IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA	)	
Plaintiffs,	)	
vs.	)	4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al.,	)	
Defendants.	)	

VIDEOTAPED DEPOSITION OF KIRK HOUTCHENS

Taken at the law offices of Mitchell, Williams, Selig, Gates & Wooyard, 5414 Pinnacle Point Drive, Suite 500, Rogers, Arkansas 72758, on July 26, 2007, at 11:36 a.m.

EXHIBIT 2

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Mr. Blake Trolinger, Videographer

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THE VIDEOGRAPHER: The time is 11:36. This is the beginning of tape 1 of the deposition of Kirk Houtchens. We're on the record.

KIRK HOUTCHENS, having been called upon to testify in the form of a deposition and having been duly sworn, testified as follows, to wit:

EXAMINATION

BY MR. RIGGS:

Q. Would you state your full name for the record, please?
A. Casey Kirk Houtchens.
Q. Mr. Houtchens, for whom are you employed?
A. Peterson Farms.
Q. What is your job with Peterson Farms?
A. I'm the live production manager.
Q. How long have you held that position?
A. Since February of '07.
Q. Were you employed by Peterson Farms prior to that time?
A. Yes.
Q. What was your job just before assuming this current job?
A. I was a broiler service technician and building coordinator.
Q. How long have you worked for Peterson Farms?

A. Twenty years.
Q. What other jobs did you hold before the two you told me about?
A. Well, my -- I'll make it quicker. I'll just start at the beginning.
Q. All right. Do that. Just run through it for me.
A. I started in 1987 working in the research and development farm with our breeder department. Worked there for approximately two and a half years. And January of 1990 I started work in the purchasing department. At '96 I became the broiler manager, and have been in live production since then.
(Wherein, an off-the-record discussion was held.)
Q. Do you sit on the board of Peterson Farms?
A. No.
Q. Have you ever?
A. No.
Q. You sit on the board of Evans & Evans?
A. No.
Q. Have you ever been employed by Evans & Evans?
A. Not that I'm aware of.
Q. Okay.
A. No.
Q. Let me first go into an area which might be a little difficult because we've learned today that Evans & Evans

currently owns a lot of the birds that we're concerned about, but I want to talk to you about the kinds of houses the birds are raised in and the number of houses and where they're located and all of that. I believe I've already learned that Peterson does not presently own any of the chickens that are raised under, I guess, Evans & Evans's ownership, does it not?
A. I am not aware of that.
Q. Let me try to ask a better question than that.
For a period of time, Peterson contracted with growers to raise chickens. Correct?
A. I believe that's correct. Yes.
Q. When did that end, if it has ended?
A. I'm not aware of that.
Q. Does Peterson currently own and operate any hen houses?
A. Yes. They would be primary breeder hens.
Q. Okay. Where are those located?
A. They would be in Decatur, Arkansas.
Q. Does Peterson currently own and operate any pullet houses?
A. Yes.
Q. Where would those be?
A. Decatur, Arkansas.
Q. Does Peterson currently own and operate any broiler

houses?
A. No.
Q. Okay. Did Peterson at one time own and operate broiler houses?
A. No.
MR. McDANIEL: David, if you're just getting background, it's okay, but I'm very uncomfortable with you asking multiple witnesses the same questions. I think you're entitled to Peterson giving one answer to a question.
MR. RIGGS: Yeah. Well, I mean, I don't agree --
MR. McDANIEL: I'm not trying to impeach it internally.
MR. RIGGS: I don't -- I don't agree with that, but I do have a -- a problem with knowing what he's prepared to tell me about here, so I think I needed a little background.
Q. (Mr. Riggs continued.) Currently within the Illinois River Watershed, does Peterson own any birds?
MR. McDANIEL: And I'm going to object because Mr. Wear has clearly testified about that, and this witness is not designated on that topic.
MR. RIGGS: Okay.
Q. (Mr. Riggs continued.) Item No. 7 on Exhibit No. 1

says the number, size, and location of poultry houses or barns.
MR. McDANIEL: That's --
MR. RIGGS: I'm sorry that's 6.
MR. McDANIEL: Right.
Q. (Mr. Riggs continued.) Number 7, the number of and kind of birds raised in the Illinois River Watershed each year by you or poultry growers under contract with you, and was I given by counsel this morning a list of these items or areas of inquiry that you were designated to testify about, and No. 7's on there. And I was asking you a question about that, I believe, wasn't I?
MR. McDANIEL: No. You were asking about who owns them.
Q. (Mr. Riggs continued.) Let me hand you Exhibit 3.
(Wherein, Plaintiff's Exhibit 3 was marked.)
Exhibit 3 is a one-page document which appears to be a copy of an e-mail from someone named Jamie Burr to someone named Sherry Herron. Do you know who these people are?
A. I've heard of Sherry Herron.
Q. You've never heard of Jamie Burr?
A. No, sir.
Q. Have you ever seen this e-mail?
A. No, sir.

