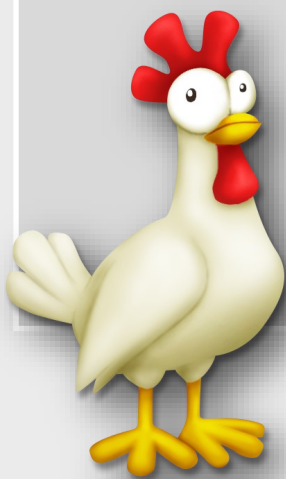


# Commercial Poultry News

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## Broiler Grower Settlement Forms Arriving to Mid-Atlantic Growers: Background on the Class Action

*Paul Goeringer, Extension Legal Specialist, Department of Agricultural and Resource Economics, UMD*

The region's poultry growers may have started to receive settlement forms recently for broiler grower class action lawsuit settlement. Many growers might be surprised to receive this form in the mail and may have questions on what the class action was about. If you have questions about the settlement process, please check out the website for the litigation [here](#) which includes many important deadlines for broiler growers. Currently, many of the important questions are unknown: how much each individual grower will receive, whether additional integrators will settle, and what the amount of attorneys' fees needing to be paid will be.

Originally filed in 2017 in the federal district court for Eastern District of Oklahoma the lawsuit alleges that a number of integrators colluded in the broiler market. According to the court filings, the plaintiffs alleged that the integrators agreed not to poach growers. In addition to the no poaching agreement, the integrators also allegedly used Agri Stats to share detailed data about their operations. Although this data shared through Agri Stats is anonymous, it is highly detailed, making it possible for companies to distinguish various operations. This data is also non-public -- private data only available to the integrators, according to the court filings. By sharing this detailed data with Agri Stats, the integrators are able to collude to lower grower compensation.

Plaintiffs brought these claims of collusion, antitrust, and unfair competition practices under the Sherman Antitrust Act and Packers and Stockyards Act. Tyson and Perdue recently agreed to settle these claims, but have not admitted to any fault in the settlement.

Growers for other integrators may also be receiving settlement agreement forms. This is because the lawsuit involves a large number of integrators, including Koch Poultry, Pilgrim's Pride, and Sanderson Farms, and a number of co-conspirators, including Agri Stats, Foster Farms, Mountaire Farms, Wayne Farms, George's, Inc., Peco Foods, Inc., House of Raeford Farms, Simmons Foods, Keystone Foods, Fieldale Farms Corp., O.K. Industries, Case Foods, Marshall Durbin Companies, Amick Farms, Inc., Mar-Jac Poultry, Inc., Harrison Poultry, Inc., and Claxton Poultry Farms.

Growers for all these companies will receive settlement forms as potential class members impacted by the lower grower compensation amount due to the alleged collusion. Please check out the website at <https://www.broilergrowersantitrustsettlement.com/> for the important dates to determine if a grower wants to be part of the settlement or notices mistakes on the settlement form.

# Settlement Administrator Angeion Group Announces Proposed Settlement In Broiler Grow-Out Services Class Action

*Douglas S. Clauson, Director, Communications, Angeion Group*

If You Were Paid to Provide Broiler Grow-Out Services at Any Time Between January 27, 2013 and December 31, 2019, Two Class Action Settlements Totaling \$35,750,000 May Affect Your Legal Rights. A federal court authorized this notice. This is not a solicitation from a lawyer.

PHILADELPHIA, Sept. 22, 2021 /PRNewswire/ -- Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc. (together "Tyson") and Perdue Foods, LLC ("Perdue") have each agreed to settle a class action lawsuit brought against them by broiler chicken growers who allege that Tyson, Perdue and other companies unlawfully conspired to artificially reduce the amounts they paid to broiler chicken growers for Broiler Grow-Out Services. Tyson and Perdue deny that they did anything wrong and have asserted defenses to the claims against them.

Plaintiffs are broiler chicken growers that raised broilers for Tyson, Perdue, Pilgrim's Pride, Sanderson Foods, and Koch (together, "Defendants") and other integrators (referred to as an Alleged "Co-Conspirator" below). Plaintiffs represent a class of broiler chicken growers who have similar claims against Defendants and the Alleged Co-Conspirators.

