

HELPING THE HUDSONS

Young farm family continues to fight

Words by Krista Brick
Photos by Kelly Hahn Johnson

When Alan Hudson accepted a pile of Ocean City sludge from the city's wastewater treatment plant to use as a natural fertilizer on his family farm in Berlin, he had no idea the decision would be one that would throw this fourth generation farm into a lawsuit that could cost him his livelihood.

Now, the Hudson family is caught in a battle with the Waterkeeper Alliance, an environmental group that is not only draining their resources but could affect the way poultry farmers across Maryland operate.



"We have been here 100 years. I don't want to be the one responsible to lose this farm over something that should have been resolved by people sitting down and talking – not by helicopters flying over and spying on us and lawsuits. The way I was taught is if you have a problem you sit down and talk. That's just the way we do things," Hudson said.

The Hudsons have been poultry farmers since 1994, first with Hudson Foods, then Tyson then Perdue Farms, Inc. They have two chicken houses each 42 feet wide by 500 feet long. Inside those houses are 80,000 Cornish chicks that the Hudsons get every four weeks to raise until Perdue loads them up and hauls them away.

The trouble started for the family in the summer of 2009 when Ocean City officials asked if the Hudsons would accept a bio-solids pile that is mostly a lime product the farming community uses as a fertilizer on fields. It's a win-win for the city and the farmers who both save money on disposal and fertilizer, respectively.

Since the product can only be spread in the spring, the pile of 15 to 20 tractor-trailer loads of sludge sat on the farm for a few months.

It was that pile that triggered a lawsuit by the Waterkeeper Alliance led by Kathy Phillips, the Assateague Coastkeeper and executive director of the Assateague Coastal Trust. The group, using helicopters to monitor waterways and water samplings in nearby streams, filed a suit claiming alarming amounts of pollutants coming from the Hudson Farm and into the local waterways that feed into the Pocomoke River and eventually the Chesapeake Bay. The Waterkeepers believed the pile to be chicken manure. The lawsuit was filed March 2010.

"I thought that since they had the wrong idea of what was going on this would be over quickly," Hudson said of the suit. He was told by Maryland Department of the Environment officials to relocate the sludge pile and cover it and he did.

Now, nearly a year and a half later, the lawsuit has cost the family more than \$130,000 in legal fees. At a recent required mediation hearing, the Waterkeepers claimed more than 51 violations of the Maryland Clean Water Act against the Hudson farm and proposed more than \$2 million in fines. Waterkeepers also

requested the Hudson farm be required to hire an outside agency to supervise their farming production.

To make their battle even more difficult, the Waterkeepers are getting free legal counsel from the University of Maryland Law School Environmental Law Clinic.

"As a taxpayer in the state, I am really now paying to sue myself," Hudson said.

In fact, the claim that sprung from an alleged pile of chicken manure has morphed to include a claim against the use of blowers in the chicken houses. Blowers and fans are humane methods farmers use to cool their livestock. A fan on one end blows air across a wetted filter and a blower on the opposite end creates the wind tunnel effect. At the Hudson farm, six blowers on each house help to cool the two houses that need to remain at about 84 degrees.

"They are saying now that chicken manure is being blown out of the blower and it is seeping into the groundwater," Hudson said. "We are not doing anything different than any other poultry farmer. If this lawsuit goes through it will have a domino affect on every other farmer in the state of Maryland."

On the Hudson farm, the chicken manure is most often rotary tilled and composted on the chicken house floor. Only a small portion is scooped out and used as compost off-site. That manure pile is housed in a shed next to one of the houses and land applied from March to November.

Hudson disputes the Waterkeepers' water quality samplings saying there are many variables that can affect pollutants in water samples on any given day including the amount of a recent rain and even if a car hits a deer and the carcass decomposes nearby.

The Hudson family said they are complying with all environmental regulations and trying to be good neighbors. In fact, Hudson said he has been floored by the outpouring of support by other farmers in the area.

The Wicomico County Young Farmers and Ranchers has hosted two benefit dinners netting the family \$20,000 to help defray the legal costs of the suit. And the Worcester County Farm Bureau is hosting an October event expected to double that. It's a show of support that has caught Hudson off guard and brought this proud family patriarch to tears.

"It's hard to tell everybody thank you. These farmers have gone to bat for us. I don't want any of them to be next," Hudson said.

The lawsuit has caused him to lose sleep and the stress has even impacted his daughter at school.

"Our daughter is wise beyond her years. We don't talk about it in front of her but she hears the word lawyers and lawsuit. She has had to see a therapist. She said she is scared we'll have nowhere to live," said Kristin Hudson.

Seventy-five-year-old Roger Hudson works along side his son, farming the property he worked on once with his own dad.

"It is hard enough to farm with the prices and everything. We all thought

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MARYLAND FAMILY UNDER ATTACK
BY WATERKEEPERS ALLIANCE



this would be over in no time but they keep pushing. I think about it. I can't help thinking about it every day," he said while walking along the fields where the Hudsons grow soybeans. In addition to the chickens, they farm corn and hay and have about 40 brood cows.

Also offering support is Perdue. The company has helped to fight the lawsuit launching a www.SaveFarmFamilies.org website along with the Wicomico Young Farmers and the Maryland Farm Bureau to help collect donations for the Hudsons.

Perdue is also named as a party in the lawsuit.

"As co-defendants we are working together very closely and intend to vigorously defend ourselves every step of the way," said Julie DeYoung, spokesperson for Perdue Farms. "All of this could have been avoided if the Waterkeepers had simply knocked on Alan Hudson's front door and asked about the pile of material.

"While Perdue has the resources to defend this suit, Alan and Kristin Hudson do not. The family faces the possibility that they might have to exhaust their life savings and face bankruptcy simply to hire a lawyer to defend them for as many years as it takes. And just as important, the Waterkeepers will not simply stop with the Hudsons. Other farm families face the same threat unless Maryland agriculture rises with one voice and says 'stop this nonsense.'"

Maryland Farm Bureau President Patricia Langenfelder

agrees. "We have visited the Hudson family and they are a typical small farm family following the rules. It is a shame the environmental group continues to harass them after the MDE concluded no action other than a warning was warranted," she said. "We urge Farm Bureau members to log onto the website and to help the Hudsons any way they can. This lawsuit action can and will affect farm families throughout the state."

While the battle rages on in court and as the Waterkeepers continue to monitor his farm with low-flying aircraft, Hudson has no choice but to continue with the chores of running his farm.

He heads out of his house to his chicken houses a few hundred feet away about 6 a.m. to check on their water and food and inside temperature before making his rounds driving a school bus for the Worcester County Public School System. Then it is on to the feed silage to the cows and fix the tractor that has refused to turnover.

It's a life he always wanted growing up on this same piece of property but perhaps one he won't pass down to his only son Ethan.

"This is something that's in my blood. I always knew I wanted to do it," Hudson said. "If he wants to farm that would be good, but I am not sure it's the right thing. You almost want to push him away from it."