1 Q. It says -- the subject of this e-mail is Production
2 in IRW. Do you take IRW to mean the Illinois River
3 Watershed?
4 A. Yes.
5 Q. And the message is, "Here's what I have for houses"
6 -- "house numbers as of August." I'm assuming August 2006
7 since this is March of 2007. And it has a list of growers
8 -- I'm sorry, a list of poultry companies and then by each
9 name it has a number of houses and the percentages.
10 Do you know what this means?
11 MR. McDANIEL: I'm going to object to the
12 form.
13 A. Just looking at this, I -- I don't know exactly what
14 that percentage means, no.
15 Q. (Mr. Riggs continued.) Well, it has 168 houses by
16 Peterson's name. Do you know what that means?
17 A. Looks likes it's saying that in the IRW that we have
18 168 houses.
19 Q. Do you agree with that number?
20 A. I believe we have 163 houses.
21 Q. Okay. Would that include in both the Ill -- I'm
22 sorry, the Arkansas portion of the Illinois River
23 Watershed and the Oklahoma portion?
24 A. Yes, sir.
25 Q. And you said you didn't know what the 9.9 percent

1 meant?
2 A. I have no idea what they're referring to when they
3 wrote this.
4 Q. Do you know what BMPs is?
5 MR. McDANIEL: Are you referring to
6 something on this document, David, because it's a
7 multi-use word, so maybe you can be more specific so he
8 can answer.
9 MR. RIGGS: Okay.
10 Q. (Mr. Riggs continued.) Do you know what BMPs, Inc
11 is?
12 A. What I believe BMPs, Inc. is, is the -- the -- the
13 group or people that are trying to find revenues or -- or
14 areas to ship poultry litter to other areas out of this
15 Watershed.
16 Q. You don't know if this e-mail was relating to that
17 project in any way?
18 A. I really don't know on that.
19 Q. Your counsel has informed us through an objection
20 he's made to these depositions today that -- and I'm going
21 to quote him, "Peterson did not track the locations of the
22 contract growers' farms with regard to specific watersheds
23 until a few years ago." First of all, is that correct?
24 A. With regards to what tracking?
25 Q. I don't know. These are his words.

1 A. Okay.
2 Q. "Peterson did not track the locations of the
3 contract growers' farms with regard to specific watersheds
4 until a few years ago."
5 A. That'd be correct.
6 Q. When did you first start doing that?
7 A. I'd just be speculating, David. I don't know an
8 exact date.
9 Q. Could you estimate how long ago?
10 A. I would say probably in the very late 1999, 2000
11 area.
12 Q. Okay. You said you differ slightly with the number
13 of houses here this e-mail refers to. You said instead of
14 168 you believe currently it is 163. Can you tell me how
15 many chickens -- would those be broiler houses?
16 A. That would be total houses --
17 Q. Total houses. All right.
18 A. -- in the IRW, breeder and broiler.
19 Q. Okay. How many breeder houses?
20 A. I've got these reports, David, that y'all are going
21 to use, so I'll just tell you right now.
22 Q. Sure.
23 A. Our breeder houses are ten in the IRW.
24 Q. And how many chickens are typically in a breeder
25 house at any one time?