## What do the Settlements provide?

Tyson will pay \$21,000,000 and Perdue will pay \$14,750,000 for a total of \$35,750,000 into a Settlement Fund, which will be used to pay Settlement Class members, attorneys' fees and litigation expenses, class representative service awards, and costs for notice and Settlement administration. Tyson and Perdue will also offer certain cooperation in the ongoing litigation against the remaining non-settling Defendants, and Perdue has agreed to certain restrictions on its ability to enforce arbitration provisions against broiler chicken growers. Perdue Settlement § 10(e).

## Am I eligible to receive a payment from the Settlements?

You may be eligible to receive a payment if you reside in the U.S. or its territories and were paid by any Defendant or any Alleged Co-Conspirator to provide Broiler Grow-Out Services at any time between January 27, 2013 and December 31, 2019. To learn who the Defendants and Alleged Co-Conspirators are, visit [www.BroilerGrowersAntitrustSettlement.com](http://www.BroilerGrowersAntitrustSettlement.com).

## How do I get a payment from the Settlements?

If you received a Pre-Populated Claim Form and the information contained therein is correct, you do not need to do anything further to receive a payment. If you disagree with the information contained in the Pre-Populated Claim Form you received, you may submit the Claim Form with corrected information and documentation. If you received an Unpopulated Claim Form, you must complete and submit that Claim Form by April 10, 2022 to receive a payment from the Settlement Funds. **You may access a Claim Form from the website and submit it online or download and mail it to the address on the Claim Form. Claim Forms are also available by calling 1-833-907-3700 or emailing :**

[Info@BroilerGrowersAntitrustSettlement.com](mailto:Info@BroilerGrowersAntitrustSettlement.com).

*Proposed Settlement In Broiler Grow-Out Services Class Action....continued***What are my rights?**

If you are a Class member and do nothing, you will be bound by the Settlements and will give up any right to sue Tyson and/or Perdue in separate lawsuits related to the legal claims in this lawsuit. If you want to keep your right to separately sue Tyson and/or Perdue, you must exclude yourself from one or both of the Settlements by December 6, 2021. If you do not exclude yourself, you may object to one or both of the Settlements and/or ask for permission to appear and speak at the Fairness Hearing but only if you do so by December 6, 2021. Complete information is available at :

[www.BroilerGrowersAntitrustSettlement.com](http://www.BroilerGrowersAntitrustSettlement.com).

**The Court's hearing.**

The Court will hold a hearing at 10:00 a.m. CT on February 18, 2022 to decide whether to approve the Settlement, grant the requested attorneys' fees of up to one-third of the gross Settlement amounts, litigation expenses not to exceed \$3,000,000, and class representative awards of up to \$50,000 each. You or your own lawyer may appear and speak at the hearing at your own expense, but there is no requirement that you or your own lawyer do so. The hearing may occur remotely, over a Zoom platform, or it may occur in person, at the United States District Court for the District of Oklahoma, located at 101 N. 5th St., Muskogee, OK 74401. Please check [www.BroilerGrowersAntitrustSettlement.com](http://www.BroilerGrowersAntitrustSettlement.com) for updates as to the location of the hearing.

**This notice is only a summary.**

For more information, including the full Notice and Settlement Agreements, visit [www.BroilerGrowersAntitrustSettlement.com](http://www.BroilerGrowersAntitrustSettlement.com), email [Info@BroilerGrowersAntitrustSettlement.com](mailto:Info@BroilerGrowersAntitrustSettlement.com) , or call 1-833-907-3700.

## A Special Recognition to Jim Passwaters

*By James Fisher, DCA August Newsletter*



A special recognition was given to Jim Passwaters, DCA's first vegetative environmental buffers coordinator. Since 2007, Passwaters has developed and managed our free-to-members program that helps them design, install, and maintain living buffers on their farms to improve neighbor relations and protect water and air quality.

