

# Poultry firms offer litter plan

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## The attorney general says the proposal from the five companies falls short.

The poultry industry wants to voluntarily reduce the amount of chicken litter in Oklahoma's scenic river watersheds to avoid litigation with the state.

Five companies submitted a proposal Thursday to the Oklahoma Attorney General's Office outlining the steps they would take if it is approved, but not specifying any cash be paid for damages.

"We are very hopeful for a positive outcome," said Janet Wilkerson, who is acting as the spokeswoman for the companies, which include Tyson Foods, Peterson Farms, Simmons Foods, George's and Cargill.

"A negotiated agreement makes so much more sense for us and the state than spending more money on trial lawyers."

Oklahoma Attorney General Drew Edmondson said he found the proposal to be lacking.

It is the second draft of the proposal that Edmondson has received, but the first to be made public by the companies.

"If they continue their negotiations in the Governor's Office and in (newspaper) editorial boards instead of with the lawyers, it is going to end up in court. This is not a publicity campaign. This is an issue where our streams are dying," Edmondson said.

From the beginning of negotiations, Edmondson said, he has wanted the industry legally responsible for the complete removal of excess litter, and wanted it set out in an enforceable consent decree.

"And if they had agreed to that then, we wouldn't be talking about lawyers or talking about reclamation expenses, and we wouldn't be talking about litigation," he said. "But they have a history of pie-in-the-sky promises and zero performance."

Edmondson said his office is still willing to negotiate if the industry comes forth with a good-faith offer and settlement.

"At this point, it is going to cost them money, in addition to signing a document," he said. "We told them if they forced us to retain counsel that we were going to be talking about damages. And that is where we are today."

Edmondson said he wants the legal expenses the state has incurred to be paid by the industry, along with damages -- an amount he didn't know.

"They have done damage to Oklahoma's waterways," he said. "There are remedial steps that can be taken, but they are expensive. They have also done damage to Oklahoma's wildlife. They have literally choked the streams and lakes."

The companies have suggested a Sept. 30 sitdown meeting with Edmondson, and if they can't reach an agreement, they want the matter taken to mediation.

Last year, the companies settled a \$7.5 million lawsuit with the city of Tulsa over pollution in creeks and streams that feed two city reservoirs, Lake Spavinaw and Lake Eucha.

Most of the money went to pay the city's legal fees, but the settlement created measures to restrict further contamination from phosphorus-rich chicken litter.

Too much phosphorus in the waterways allows alga blooms to grow, depleting oxygen levels, choking aquatic life, damaging the aesthetic value and creating taste and odor problems in drinking water.

What the companies are proposing to the state goes further than the city settlement and would be a "landmark" achievement, said Wilkerson, noting that Edmondson has been vague about what he wants.

The negotiations were made public "so that everyone with a stake in, or an effect on, water quality will be aware of and support a voluntary, positive resolution," she said.

Among their proposed actions:

- Develop a scientifically based index relating to standards for land application of chicken litter and protection of water sources.
- Develop a new individual contract poultry grower management plan based on the index.
- Provide alternative uses for chicken litter, like energy or heat recovery, composting for export and processing into organic fertilizer.
- Provide a reduction of the amount of poultry litter application through an interim transportation measure that would remove more than 200,000 tons of litter from the watersheds over the next three years.
- Facilitate and fund numerous supplemental environmental projects.
- Create and fund a nonprofit entity that potentially could acquire and maintain conservation easements for buffer strips and other lands along streams.
- Document chicken litter management, including annual reports to the states of Oklahoma and Arkansas.

These actions would cost the companies millions of dollars annually, Wilkerson said.

"We would rather put our money toward a solution rather than fighting a lawsuit."

The waterways specified in the companies' proposal include Flint Creek, the Illinois River, Barren Fork Creek, the Upper Mountain Fork River, Big Lee's Creek, Little Lee's Creek and Tenkiller Ferry Lake.

It is important for people to realize that the poultry industry, which employs 12,000 in the state, is not solely responsible for the phosphorus in the watersheds, Wilkerson said.

Municipal point sources, nurseries, gravel-mining operations, golf courses, septic tank owners and cattle ranchers also are to blame, she said. Each should take some level of responsibility.

But Edmondson disagreed.

"It is our opinion, and it would be our evidence, that the largest contributing factor to the damage of those streams has been pollution from poultry," he said. "It is also the single most manageable source of that pollution."

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