1 MR. McDANIEL: Object to the form.
2 A. The -- the way the capacity is stated, breeder
3 houses is 8,000 hens.
4 MR. ELROD: Eight?
5 MR. RIGGS: Eight.
6 THE WITNESS: Eight thousand, yes.
7 Q. (Mr. Riggs continued.) And a hen would stay in a
8 breeder house for a substantially longer period of time
9 than a broiler would stay in a grow house. Correct?
10 A. That's correct.
11 Q. Would a hen stay in there an entire year?
12 A. Probably 45 weeks --
13 Q. Okay.
14 A. -- is average.
15 Q. So if you had ten breeder houses of that 163 number
16 you are using, how many broiler houses would you have?
17 A. 153.
18 Q. Pardon?
19 A. 153.
20 Q. Okay. So you've got those two types only?
21 A. Yes.
22 Q. How many broilers in a typical year would be grown
23 out in one of those 153 houses?
24 MR. McDANIEL: Object to the form.
25 A. We -- that number is depending on the out time

1 between flocks and the number of birds placed, so it's --
2 you know, it's very difficult. I don't have that answer
3 for the exact number of birds grown out for one year --
4 Q. (Mr. Riggs continued.) Okay.
5 A. -- in those 153 houses.
6 Q. All right. Let me hand you Exhibit No. 4.
7 (Wherein, Plaintiff's Exhibit 4 was marked.)
8 Do you recognize Exhibit No. 4?
9 A. Yes, sir.
10 Q. What is it?
11 A. It is a six-flock history for each -- for this
12 individual grower's farm.
13 Q. Do you have an individual grower history form such
14 as this for every contract grower?
15 A. Yes.
16 Q. This appears to show the number of chicks placed
17 with the grower and the mortality percentage for that
18 growing period and the average weight per bird produced.
19 Am I right?
20 A. Yes, you are.
21 Q. And this farm, which happens to be for a period for
22 August -- from August 30th, 2003, to August 28th, 2004,
23 that would be a full year. It -- it says -- it tells you
24 how many birds and the weight of those birds that were
25 produced during that period of time by this particular

1 grower. Correct?
2 A. Yes.
3 Q. Now, would that form be for all birds raised by this
4 particular grower or just for a particular house of that
5 grower?
6 A. That's for his entire farm.
7 Q. So these individual grower history forms cover the
8 entire farm for an individual contract grower, no matter
9 how many houses he has?
10 A. Yes.
11 Q. So the company would then be able to, and maybe it
12 already has in this usual records, the annual totals for
13 all of its growers of these numbers?
14 A. We don't have any reports that a normal printout or
15 application that show the total for a year.
16 Q. Your records are computerized, I'm assuming.
17 A. Yes.
18 Q. Wouldn't there be a way you could ask your computer
19 to tell you what the totals of all these numbers are for
20 all your growers if all of these -- this -- these data
21 have been put into the computer?
22 A. I wouldn't know. I'm not much on --
23 Q. Okay.
24 A. -- computer information.
25 Q. The company knows how many birds it produces

1 annually, doesn't it?
2 A. Yes.
3 Q. Do you know what that number is for the current
4 year, or say for the immediate past year?
5 A. No.
6 Q. Do you know what the total number of birds would be
7 were produced for the immediate past year of the Illinois
8 River Watershed?
9 A. I don't know today.
10 Q. Does the company have records like that?
11 A. The records would be on individual growers, and I
12 believe y'all have those records, so the numbers are
13 available, they're just not in the form that the question
14 that you asked.
15 Q. Are you here to testify about the number of and kind
16 of birds raised in the Illinois River Watershed each year
17 by you or your growers under contract?
18 MR. McDANIEL: He is. The company's
19 designated him on that topic.
20 Q. (Mr. Riggs continued.) But you don't know the
21 answer to that question about how many, even the annual
22 total of birds?
23 A. Grown in the IRW?
24 Q. Well, first of all I asked you just the annual total
25 grown, period, anywhere.

1 A. I don't have those numbers with me, no, sir.
2 Q. Did you look for any numbers like that before coming
3 today?
4 A. No, sir.
5 MR. McDANIEL: That's not your -- you didn't
6 ask for that. You asked in the IRW and I --
7 MR. RIGGS: I'm going to get around to that.
8 Surely you're not interpreting that to mean that would be
9 outside the scope of what -- what he's here to testify
10 about, are you?
11 MR. McDANIEL: The total production for the
12 company?
13 MR. RIGGS: Yeah.
14 MR. McDANIEL: Company-wide? Yeah, I do.
15 Q. (Mr. Riggs continued.) Well, do you have the total
16 number for the Illinois River Watershed, total number of
17 birds produced by the company?
18 A. No, not today.
19 Q. Did you look for that?
20 A. No.
21 Q. Why not?
22 A. I was instructed that all that information had been
23 previously sent to the plaintiff.
24 Q. Who told you that?
25 A. Counsel.

