

Lawsuit Fuels Concerns For Arkansas, Oklahoma Economy
Resort Owners May Be Made Part Of Lawsuit
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The NW Arkansas Morning News

6/19/05

A lawsuit meant to stop poultry litter from polluting the Illinois River could mean the loss of more than just phosphorus, area farmers and others say.

The impact could be chilling to the economy of both Northwest Arkansas and eastern Oklahoma said George Pharr, a poultry farmer in Lincoln who also worked for the poultry industry for many years.

Large farm operations around the country, particularly chicken and hog farms, face continuing pressure to regulate the amount of animal waste that leaves their land and makes its way into watersheds.

From North Carolina to Mississippi, from Iowa to Kentucky -- animal waste management plans have become the norm for many states with large agriculture industries.

The regulations are meant to help control the rampant growth of algae in streams, rivers and lakes receiving excessive amounts of phosphorus and nitrogen. The two nutrients are necessary but cause problems when levels get too high.

POULTRY, CATTLE TIES

Chicken litter is one of the cheapest and best fertilizers for grass. Good grass means good cows. In fact, Al Saunders, an Oklahoma poultry and cattle grower, said chicken litter is the only thing allowing him to farm the shallow, rocky hills on his 540 acres. He farms in Delaware County, Okla., outside Siloam Springs.

"I raise grass. The cows are the harvesters," he said. "If the chicken's leave, I'll lose both farms."

Farmers said they are concerned the lawsuits and regulations could eventually mean the loss of poultry houses in the area. That loss could trigger major setbacks for the cattle business.

"It could have major implications for Arkansas" and the poultry industry, said Milo Shult, vice president for the University of Arkansas Division of Agriculture.

A 2003 agreement between Oklahoma and Arkansas resulted in some improvement to phosphorus levels in the Illinois River, according to recent water quality tests.

But poultry companies haven't gone far enough to clean up the watershed, said Oklahoma Attorney General Drew Edmondson.

"The poultry business in Arkansas is a \$2 billion a year business," Edmondson said. "I know its been said the poultry companies will leave, but I don't know where they're going to go that would allow them to pollute without cleaning it up. People have said they're going to go to Mexico, but I don't think they would save much money with the per mile shipping costs they would have."

Edmondson said he doesn't want to see the agricultural industry leave the area and doesn't want all land application of poultry litter stopped permanently. But he does want to stop excess phosphorus and other nutrients entering the watershed.

SPECIAL RIVERS

Saunders and other Oklahoma farmers maintain they are already following the law by using soil and litter tests and following nutrient management plans to avoid over fertilizing the land. Those farmers also agreed in a letter to Edmondson's office to reduce their phosphorus levels to 300 pounds per acre on their farms.

Edmondson said the 300-pound limit isn't working.

The same law also stipulates there will be no pollutants entering the watershed by runoff, he said.

"The runoff is still there," Edmonson said.

Some resort owners along the rivers said Friday they don't know much about the lawsuit, but they want the river kept clean.

"People come to this river, because it is something special," said Linda Fidler, who with her husband owns two resorts in the area. "I don't want the chicken litter trashing it up."

Fidler was one of the many resort owners along the river to get a letter from poultry companies in April notifying them they might be brought into the lawsuit under third-party rules.

The Fidlers' resorts use septic systems which poultry companies and Arkansas officials say also contribute to the phosphorus pollution in the watershed along with commercial fertilizers and city wastewater treatment plants.

Fidler said she doesn't believe the possible pollution from the septic systems at the resorts comes close to the chicken litter runoff from farmers' fields.

Kathy Son and her husband operate an recreational vehicle park at the end of the Illinois

River where it flows into Lake Tenkiller.

Son said their holding tanks for wastewater from the RVs are cleaned regularly and shouldn't be a source of pollution. She said the letter wasn't addressed to them and didn't understand why they would be included in a lawsuit against the poultry companies.

20-YEAR BATTLE

Cattle farmers not operating poultry houses are also on the list to be brought into the lawsuit as are animal feed companies and operations using commercial fertilizers.

Pharr, the Lincoln poultry farmer, has five chicken houses and produces about 800 tons of litter each year. He said he sold most of the chicken litter he produced last year for \$2 a ton. The people who trucked it away to put on their farms spent another \$12 a ton transporting it, he said.

Pharr said he is concerned the latest round of litigation could be the final straw for poultry companies which could move out of Oklahoma and Arkansas and raise chickens somewhere less troublesome than in the Illinois River watershed.

"Very few new poultry houses have been built in Oklahoma in the past five years because of the attitudes of Oklahoma officials," Pharr said.

Pharr said the bulk of the industry could leave if chicken litter is declared a hazardous waste as Edmondson asks in his lawsuit.

The history of the battle for water quality in eastern Oklahoma stretches back more than 20 years to a lawsuit filed by the Tulsa against Fayetteville.

Edmondson is the latest in a long line of Oklahoma officials who have tried to pressure businesses, farms and city utilities in Northwest Arkansas to limit the amount of nutrients allowed into streams and creeks.

Several agreements have been put in place. Rogers, Springdale and Fayetteville have done considerable work to their wastewater treatment plants to limit the amount of phosphorus they discharge to 1 milligram/liter or less.

Recent water quality tests show the phosphorus levels in the river during nonrain periods has declined.