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# the **LEADER**

## NORTH CAROLINA IN THE SPOTLIGHT

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# NORTH CAROLINA IN THE NATIONAL SPOTLIGHT

## FARMERS UNDER FIRE

“In April of 2018 we got a wake-up call when the verdicts started to come in. Those verdicts showed to us this was something different, this was something really big, and something was very, very wrong.”

That message was delivered by American Farm Bureau Federation General Counsel Ellen Steen during a breakout session entitled “Farmers Under Fire: Trial Lawyers’ Attack on Agriculture” at the AFBF Annual Convention in New Orleans last month. As the name suggests, the session focused on recent lawsuits targeting production agriculture, specifically the more than two dozen nuisance lawsuits that have been filed against North Carolina hog farmers. The panel had a heavy North Carolina presence, featuring American Farm Bureau Women’s Leadership Committee member (and North Carolina’s own) Lorenda Overman and North Carolina Pork Council CEO Andy Curliss alongside Missouri Farm Bureau President Blake Hurst and Director of the National Agriculture Law Center Harrison Pittman.

Steen’s remarks, which were spot on, and the stage on which they were delivered clearly indicate that these legal attacks have grabbed the attention of ag leaders across the nation. Without a doubt, all eyes are on North Carolina – not just to see the verdicts, but to see

how our state’s agriculture community comes together and responds to these attacks.

The public sees these as lawsuits against Smithfield Foods – a large corporation. That’s what the attorneys want. But as Overman said, “On paper it looks like they’re suing Smithfield Foods, but the farmer is the one on trial. Once the trial is over and the verdict is read, the farms are depopulated, leaving the farmer with no income. The juries have awarded huge damages, even though all of these farms were in compliance with the law.”

Without a doubt, public perception is an important piece of this equation. During the panel, Hurst noted that “These things would not be happening without a change in how the public perceives farms and agriculture. We have the ability to lobby and change laws. But if we lose the public’s respect as family farmers, then we lose the ability to make legislative changes.”

These lawsuits will have an impact not just for North Carolina farmers, not just for hog farmers, but for all farmers. Speaking at the Coastal AgroBusiness Cotton and Soybean Conference in Greenville on December 4th, Dr. Sandy Stewart, assistant commissioner

of agricultural services for the North Carolina Department of Agriculture and Consumer Services had this to say:

How many of you at some point during the summer create dust? How many of you have equipment that is kind of noisy? Do you have pumps that run at night? Do you spray products that have an odor? Are you required to post signs that say, ‘danger no entry’? Any of those things might be a nuisance. You might have some neighbors who don’t like that. This is a threat to not just the hog industry. It is a threat to all of agriculture. Make no mistake.

Now is the time for North Carolina farmers to make their voices heard. It’s time to tell your stories to the 98 percent of North Carolinians who are not farmers. This is how we can all help, not just North Carolina farmers, but farmers across the country. Share your story. Explain what you do and why you do it. Tell the public the truth and make sure they know who really stands to lose in these lawsuits.

### **If you farm in North Carolina, chances are you are familiar with the nuisance lawsuits being filed against hog farmers in our state, but here’s a quick rundown:**

There are currently 26 total hog nuisance lawsuits with roughly 500 plaintiffs

Four lawsuits have concluded, with juries in all four siding with the plaintiffs. In the first case, they awarded damages of more than \$50 million; in the second, more than \$25 million; in the third, more than \$473 million; and in the fourth, more than \$102,000, for a total of nearly \$550 million in damages awarded.

Under North Carolina law punitive damages are capped, so the total jury awards are closer to \$100 million.

Notably, the fourth case was heard by a different judge than the first three, and he ruled that no punitive damages could be awarded. That judge will not be on the bench for the next trial, which has been delayed by the recent federal government shutdown.

The first three lawsuits are being appealed together in the US Court of Appeals 4th Circuit following the end of the government shutdown.



## NORTH CAROLINA BRINGS HOME THE BACON

A few weeks ago more than 240 North Carolina Farm Bureau members traveled to New Orleans for the 100th American Farm Bureau Convention.

North Carolina Farm Bureau had several reasons to celebrate at the convention. Our state won the Pinnacle Award, which is the highest honor a state can receive for program and membership achievement. But it didn’t end there! Justin and Erica Edwards of Duplin County won the national Young Farmer & Rancher Achievement Award AND a new Ford truck! North Carolina also came up a winner in AFBF’s Ag Innovation Challenge. Siblings Laura Hearn and Will Kornegay of Glean LLC, of Farmville, won the People’s Choice Award for their business and brought home \$25,000. Next year’s convention is in Austin, Tx.

