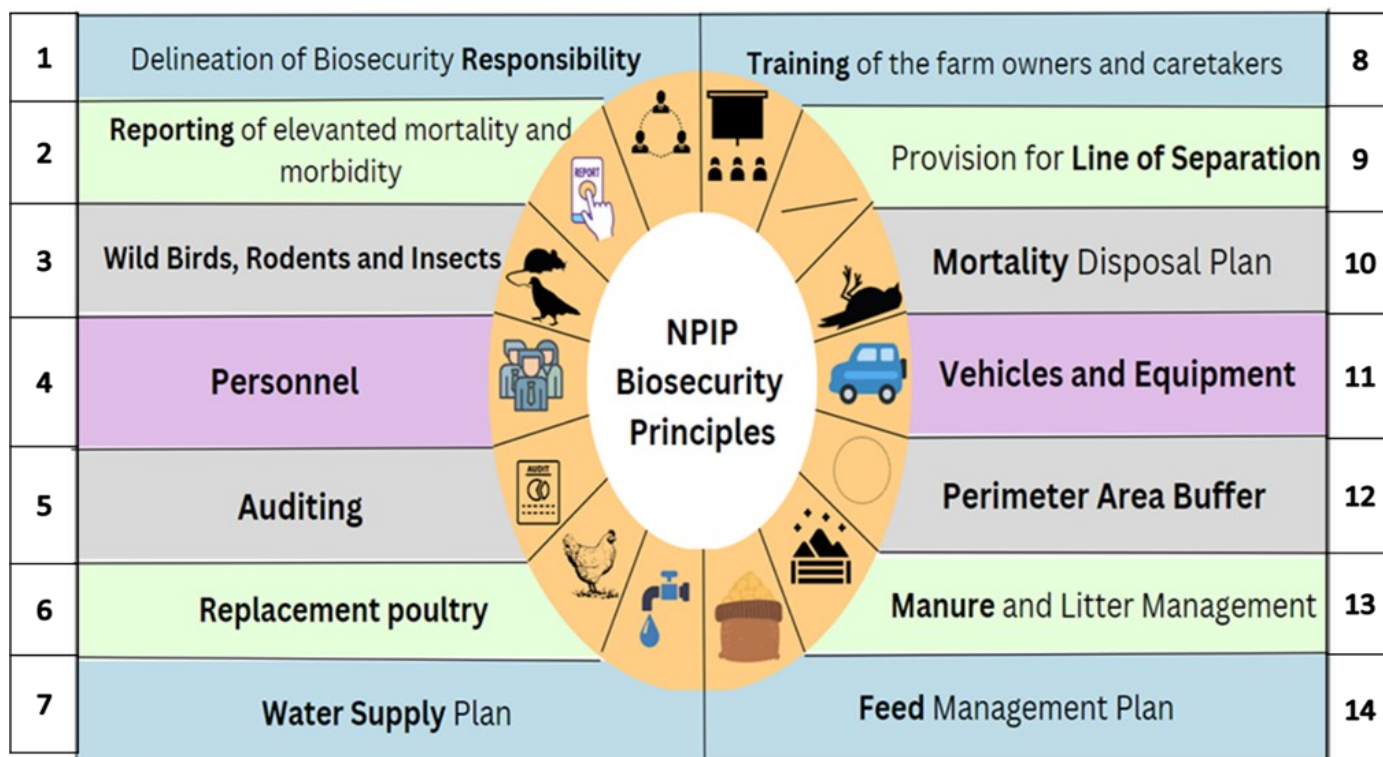
## How to create an effective Biosecurity Plan for NPIP audit?

There are no specific rules to create biosecurity plans and they can be individualized to address site-specific and product specific requirements.

- It should follow a general [14-point guideline](#) set by the National Poultry Improvement Plan (NPIP) as described in (Figure 1). The audit should have information about site specific procedures; premise map with line of separation and perimeter buffer area; traffic flow, etc.

*Significance of Biosecurity Audits in Addressing the HPAI Challenges...continued*

- The biosecurity practice should be well documented. Documents like movement logs of poultry, vehicles, and personnel; training certificates and records; pest control logs; SOP for biosecurity protocols like cleaning and disinfection, etc., should be well maintained.
- A template for a site biosecurity plan can be found [here](#).
- Paperwork-only audits, without any site inspection, can be conducted by producers to be familiar with the Audit process and Biosecurity practices in the farm.