Q. Do you know how far back the company has records of the numbers of birds it's produced over the year?
A. I don't -- I don't know that answer.
Q. Do you know when the company's records became computerized?
A. No, sir.
Q. Exhibit 4, which is the individual grower history for this particular grower for the year September -- I guess it would be ending September 8th, '04, covers the period we've talked about from August to August. Do you have forms like that for every contract grower?
A. What I have forms or what I have access to, David, that -- that data from the top corner's the day that was printed and the time.
Q. Right.
A. Whenever we print those, it shows a six, seven flock average, or however many flocks a grower has raised.
Q. Right.
A. So, you know --
Q. And that's --
A. -- I guess if you're asking me do I have access to these, that would be how I would print those out.
Q. Those are input into a computer. Right? Those numbers that we see on Exhibit 4?
A. Yes.

Q. So how hard would it be to get the total of all individual growers, if you have this much detail on an individual grower?
A. Well, it's like I said earlier, it's a matter of all these records being brought up and added up.
Q. Right. But you didn't try to do that?
A. No, sir.
Q. Did you try to do that just for the Illinois River Watershed?
A. No, sir.
Q. Why not?
A. I --
MR. McDANIEL: It's been asked and answered.
Q. (Mr. Riggs continued.) You were told not to?
A. No, I wasn't told not to.
Q. You just weren't told to do it?
A. I just was told that y'all already had these numbers, so...
Q. Well, were you shown this notice for your deposition, Exhibit 1?
A. Yes, sir.
Q. Did you read each and every one of those numbered areas of inquiry?
A. Oh, yes, I did.
Q. You know this lawsuit's about the Illinois River

Watershed, don't you?
A. Yes, I do.
Q. You didn't think that was an important part of your deposition you were going to give?
MR. McDANIEL: Objection.
A. No, it's not that I -- I just -- I misunderstood that y'all had these numbers.
Q. (Mr. Riggs continued.) Okay. What do you understand you're here to do today?
A. Give a deposition on behalf of Peterson Farms.
Q. About what?
A. On the topics that I have been designated to.
Q. Including No. 7 on the list?
A. Yes, sir.
Q. What records would you refer to, to come up with total numbers of birds raised by the company and total numbers of birds raised in the Illinois River Watershed?
A. I would probably just print off these grower -- individual grower records.
(Wherein, an off-the-record discussion was held.)
Q. (Mr. Riggs continued.) Let me hand you, Mr. Houtchens, what we've just marked Exhibit 3A to your deposition. It's a two-page exhibit. Top page says at the bottom, "Prepared by BMPs, Inc." and has a date of June 30th, 2005 on it. And at the top it says, "Poultry

Litter Productions for the Illinois River Watershed in Oklahoma." Have you ever seen this document before?
(Wherein, Plaintiff's Exhibit 3 A was marked.)
A. No, sir.
Q. It says at the top, "Number of broiler houses, 322; Total broiler litter production tons per year, 48,369," and it has numbers for hen houses and pullet houses and turkey houses.
On the second page to the exhibit it has those same totals over in the far right-hand column. Do you see that? But it has individual numbers for various poultry companies. Do you see that?
A. Yes, I do.
Q. But this is for the Oklahoma portion of the Illinois River Watershed only. Do you agree that's what it says?
A. Yes, I do.
Q. You've never seen either of these two pages --
A. No, sir.
Q. -- you're telling me?
A. No, sir.
Q. Do you have any reason to take issue with the numbers that are on these two pages with respect to Peterson Farms operations?
MR. McDANIEL: Object to the form.
A. I'd take some object to it because I don't know

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where they got these numbers, what -- what their scientific basis or data is.
Q. (Mr. Riggs continued.) You said you don't know anything much about BMPs, Inc.?
A. I just told you all I knew about BMPs was that it was a clearing house to help get litter hauls off.
Q. Do you know if Peterson's receives any money through BMPs, Inc.?
A. No, I do not.
Q. Well, let me ask you about some numbers under each of these charts on these two pages where the numbers -- or the -- the statements are made. Broiler litter estimated at 0.00136364 pounds per bird per year or 150 tons per 40 -- 40 by 400, 20,000 bird house, and it's similar numbers for breeder hen litter, pullet litter, turkey litter. Have you seen numbers like that before?
A. No, sir.
MR. McDANIEL: I object to the form.
Q. (Mr. Riggs continued.) Do you believe you understand what those statements mean?
MR. McDANIEL: Object to the form.
A. Could you clarify what statements?
Q. (Mr. Riggs continued.) Well, for example, it says that the broiler litter was calculated by attributing a certain fraction per pound per bird for a year to the

