

Neighbor Relations Help Protect Producers From Lawsuits

ANDY ANDREWS

Lancaster Farming Staff
MOUNT JOY (Lancaster Co.)

—Pork producers in an odor problem lawsuit: you can be a winner by improving the operation to take into consideration the concerns of neighbors or be an outlaw and face potentially damaging fines that could put your livelihood in jeopardy.

Greg Andrews, attorney and coordinator of the National Pork Producers Council Environmental Law Education Network, spoke to 80 producers and industry representatives about his experience with lawsuits as a result of farm odors and other problems.

Andrews, staff attorney with Drake University Ag Law Center, spoke to producers about the negative effects of ignoring management techniques and policy that could end in damaging litigation. He spoke on Wednesday at the

annual LanChester Pork Council 39th Annual Meeting and Pork Production Forum at the Country Table Restaurant in Mount Joy.

Andrews provided some chilling facts about what producers in other parts of the country endured as a result of nuisance suits and other litigation:

- In Iowa, a producer with a 600-head swine finishing operation (using an earthen waste storage basin) faced a lawsuit from a residential development about a half mile north of his operation. He contested the lawsuit and "lost big time," said Andrews. The litigation costs soared to \$45,000, according to Andrews, and the case has been appealed.

- In Indiana, a veterinarian claimed that odors from a pork facility allegedly caused health problems for his 14-year-old daughter. The facility is about a mile from the home. Fortunately,

the attorney destroyed the doctor's testimony because there is "no evidence that odors from that far away cause health problems," said Andrews. Legal fees have soared to more than \$100,000.

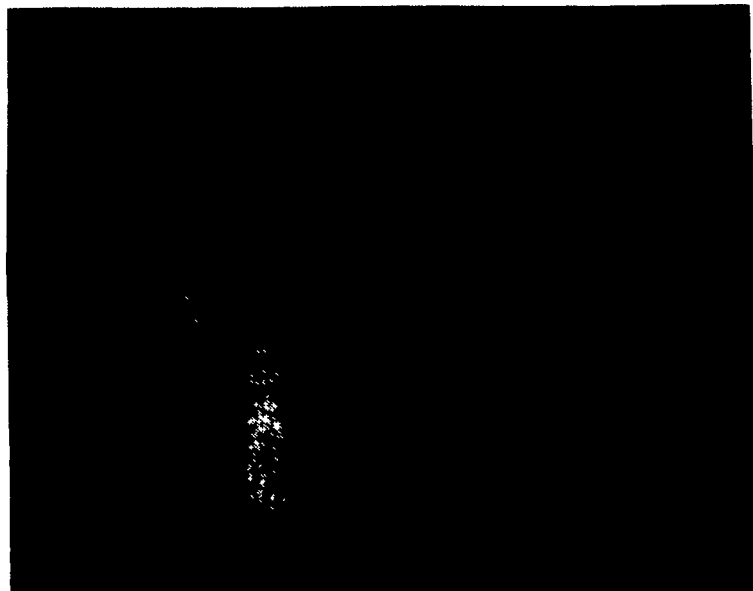
- A swine producer in Iowa failed to carefully inspect and ensure that a tile line was properly capped and sealed. The tile line was under a manure storage area. The line opened up, spilling 1.5 million gallons of wastewater into the south fork of the Iowa River, creating \$6,000 worth of fish kill.

- In one case in North Carolina, a turkey and hog producer decided to expand his operation at the same time a developer was erecting houses nearby. Homeowners from the new dwellings sued the producer for odor problems. So far, \$60,000 worth of court costs have piled up as a result of the lawsuit.

There are many more cases that are being filed regularly.

The point is, according to the Drake University lawyer, many of these lawsuits could have been prevented if the operations would simply involve the public and take steps to ensure that management works together to create a safe environment.