**Figure 1:** 14 Elements of the Biosecurity Principles as Suggested by NPIP

**Important Links and Resources:**

1. Biosecurity plan template: <https://bit.ly/3IDuDHu>
2. NPIP Biosecurity Principles: <https://bit.ly/3yWXotA>
3. NPIP Biosecurity Template Audit Form: <https://bit.ly/3ou3sYX>
4. USDA Biosecurity Checklist for HPAI: <https://bit.ly/3FF7N14>
5. Biosecurity Audits: What to expect and how to prepare: <https://bit.ly/3yYGfQg>

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# Travels with Jon Moyle - UMD Study Abroad in Kenya with Daystar University

If you have been following us on Facebook, you have seen some of Jon Moyle's adventures in Nairobi, Kenya, these past couple of weeks as they take students on the Study Abroad program. Here are a few of the things he and Dale Johnson, another Principal Agent and Extension Specialist with University of Maryland's International Programs in Agriculture (IPAN), have been up to, along with UMD students at Daystar University there in Kenya.

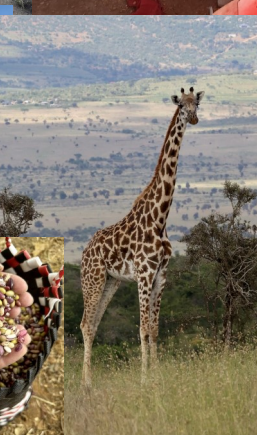
Working together to build a dam to sequester seasonal rains so they no longer have to search each day for water.



At the top of the Lukenya Plateau

Helping officials with broilers

Breaking down rock for dam



## 2023 Grower Lunch Breaks and More

[extension.umd.edu/poultry](https://extension.umd.edu/poultry)



- [September 6: Taxes @ Caroline Co. 4-H Park, Denton](#)
- October 4: (Possible) Integrated Pest Management (IPM) Class
- October 7: Delmarva Chicken Festival @ Arthur W. Perdue Stadium, Salisbury
- November 1: Insurance @ Caroline Co. 4-H Park, Denton
- December 6: Insurance @ MDA, Salisbury

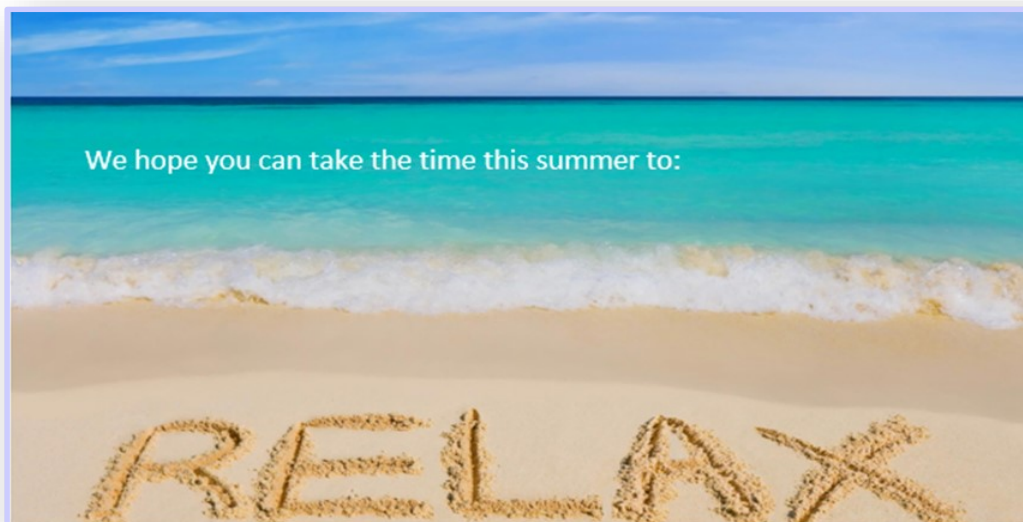
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### Recent Programming

See **all recent programming** topics and videos on University of Maryland Poultry page at:  
[extension.umd.edu/poultry](https://extension.umd.edu/poultry)

**FOLLOW us on Facebook at:** [UMD-Lower Eastern Shore REC](#)

**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](mailto:soscar@umd.edu) or call 410-742-1178.



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