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number of birds in a particular size house. And I took this to mean that's an explanation of how these total numbers were arrived at with respect to amounts of litter. Do you have that same understanding?
MR. McDANIEL: I object to the form. There's no foundation to these questions.
A. I can do math, and based on what this is showing, I can see that's what they came up with. I don't agree with their numbers, I just see that that's --
Q. (Mr. Riggs continued.) Okay.
A. -- what you're saying is --
Q. How -- how do you not -- I'm sorry. I didn't mean to interrupt you. How do you not agree with the numbers?
A. Well, there again, you're assuming that 20,000 broilers in a 40 by 400 house is going to produce 150 tons per year. That doesn't take into account out time. It could be different density. I mean, those 20,000 birds, you might could say a little closer that if you multiply it times.001 blah, blah, blah, birds per flock, you might say what the tonnage is, but when you're figuring per year, it doesn't show how many flocks.
Q. I think there's probably an error too, don't you agree, with the fraction of pounds per year attributable to broilers? I mean, I don't believe that's correct. Would you agree?

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MR. McDANIEL: Are you testifying?
MR. RIGGS: I'm asking if he agrees with me.
A. Not necessarily.
Q. (Mr. Riggs continued.) Do you know what -- how much either manure or litter would be produced by broilers during their lifetime?
MR. McDANIEL: Object.
A. Per --
MR. McDANIEL: Object to the form.
A. I don't know how much an individual broiler produces per his life.
Q. (Mr. Riggs continued.) Have you seen any numbers about that? Have you read any articles or any studies about how much manure a broiler produces?
A. No, sir. I've never seen any numbers.
Q. Do you know of any other calculations that have been made, either within your company or any other, about the amount of poultry litter being produced in the Illinois River Watershed annually?
A. No. I'm sorry, I don't.
Q. You don't have any idea about how much poultry litter is produced annually in the Illinois River Watershed?
A. In generally over the entire IRW, I do not.
Q. In your opinion, what would be the most reliable

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source of information regarding how much manure various kinds of chickens produce per year?
MR. McDANIEL: I'm going to object to that. I think that's a technical expert question that he's not been designated in that area.
Q. (Mr. Riggs continued.) Well, who in Peterson Farms, Inc. Would know about such things as the amount of manure that birds produce, if not you?
A. What I will do -- what I would answer to that is the only way to know is you -- when you clean out a house, you'd have to use trucks with certified scales to see what the weight was.
Q. Has Peterson ever done any of that?
A. No, sir.
Q. Do you know anybody who has?
A. Cleaned out and weighed the litter?
Q. Right.
A. The only people that do that is if like through BMPs, if they haul the litter to another farm and they're paying per ton for the litter.
Q. Had Peterson ever studied the issue of how much manure its birds produce and tried to determine the volumes of manure being produced by its birds?
A. Not that I'm aware of.
Q. Does Peterson have any interest in that question?

A. Not that I'm aware of.
Q. Do you know if the production of broilers, Peterson broilers, in the Illinois River Watershed has increased over the years?
A. Could you state that again, sir? I was --
Q. Have the number of birds being -- let's say broilers, being produced by Peterson increased over the years in the Illinois River Watershed?
A. Ours -- ours has a little bit, yes, sir.
Q. Let me hand you what we've marked as Exhibit 5, and because this is a large exhibit, I didn't copy the entire thing for everybody, but I've got the first couple of pages, which is what we're going to talk about.
(Wherein, Plaintiff's Exhibit 5 was marked.)
(Wherein, an off-the-record discussion was held.)
Q. (Mr. Riggs continued.) Are you aware, Mr. Houtchens, that the -- the Illinois River has been designated a scenic river by the State of Oklahoma?
A. Yes.
Q. Are you aware that that designation also includes Flint Creek and Barren Fork Creek?
A. No, I'm not aware.
Q. What does the designation scenic river mean to you?
MR. McDANIEL: Object to the form. It's a legal -- asking for a legal conclusion. Go ahead.