In too many cases, according to Andrews, producers believe they



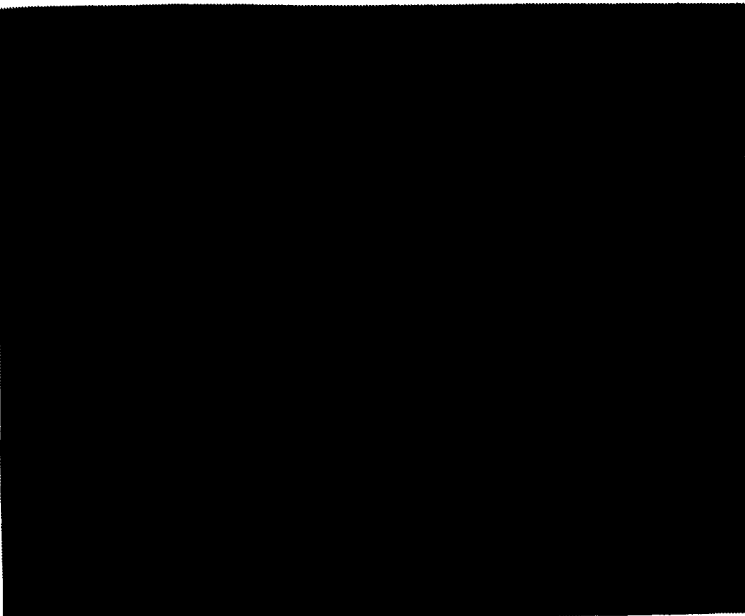
Greg Andrews, attorney and coordinator of the National Pork Producers Council Environmental Law Education Network, left, spoke to 80 producers and industry representatives about his experience with lawsuits as a result of farm odors and other problems. Dr. Robert Graybill, right, was at the meeting to help conduct quality assurance seminars for producers.

are the "outlaw" and don't have to conform. They are like the Jesse Jameses and the Pancho Villas and the Rob Roys of the wild West. While trying to be unsung heroes and remaining staunch individualists, they are actually "foolhardy, would-be heroes," he said.

From the beginning, producers should instead try to recognize the environmental concerns that having a swine operation entails and have a plan of action to respond to those concerns — ahead of time.

The key? "Be a good neighbor

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Three directors were elected to serve three-year terms on the LanChester Council. They are Scott Bailey, farrow unit manager, Reinholds (not available for photo); Nelson Beam, farrow-to-finish producer in Elverson, right; and Kurt Good, Good's Buying Station, Denver.



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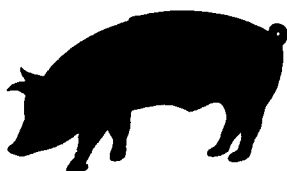
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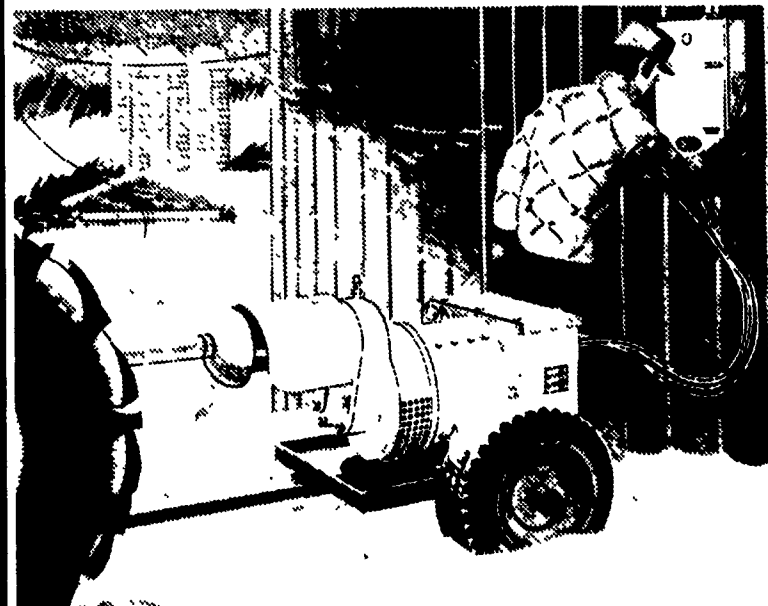
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