Each year, through his work, DCA has helped growers and companies plant thousands of trees, shrubs, and warm-season grasses. Passwaters will retire at the end of the year, having visited and assisted hundreds of farmers during his tenure and, by his count, helping to plant more than 86,000 trees and grasses. Jim has worked with numerous agencies, companies, and nonprofits to further DCA's VEB mission, including NRCS, MDA, DNREC, the Nanticoke Watershed Alliance and Bayer. "This was an interesting career. I got to go to places on Delmarva I'd never heard of, even though I've lived here my whole life," Passwaters said. "If you look around and see trees on chicken farms, it's probably a good chance that we planted them - not all of them, but most of them."

No doubt you will still see Jim helping farmers on Delmarva even in retirement - help us wish him well!



## Avoiding Fires in Poultry Litter Dry Stack Sheds

*By Tom Tabler, Jonathan Moyle, Jessica Wells, and Jonathan Moon, Mississippi State Un. Extn.*

In today's commercial poultry industry, dry stack litter sheds are important components of a waste management program. When litter is periodically removed from poultry houses, it must be handled in an environmentally sound manner. To obtain the most value from poultry litter, producers store it until the appropriate application time for ideal plant nutrient uptake and reduced environmental impact (Nottingham, 2012). Therefore, a litter storage structure becomes critical to a poultry operation's nutrient management program. When properly managed, a storage facility protects litter from the elements, preserves nutrients in the litter, lessens the threat of runoff and water pollution, and allows for proper timing of land application to meet crop and forage needs.



Figure 1. Shed fires are a threat when storing poultry litter.

### Fire Danger

Producers should be aware, however, of the fire danger associated with storing poultry litter (Figure 1). As microbial activity occurs within the litter, heat and methane gas are produced. Heat is also produced at the boundary layer between moist and dry litter in the storage pile. Spontaneous combustion (self-ignition) in a litter pile can occur from this buildup of heat and methane. Fires may also occur if litter is stacked too closely to the wooden walls of the shed, which can ignite if the temperature in the litter reaches the wood's flash point. The process is similar to spontaneous combustion of hay bales or silage stored in barns or silos, respectively. However, less is known about spontaneous combustion of litter. Additionally, it is important not to drive a tractor on stored litter as this can compact the litter and increase the likelihood of a fire (Figure 2).

We have known for some time that heat is generated when microbial activity occurs in an insulated environment, such as a garden compost pile or dairy manure stored outside. Overheating and spontaneous combustion in hay barns, coal piles, landfills, and containers of oily rags are not uncommon occurrences. Both biological and chemical factors are likely associated with litter storage fires, although the exact causes are not well understood.



Figure 2. Do not drive on stored litter with a tractor because this causes compaction and increases the fire danger.

*Avoiding Fires in Poultry Litter Dry Stack Sheds...continued*

Fires and explosions have occurred before in sanitary landfills that generate combustible methane. For methane to be generated, conditions must be right for the growth of anaerobic bacteria. This includes proper moisture content (greater than 40 percent) and an oxygen-free or very-low-oxygen environment. Methane has a specific gravity less than air and, therefore, can escape to the atmosphere given a proper conduit (i.e., adequate pore space in the surrounding litter). However, litter that is compacted and insulated in a storage shed may not have adequate pore space.

Methane is flammable in air at concentrations of 5 to 15 percent. As such, production of methane in litter storage is a potential fire hazard. If the pile is compacted and insulated by additional litter being placed on top of compacted litter, overheating and spontaneous combustion may occur as temperatures rise above 190°F. While microbial activity may generate much of the heat, it is likely chemical reactions that cause the fire. Because most bacteria are killed between 130°F and 165°F, chemical reactions are most likely responsible for the processes that lead to the actual combustion.