MR. RIGGS: Just asking what it means to him as a non lawyer.
A. I don't know, as a non lawyer.
MR. McDANIEL: Well, the objection stands. You can answer the question. Did you answer it?
THE WITNESS: (Witness nods head.)
MR. RIGGS: He's answered it. He said he doesn't know.
Q. (Mr. Riggs continued.) Let me ask you to look at Section 1452 of the Act, which is on the second page. It says, "The Oklahoma Legislature finds that some of the free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational value of present and future benefit to the people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma. For this purpose there are hereby designated 'certain scenic river areas' to be preserved as a part of Oklahoma's diminishing resource of free-flowing rivers and streams."
Have you ever read or heard those words before?
A. No, sir.
Q. Of what significance is it to Peterson Farms that the Illinois River has been designated by law a scenic river in Oklahoma?

MR. McDANIEL: Object. It's argumentative.
A. I believe we -- we recognize that it's been designated a scenic river.
Q. (Mr. Riggs continued.) Has that fact made any difference to your company in the way it operates?
MR. McDANIEL: Object to the form.
A. No, sir.
Q. (Mr. Riggs continued.) Can you list for me any ways in which your company's operations are different in the Illinois River Watershed from other places it operates because the Illinois River was designated a scenic river?
A. No, sir.
Q. This act was passed in 1970. Has the number of chickens produced annually by Peterson in the Illinois River Watershed increased since the Illinois River Watershed was des -- Illinois River was designated a scenic river?
A. I don't know what the number of birds we produced before 1970 was.
Q. So you don't know if you produce more birds there now than in 1970?
A. No, sir.
Q. Since 1980, has the number of chickens produced by your company in the Illinois River Watershed increased or decreased?

A. I'm not sure of that, either.
Q. Since 1990, do you know whether the number of birds produced there has increased or decreased?
A. No. I don't know, sir.
Q. Since 2000, do you know if the number of birds has increased?
A. I believe it has.
Q. In the Illinois River Water --
A. (Witness nods head.)
Q. You have more birds being produced there now than -- than you did in 2000?
A. I believe so.
Q. Any idea how many more?
A. Not without looking at the number of houses before and after, so I would just be speculating.
Q. So you don't have that with you today?
A. No, sir.
Q. Or do you? Is distance from the feed mill a factor for Peterson in contracting with growers who raise chickens?
A. It's one of them, yes.
Q. Okay. What are the others?
A. Well, I would say the most important is the actual potential grower that we're talking to.
Q. Whether you -- in your judgment, that person would

be a good grower versus a not so good grower?
A. Correct. I mean, obviously, we wouldn't contract with a grower in New York City.
Q. Right. How -- what is about the greatest distance a grower -- Peterson grower could be from a feed mill -- from a Peterson feed mill?
A. I was going -- I'm pretty sure that's 50 miles radius.
Q. Is there, like, a company policy? Since you said it that way, it makes me think maybe there's sort of an unwritten policy, 50 miles would be about the maximum distance that a grower could be from a feed mill?
A. Are you asking me if there's a company policy?
Q. Yeah. Not necessarily a written policy, but is there sort of an understanding within the company, That's about as far away from our feed mills as any of our growers should be?
A. About 50 miles is as far we'd like to.
Q. Okay. Do you know where the Buffalo River is in Northwest Arkansas?
A. Fairly certain. In the general direction.
Q. Okay. Uh, the upper reaches of the Buffalo River, say from Boxley to Ponca, Ponca to Prewitt, that area of the Buffalo River?
A. I'm not really familiar with it, sir.

Q. Do you know if the Buffalo River's been designated a scenic river?
A. Yes, sir.
Q. It was the first river in Arkansas to be designated a scenic river, wasn't it?
A. I don't know.
Q. Does Peterson have any contract growers raising chickens for it in the Buffalo River Watershed?
A. No, sir.
Q. Why not?
A. I assume it's a long ways away from our feed mill.
Q. Where's your feed mill?
A. Decatur, Arkansas.
Q. You don't know of any other reason why you would have no growers in the Buffalo River Watershed?
A. Well, other than the fact that we've never been contacted by anybody to grow chickens for us over there.
Q. Since the case that was filed by the City of Tulsa against Peterson and other poultry companies regarding the Eucha Spavinaw Watershed, has the number of chickens produced by your company increased in the Illinois River Watershed?
A. No, sir.
Q. It has not?
A. No.

