

September 7, 2010

Tom Miller
Iowa Attorney General
1305 E. Walnut Street
Des Moines IA 50319

RE: Wright County Egg, Hillandale Farms of Iowa Inc., and Quality Egg LLC Feed Mill

Dear Mr. Miller:

The Iowa Chapter of the Sierra Club encourages you to perform a thorough investigation of the circumstances surrounding the egg recall for shell eggs produced by Wright County Egg and Hillandale Farms Inc for violations of state law. This investigation should also include Quality Egg LLC Feed Mill, the supplier of the feed to both egg producers. Additionally, we encourage you to review the operations at the two farms responsible for the egg recall and the feed mill with an eye toward internal policy changes, legislative needs, and administrative rule changes.

Investigation of violations

We encourage you to do a thorough investigation of the operations at these two egg producers and the feed mill with an eye toward penalties, fines, and criminal prosecution for violations of the state laws. We believe enough information has been published in the press and on the Food and Drug Administration web site to warrant serious penalties against Wright County Egg and Hillandale Farms Inc.

The recall for Hillandale extends to April 9 while the recall for Wright County Egg extends to May 15. It is not clear when the egg producers first knew about the salmonella enteritidis contamination of the eggs. The recall began in late August 2010. In an August 31, 2010, article, USA Today reported that salmonella had sickened at least 1,470 people. People exposed to salmonella can suffer serious health effects. The people who eat the eggs are victims of the owners and operators of the egg production businesses; the consumers are innocent of any malfeasance.

The Food and Drug Administration conducted inspections of the Quality Egg LLC Feed Mill and related business entities facilities at Wright County Egg, and Hillandale Farms of Iowa, Inc. in August 2010. The inspections show a pattern of filthy facilities, poorly maintained buildings, and pest-infested facilities.

The egg producers showed a reckless disregard for the health and well-being of the public by failing to recall the eggs in a timely manner.

Likewise operation of the egg farms show a reckless disregard for the health and well-being of the public by failing to safely operate the farms, based on the Food and Drug Administration 483 report. Wright County Egg and Hillandale Farms were filthy and infested with flies and rodents.

The 483 report indicated problems at Wright County Egg that included:

1. A dark liquid that appeared to be manure was seeping through the concrete foundation to the outside of the laying houses in several locations.
2. Standing water, three-inches high, was observed in one manure pit.
3. There were signs of structural damage to a number of the barns, including missing siding, missing air vent screens, and gaps at the bottoms of the doors. Additionally, the concrete foundations in several barns had holes and gaps.
4. There were signs of rodents and birds entering the buildings at the damage sites.
5. Access doors to manure pits were pushed out and provided openings to wild animals. Piles of manure, four to eight feet high, pushed the doors outward.
6. Practices were not implemented to prevent the transfer of salmonella between poultry houses.
7. Employees were not sanitizing equipment before they moved between poultry houses.
8. Manure was stacked so high in a manure pit that the door was blocked and could not be opened.
9. Chickens were able to use the manure as a bridge to free themselves of their confinement. They were able to access the egg-laying areas and tracking manure into those areas.
10. Maggots were observed in the manure pit.
11. Large quantities of flies were found around egg belts and walkways.
12. The company-maintained records do not show that the company was conducting inspections for rodents. Likewise, the company is not keeping records of disinfecting the dead hen truck and disinfecting the trailer used to move pullets to laying houses.

Additionally the 483 report indicated problems at Hillandale Farms of Iowa that included:

1. No seal was found on the manure door on one building.
2. There was standing water next to the manure pits.
3. The inspector found liquid manure leaking into the first floor from the manure pit. An employee reported that several weeks before the inspection the water line had leaked and caused the manure pit to flood.
4. Leaking manure was flowing out of a gap in the door of the manure pit.
5. The producer did not bait and seal rodent burrow holes in the egg production facilities.
6. There were signs of structural damage to a number of the barns, including holes and missing siding. One building was missing a 15-foot by 3-foot section of siding, leaving a hole in the side of the building. A 2-foot-by-2-foot hole was found in the side of another building and a 5-inch by 3-inch hole in the siding of yet another

building. Several doors had significant gaps, including one door with a 12-inch-wide gap, one with a 6-inch-wide gap.