**Common Risk Factors**

There are several common factors that are usually present when a litter storage shed fire occurs:

1. **Moisture.** Moisture is a critical factor in all litter storage shed fires. Dry litter does not generate heat well, but wet litter does. Perhaps the most common mistake made by producers is adding moist litter to dry litter already in the shed. A second mistake is allowing wind-driven rain to reach the litter stored in the shed. The layering effect that occurs when new, moist litter contacts old, dry litter creates an insulated heat- and methane-producing area as the dry litter absorbs moisture. Anaerobic bacteria generate about 50 to 65 percent methane, about 30 percent carbon dioxide, and a smaller percentage of other gases (Hess et al., 2018). If the moisture content of stored litter is more than about 40 percent in a pile with little or no oxygen, anaerobic bacteria will grow and produce methane gas. Litter added to the pile at less than 40 percent moisture will lessen the risk of heating and methane production. If the pile is not compacted and has adequate pore space, any methane that is produced can escape into the atmosphere and will not concentrate in the pile.
2. **Pile size.** Pile size will affect heat release. Height and width are more important than length of the pile. The larger the pile size, the greater the chance for excessive heat and fire. Small piles provide a larger surface area for heat release. Litter in the shed should not be stacked more than 7 feet high at the center of the pile.
3. **Compaction.** Compacting litter encourages anaerobic conditions. Compacting traps heat in the pile and lessens the available pore space for dissipating heat and methane.
4. **Layering.** Layering new, moist litter on top of old, dry litter creates a dangerous, heat-producing situation. Only dry litter should be added to litter already in the shed.
5. **Caked litter.** Caked litter is often wet litter with a high moisture content and can increase the risk of litter storage fires. It is best to separate caked litter from dry litter in the shed until the caked litter has dried.

*Avoiding Fires in Poultry Litter Dry Stack Sheds...continued***Best Management Practices**

- Dry litter is best to lessen the fire danger. Protect litter in the shed from blowing rain. Do not add wet litter to dry.
- Do not compact wet or dry litter as this encourages anaerobic conditions and increased heat and methane production.
- Do not stack litter over 7 feet high.
- Store wet, caked litter in a separate area from dry litter.
- Stack litter away from wooden walls and support posts, to the degree possible.
- Monitor temperatures at various locations within the pile on a regular basis with a 36-inch compost thermometer (Figure 3). Temperatures of 160°F or less are normal. Temperatures above 160°F are an indication that closer attention and caution are needed. Remove any materials that have a temperature greater than 180° F. If temperatures are 190°F or greater, or if the pile is smoldering, notify the local fire department and get instructions on safely removing the material from the storage shed. Use extreme caution when digging into the pile because a smoldering pile can burst into flame when exposed to oxygen. Be aware that a garden hose is not adequate fire suppression equipment if a litter pile bursts into flame. Spread the litter on a field using caution to avoid catching dry grass or other combustible materials in the field on fire.
- Do not store expensive farming equipment such as tractors, combines, decaking machines, windrowing equipment, hay mowers, rakes, and balers under the litter storage shed.



Figure 3. Use a compost thermometer to check litter temperature.

**Summary**

Litter storage sheds are a vital part of every broiler operation's nutrient management program. Litter storage allows flexibility in timing land applications and lessens the possibility of polluting surface and ground waters, as could occur with litter stored outdoors. Litter storage shed fires are possible because of heat and methane buildup in litter stacked in the shed. Spontaneous combustion in a litter pile can occur under the right conditions. Several common factors can lead to spontaneous combustion in a litter pile. The most critical of these factors is likely litter moisture content; however, pile size, caked litter, layering, and compacting the pile are also important. Proper precautions will greatly reduce the risk of a litter shed fire. Good management and common sense will help keep your litter shed intact and working for you for many years to come.

**References**

- Hess, J. B., J. O. Donald, and J. P. Brake. 2018. Preventing fires in litter storage structures. Alabama Cooperative Extension Service Publ. No. ANR-0915.
- Nottingham, R. 2012. Preventing fires in manure storage structures. University of Maryland Extension. Commercial Poultry Newsletter, 1 (1):3.



## By Focusing on the Basics, Growers Can Achieve More Consistent Flock Performance

*By Austin Alonzo, Editor, WATTPoultryUSA and Jon Moyle, UME Poultry Specialist*

Growers working in an antibiotic-free environment must focus on the fundamental principles of broiler husbandry to maximize success.