Q. Let's talk --
MR. RIGGS: Wait. What time you got?
MR. GARREN: 12:15.
(Wherein, an off-the-record discussion was held.)
THE VIDEOGRAPHER: The time is 12:15. We're off the record.
(Wherein, a break was taken from 12:15 to 1:24 p.m.)
THE VIDEOGRAPHER: The time is 1:24. This is the beginning of Tape 2. We're on the record.
Q. (Mr. Riggs continued.) Mr. Houtchens, we're back from a break now. I wanted to ask you a little bit about the records that your company maintains.
I believe you told me that -- that it started keeping records by watershed around 1999. Is that --
A. I'm glad you asked that, because that was the first thing I wanted to bring up was as far as keeping records or recognizing growers by location of watershed, I believe that was in 2002.
Q. 2002?
A. 2002, 2003.
Q. Okay. In what form are those records kept, those starting in 2002 coming forward, with regard to Watershed?
A. The only form that I'm aware of is the actual farm name and address and located by the number designation on the watershed.

Q. Okay. And using that record and the individual grower history, which was Exhibit 4 to the deposition, couldn't someone have produced totals, total number of birds in the Illinois River Watershed, total number of houses in the Illinois River Watershed?
A. I'd only be speculating. I -- I'm not in data processing.
Q. Well, did --
A. I'm not sure how they can do that.
MR. McDANIEL: You mean as of today? I mean, ask him a question he can answer. Today?
MR. RIGGS: Yeah.
MR. McDANIEL: Last year? Two years ago?
MR. RIGGS: He said he couldn't answer then, but I'll do it that way.
Q. (Mr. Riggs continued.) Could you do that for 2002?
A. I don't know if we can or not.
Q. Could you do it for 2003?
A. I'm not aware of it.
Q. Could you do it -- could you have done it for 2004?
A. I don't believe we have.
Q. Could you have done it for 2005?
A. No.
Q. Could you have done it for 2006?
A. No.

Q. Could you have asked someone to do that, someone in the company?
A. I suppose we could.
Q. Using the records you've said, had growers identified by watershed since 2002, and using the individual grower history which you've already testified tells how many birds in one year were produced, even the size of the birds, a lot of other information, mortality rates and other things, couldn't someone within the company have provided information which would be responsive to No. 6 and 7 on Exhibit 1, which is the list of topics you were to be prepared to testify about?
MR. McDANIEL: I object to the form. Also want to incorporate the written objections I provided you in anticipation of the deposition regarding those topics.
MR. RIGGS: Which objections in particular?
MR. McDANIEL: The ones that I pointed out regarding 6 and 7, regarding the fact that, as he's already testified here, Peterson didn't track growers by watershed in a manner that would allow that answer to be generated, yet the documents that could be used to the extent they exist are in your possession, just like they are in Peterson's possession.
Q. (Mr. Riggs continued.) Mr. Houtchens, what did you conceive your assignment to be with respect to items

numbered -- let's -- let me direct your attention back to Exhibit No. 1.
I want to read into the record Nos. 6, 7, 10 and 11. Those are areas you were designated to be the spokesman for the company on. Do you agree?
A. Yes, I agree.
Q. Okay. Number 6 says you're to testify about the number, size and location of poultry houses/barns, past and present, at your poultry growing operations within the IRW.
Number 7 says that you're to testify about the number of and kind of birds raised in the IRW each year by you or poultry growers under contract with you.
Number 10 says, "The amount of poultry waste generated during the lifetime of an individual bird specified by bird types owned by you within the IRW."
Number 11 says, "The amount of poultry waste generated by each and all of your poultry growing operations within the IRW on an annual basis."
Let's take these one at a time. What did you do to prepare to testify with regard to area No. 6?
A. For area No. 6, I produced these two forms, which show the type of growers, the square footage of theirs houses, for broilers and for breeder growers in Arkansas and Oklahoma in the Illinois River Watershed.

