

At Pork Expo, Attorney Shows Farmers Ways To Control Nuisance Lawsuits

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manure-spreading time, let's have fun," he noted. One producer turned a three-stage lagoon into a public golf course with sand greens, and anybody can come in as long as they help cut the grass every once in a while.

• Keep careful records on when the manure was spread, the times, the weather conditions (including wind speed and direction), and document everything. Document when and how the lagoon was agitated or turned. Andrews indicated that producers can be sure, if drawn into the lawsuit, that the neighbor's calendar will be offered into evidence.

Andrews went over the procedures involved if a nuisance suit could be pending. One way to resolve the problem is with a "mediator" who can settle disputes between parties without going to court. If that doesn't work, and going to court seems the only option, then the defendant will be served an "original notice," which provides 20 days to reply. That's the time to "contact Mr. Attorney,"

he said. It will involve answering questions, being part of depositions, listing to witnesses, and other matters.

What's the cost of litigation? A reliable estimate is about \$20,000 to defend against a typical lawsuit, Andrews noted. But it all depends on the extent of the case and the lawyer. One case cost a producer 2,000 a day, which added up to about \$30,000 in total costs. One case took a jury seven days of testimony and 22 minutes to come up with a verdict — and about \$50,000 in legal fees. The producer won the case.

Some attorneys charge from \$200-\$300 per hour.

Moore's Forecast

Hog operations are going out of business at double-digit rates every year. Yet 61 percent of all hog operations in the U.S. have less than 100 head of hogs and produce only 3 percent of all hogs in the country, according to H. Louis Moore, Penn State professor of ag economics, at the Pork Expo.

However, operations number-

ing more than 5,000 head of hogs only constitute 1.1 percent of all hog operations (up from a year ago, at .9 percent). But they produce 35 percent of all hogs in the country, according to Moore.

Last year, 11 percent of the country's hog operations "called it quits," said Moore. Yet the producers that remain continue to increase their inventory, based on figures Moore obtained from the USDA:NASS Pig Report. Inventory is up 14 percent in Pennsylvania and nine percent nationally.

If 61 percent of the producers left the business, what kind of import would that be to the industry if they only produce three percent of all hogs? Moore asked those at the Expo.

Producer efficiency is making up for the loss of hog operators, with a litter rate that keeps going up all the time, according to Moore.

Moore presented his economic forecasts for 1998 at the Expo.

The good news, despite a massive check on inflation, low unemployment, and a booming eco-

nomy with a record-breaking stock market, is that exports continue to save the industry. The country exports "twice as much (pork) as we import," said Moore.

The bad news: the trouble with Asian financial markets will impact exports and has many economists very concerned.

Pork exports in 1998 are forecast to reach 1.15 billion pounds (imports are expected to reach 615 million pounds).

However, this almost pales in comparison to the chicken industry, which is expected to export broilers at 4.75 billion pounds and turkeys at 575 million pounds.

"It's good that we're exporting that much chicken," said Moore, "because we're producing it so much that we need to find something to do with it."

Chicken exports continue to outstrip exports of other meat products. It is doing so despite the worrisome southeast Asian markets.

In 1998, pork production will increase 7 percent over 1997 figures, to 18.5 billion pounds of

pork. Broilers will rise the same level of percent, at 29 billion pounds. Total red meat production will be 20 billion pounds higher than a decade ago.

"I never would have guessed that in 10 years we could have increased meat production 20 billion pounds," said Moore. We produce twice as much chicken now as we did in 1987.

In the next 10 years, could meat production double again? Some remain optimistic about the possibility.

Despite the press about more people being vegetarian, it simply isn't so, according to the Penn State economist. People are eating a lot of meat. They're consuming 216 pounds each of meat (compared to last year at 208 pounds per person annually).

As for hog futures, in the long term, most remain optimistic on prices. On Feb. 6, December futures were forecast at 55.80 per hundredweight. April futures were forecast at 55.42, July at 62.40, and October at 57.27.

Moore said he expects prices this year to be \$8-\$10 a hundredweight lower than last year, once again reflecting the tremendous growth and competition from the poultry industries and because of the fickle Asian markets. Also, grain carryover will remain dangerously close and if a drought hits this year, trouble could loom — especially in Pennsylvania, which has a tremendous shortage of grain, as more will have to be shipped in between now and harvest.

But as for a recession anytime soon — Moore doesn't expect one at all this year. It could happen more likely in 1999, he indicated.

Penn State Facilities And National Trichinae Project

Ken Kephart, Penn State swine specialist, provided an overview of the new swine facilities at the university.

He reviewed the new farrowing houses and nursery on site.

Also, Dr. David Pyburn, director of veterinary science for the National Pork Producers Council (NPPC), provided an overview of the ongoing National Trichinae Certification Project being conducted by NPPC.

Pyburn said that trichinae, a nematode of all mammals that causes humans who ingest the contaminated meat to develop "trichinosis," has created a stigma in the industry, since it was a real threat to the product before the 1940s. The larvae embeds in the muscles of the animal and, when ingested by humans, can also create extreme muscle aches and fevers. Larvae can live up to 11 years in the muscle.

But education and eradication efforts beginning since the 1940s, when 16.1 percent of the U.S. population were affected by the infection, dropped to 4.2 percent in 1970. In 1995 there were 29 reported cases to the Centers for Disease Control in Atlanta, Ga., of which eight cases were the result of eating "underprocessed cougar jerky," according to Pyburn.

Pyburn remembers stories being told by his grandmother about overcooking the meat to ensure the larvae were killed. In a national swine survey, in 1995, only .013 percent of the hog population in the country were infected with the larvae.

The national trichinae project was formed in 1994. A survey of 4,078 hogs on 156 farms in New Jersey, Connecticut, New Hampshire, Vermont, and Massachusetts was conducted. Only .37 percent of the farms tested positive, with less than .02 larvae per gram of muscle — "not a risk factor to humans," said Pyburn.

One survey indicated that some hogs on farms that were infected with the larvae were the result of eating rats. One fed wildlife parts to the hogs, from hunted animals. The survey asked the questions: are the hogs fed garbage? What's the wildlife exposure? Is there any hog cannibalism going on?

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