As part of the virtual Midwest Poultry Federation Convention, held on August 12 & 13, 2020, Dr. Jon Moyle, an extension poultry specialist at the University of Maryland, identified seven basic principles for success:

- Pre-placement
- Temperature management
- Feed management
- Light management
- Air quality and ventilation
- Water management
- Biosecurity



### 1. Pre-placement

Pre-placement includes all the necessary actions to be performed before the birds arrive. Primarily, that means cleaning dust and debris - which carries pathogens - off the walls and other surfaces of the house that can be cleaned.

Along with cleaning the surfaces, he recommended wind-rowing litter between flocks.

Before windrowing, however, he suggested blowing off the dust or rinsing down the dust inside a house before windrowing. This gets those materials into the litter when the windrowing process can reduce the viral and bacterial load in the house.

Litter should be managed between flocks. Moyle said litter should be kept at a depth of at least three inches and preferably four to six inches. Growers should strive for a consistent litter depth to avoid wet spots and other litter issues.

When adding new litter, consider that it settles when birds are placed upon it and that enough must be present in the house for the substrate to perform its job. If litter amendments are applied to the litter, growers must follow the product's exact directions for the best performance.

Next, the house's environment must be ready for birds to be successful before chicks arrive. Growers need to check room temperature, the floor temperature and moisture. Next, they need to check their equipment when maintenance can be performed without disturbing the animals. Everything should be in working order. Controllers and alarms should be checked to make sure they are set.

Thermostats and probes should be positioned at bird height in the center of the brooding area and should be working properly. Minimum and maximum thermometers should be placed adjacent to the thermostat. Water lines should be cleaned and flushed before birds arrive. Drinkers should be set at the correct height and pressure for the birds. Feeders and supplemental feeders should be filled with feed.

*By Focusing on the Basics, Growers Can Achieve...continued*

Finally, the ventilation system should be checked. That includes checking fans and vents for functionality and sealing any areas where air could leak in or out of the house. Moyle recommended ventilating the house during preheating to remove waste gasses and excess moisture from the house.

## **2. Temperature Management**

Establishing and maintaining the correct temperature throughout the house is critical when chicks arrive, but sometimes the settings on the controller don't match the temperature the birds feel. Cold birds don't perform well.

Moyle said the best way to check is to measure the temperature at the bird's height. By placing a few thermometers at the bird's height, or using an infrared thermometer, growers can check the temperature level before birds arrive. Once birds arrive, he said to manage the temperature based on the birds' behavior. Growers want to see birds spread out and moving around the house.

Proper maintenance of the heaters helps ensure heat is evenly distributed throughout the house and matching the settings on the controller. Regularly cleaning heaters improves efficiency and performance.

## **3. Feed Management**

Broilers need access to plenty of feed, especially when the chicks are first placed in the house. When feed arrives, growers need to check it to ensure it's the correct consistency. Growers should walk their feed lines and check supplemental feeders to ensure there is feed everywhere. If birds do not eat, they do not grow. Feed is the key to higher weights. Chicks, especially, need it. When there is more available, they can find it faster.

He said to use supplemental feeders to increase the feed area for chicks. Feed must be presented where the birds are. Growers should look where the birds are going where there isn't a feeder and place a supplemental feeder there. Supplemental feeders must always be filled. Farmers should refresh them several times a day until chicks can reach the main feeding system.

## **4. Light Management**

Growers strive to provide uniform light inside the broiler house. Inconsistent light creates inconsistent performance.

Moyle said using brighter lights during the first week of the flock will help birds find feed and water more quickly. He recommended providing 40 to 50 lux. Growers should use a light meter to measure the intensity of the light at their feed lines and adjust their lighting until the measurement comes in at that range at that location. Lights, like other equipment, should be cleaned and dusted to work best.

## **5. Air quality and ventilation**

Moyle said ventilation is important to keeping the house dry and ammonia levels down. Rather than fans moving air, growers should think of their ventilation as a water pump. Farmers pump thousands of gallons of water into their house every day, but the birds only retain a small fraction of it. Ventilation functions to remove the excess moisture from the house.

Ventilation should be set up around the moisture level in the house. Wetter litter needs more ventilation. Special attention should be paid to new litter, which can be moister than it appears. If moisture is not removed, it accumulates and leads to worse performance in subsequent flocks.