7. Uncaged hens had freed themselves of the confinement, had walked on piles of manure in the manure pit, and were tracking manure from the manure pits into the caged houses.

See <http://www.fda.gov/Food/NewsEvents/WhatsNewinFood/ucm222684.htm> - The Food and Drug Administration web site has numerous pages concerning the inspection reports and the egg recall. The 483 reports can be found on the FDA web pages.

Furthermore, the Food and Drug Administration has determined that the same strain of salmonella contaminated the feed for both egg producers as Wright County Egg and Hillandale Farms. The feed producer was Quality LLC Feed Mill, a sister company to Wright County Egg.

Wright County Egg and Quality LLC Feed Mill are part of the Austin “Jack” DeCoster conglomeration of business entities. Hillandale Farms purchased the feed and hens from the DeCoster companies.

From all accounts, Jack DeCoster has had a troubled history with respect to following the law concerning his animal operations both in Iowa and out of state. Federal authorities fined him for health and safety violations in Maine. In Iowa, he was named an habitual violator of environmental laws, fined \$150,000, and banned from establishing additional livestock operations for several years. Over a long period of time, Mr. DeCoster has shown a wanton disregard for the law with respect to his businesses; the situation surrounding the egg recall is more of the same behavior. Because past punishment has not resolved the health, safety, and environmental issues surrounding Mr. DeCoster’s behavior, it is time to increase the penalties assessed against him.

Legislative and administrative rule changes

As state agencies undertake an investigation of the egg recall, we also believe that a review of existing policy and legislation needs to be undertaken. Among the items that need to be reviewed are:

1. Requiring mandatory vaccinations of chickens against salmonella
2. Mandatory recall of eggs and other food products when it is determined that they have become contaminated. Voluntary compliance in recalls does not work in a way that is consistent with protecting the public health.
3. Funding for regulatory staff to monitor concentrated animal feeding operations so that problems like these egg producers are not allowed to fester for years needs to be significantly increased.
4. Monitoring of the feed mills producing feed for concentrated animal feeding operations needs to be implemented and enforced. Industrial-sized feed mills should require extra inspection due to the large numbers of animals eating the food.

Summary

The behavior of these two egg producers is clearly a public health issue based on how many people have been sickened prior to the recall and based on the poorly managed operations of the facilities.

The egg recall and the obvious flaunting of the public health, safety, and environmental laws is an embarrassment to all Iowans. It could have long-lasting effects on our ability to sell all of our agricultural products outside of the state, which would affect the well-being of Iowans and businesses operating in Iowa.

Iowa needs to send a strong message that Iowa is not open to businesses who flaunt the health, safety, and environmental laws of the state and country. By enforcing our existing laws and regulations and by strengthening the ones that currently are in effect, Iowa will not be in a race to the bottom by our country's companies that are the most polluting, most unhealthy, and least protecting of human health. The bad apples, including the companies involved in the egg recall, must be stopped.

It is also time to put some teeth in Iowa's laws with respect to how concentrated animal feeding operations respond to the laws and regulations of the state. Voluntary compliance does not work for business entities who flagrantly violate the laws as the DeCoster conglomeration of companies has been doing.

On behalf of over 5,000 Iowans who are members of the Iowa Chapter of the Sierra Club, we appreciate your pursuing violations against the egg producers and recommending strong rules and legislation so that similar problems never reoccur.

Sincerely,

Wallace L. Taylor
Legal Chair
Sierra Club, Iowa Chapter

References

<http://www.fda.gov/Food/NewsEvents/WhatsNewinFood/ucm222684.htm> - The Food and Drug Administration web site has numerous pages concerning the inspection reports and the egg recall. The 483 reports can be found on the FDA web pages.

Elizabeth Weise and Phil Brasher, "Filth found at 2 Iowa egg farms", USA Today, August 31, 2010

"Rodents, filth found at Iowa egg farms," Cedar Rapids Gazette, August 31, 2010

"Answers about the giant egg recall", DesMoinesRegister.com, August 24, 2010

Perry Beeman, "DeCoster took control of egg operation after state ban," DesMoinesRegister.com, August 28, 2010