*By Focusing on the Basics, Growers Can Achieve...continued*

He recommended using a wind meter to measure the speed of air flow through the house and a revolution per minute (RPM) meter to measure RPM performance of fans. These tools help detect areas of inconsistency in the house and machinery that is not functioning at an optimal level. Electricity to run fans is one of the greatest expenses on the farm, so keeping the machines in good order mechanically reduces expenses and helps bird performance.

Air flow cannot be seen, so Moyle recommended employing surveyor's flagging tape to visualize air flow inside the house. In the winter, air needs to flow into the middle of the house to warmup before it hits the birds and chills them.

In between flocks, growers should not leave their houses' doors and windows open. This does not help to ventilate the house and creates a number of biosecurity issues inside the house.

### **6. Water Management**

Like feed, birds need constant access to water. The drinkers must be set at the correct height for the birds to reach it. Litter can settle after birds arrive, so growers need to check the setting of their lines often during the first days of a flock.

Water lines need to be cleaned regularly and sanitized daily for the best performance. Moreover, the equipment involved in the water system and drinking system should be cleaned and checked for functionality regularly.

### **7. Biosecurity**

Finally, growers should do everything they can to improve the biosecurity of their operation. This limits the potential for damaging diseases to arrive on the farm and does not necessarily have to be complicated. Creating a line of separation in between the outside and the growing area can create great improvements in biosecurity.

Insects, rodents and other vermin are one of the largest potential disease vectors on the farm. Growers need to limit the things that attract vermin and eliminate their entrances into the chicken house. He said maintaining a clean, mowed exterior and avoiding puddles of water forming near the house can discourage animals from trying to live in or near the house.

Another huge biosecurity issue lies with mortality disposal. Birds that are not disposed of properly attract flies, vultures, and other decomposers that bring disease onto the farm. Moreover, dead birds themselves can spread disease.

Mortality should be composted using a method that allows the birds to break down with resources available on the farm. Placing birds in the composter correctly and layering compost properly avoids many issues. Birds need to be covered in 8 to 10 inches of litter. Bins should be sealed so storm water does not get into the composter.

### **Spend Time in the house**

In summation, Moyle said farmers need to trust their judgment and their eyes instead of relying on sensor readings alone. Regularly walking the house helps farmers monitor feed levels, equipment performance, and bird behavior.

# Coming Events!

## Poultry Field Day

**When:** Wednesday, November 3, 2021  
**Time:** 9:00 am to 2:00 pm  
**Where:** Walton Farms, LLC  
**Address:** 18299 Walton Mount Lane, Georgetown, DE 19947  
**Event Type:** Field Day - Speakers - Sponsors - Socializing  
**Cost:** Free - With Food Provided by *Jones-Hamilton Ag*

Register by Monday, November 1: <https://open-house-nov3-registration.eventbrite.com>

### *Nutrient Management Credits for both Maryland and Delaware (amount published soon)*

Marydel Ag Supply, Mountaire Farms, the University of Maryland Extension, University of Maryland Eastern Shore, University of Delaware Cooperative Extension and the Delmarva Chicken Association, are offering this FREE event, with food included, to poultry growers on Delmarva **Wednesday, November 3, 9:00am – 2:00pm**. *Please register early so we have enough food for everyone!!*

To protect our growers, Covid-19 protocols for Delaware and Sussex County must be followed.

### SPONSORSHIP OPPORTUNITY

For only \$150 per table, your company can show support, meet local growers, and grow your business at this event. Please register at the Sponsorship Eventbrite: <https://www.eventbrite.com/e/sponsorship-page-for-poultry-extension-programs-tickets-11442514268>



Fulton Bank, N.A. Member FDIC.

### Next Grower Lunch Break with Extension

- **Wednesday, December 2, Tom Tabler talks Water Quality**
- Not meeting in January due to Delaware Ag Week
- Wednesday, February 2, we will send out info

Register for December 2 at: <https://umd.zoom.us/meeting/register/tJ0kfuyhqjSpGNzp8wIhemiV6PeHRsJpxntO>