Q. And that is the source of the information where you said you thought the number was 163 houses in the Illinois River Watershed currently?
A. Yes, sir.
Q. Instead of 168, which was on that document we're looking at?
A. Yes, sir.
Q. I'm going to go ahead and mark these records you've brought with you today. We'll mark them both as 1B.
(Wherein, Plaintiff's Exhibit 1B was marked.)
Is 1B the only record of -- two sheets, but are those the only records you brought to the deposition today?
A. Yes, sir.
Q. Are those the only records you've consulted in order to be able to testify regarding item No. 6 on the list you were designated to testify about?
A. Yes, sir.
Q. Are those the only records you've consulted with regard to your testimony regarding No. 7?
A. Yes, sir.
Q. Aren't there people in the company who could have produced answers or information about Nos. 6 and 7 beyond what you're telling me here today?
A. I believe what I told you, David, on No. 7,

specifically on the amount or number of birds, was that I was under the understanding that all this information had already been sent to the plaintiff, and it was just a matter of the numbers are there, someone has to add them up. It's not any information that's not been made available.
Q. Are your company records regarding the number and kind of birds in watersheds kept on a computer?
MR. McDANIEL: Object to the form.
A. I don't know for sure. They may be. I'm not in data processing.
Q. (Mr. Riggs continued.) You would agree with me that with the information you have in your reach and that we've, in fact, talked about here today, specifically that -- the individual grower history and the records that we've marked as 1B here today, you could have provided us today the information we are seeking regarding No. 6?
MR. McDANIEL: Is this without any time limitation, as stated in No. 6, David? Because I've stated --
MR. RIGGS: Yeah.
MR. McDANIEL: -- an objection to you, and you didn't call to contact me about that or raise any concerns, so I'm assuming you understood how we were coming today to testify.

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Q. (Mr. Riggs continued.) Well, for what period of time could you provide that information with the data that we've discussed?
A. I'm not very sure, but I -- I'm sure you could for the -- you know, for the last year or two. But, there again -- then again, I'd only be speculating.
Q. Who would know more about that than you in your company?
A. Well, I -- I would assume Ray Wear would possibly know. He's in the office, I'm not. That may be, you know, may be something you could ask Janet Wilkerson this afternoon.
Q. Who in the company would be better prepared to give us the information sought by item No. 7?
MR. McDANIEL: Object to the form, suggesting that he's not adequately prepared.
Q. (Mr. Riggs continued.) Well, what did you do to prepare to answer No. 7?
A. Well, like I stated earlier, I was under the impression that all this information was already sent to the plaintiff in the records for each grower file for every broiler grower and breeder grower in the IRW.
Q. Are you under the impression or were you also told that we would, therefor, not have a right to talk to you about that?

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A. Could you say that again, sir?
Q. Just because we have documents, does that -- did someone tell you we wouldn't have a right to inquire of you about what's in those documents?
MR. McDANIEL: I haven't objected to your inquiry, David.
A. No, I did not.
Q. (Mr. Riggs continued.) I've marked as 1A a document which was provided us today by your counsel. Do you recognize that?
(Wherein, Plaintiff's Exhibit 1A was marked.)
A. I've not seen this before, but I -- I can read. That's all I recognize.
Q. Give me each and every number on that list there that your name is beside. Would you read into the record the numbers your name is beside?
A. Three, 4, 5, 8, 6, 7, 9, 10, 11, 12, 13, 14/15, 16/17, 18/19, 20, 21, 22, 23, 25, 31. Oh, and 34.
Q. What is your understanding about your duty with respect to each of those numbered items?
A. My understanding is that I am the corporate witness for Peterson Farms on the topics in each of these items.
Q. Okay. And those topics, do you understand, correspond to the numbered topics in Exhibit No. 1 to your deposition?

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A. Yes.
Q. Can you tell me how much time you spent preparing to testify for the company regarding those topics?
A. Approximately eight hours.
Q. What did you do during that eight hours?
A. I looked over different records, different files.
Q. What kind of records?
A. Feed formulas, the Exhibit 1B, which I've produced, different analysis, litter analysis, ingredient analysis, that type of nature of things.
Q. Okay. Anything else with regard -- which would relate to items No. 6 and 7 on the list of topics?
A. None -- none other than 1B.
Q. Are there other records kept in the company besides the one you've chosen to bring today, which would have a bearings on the subject matter of No. 6 and 7 on the list?
MR. McDANIEL: Object to the form. It's been asked and answered.
A. Again, it would be the same files that we even looked today, individual grower records, the grower's files that would, you know, show how many birds were placed, how many flocks he'd raised, how many head he sold, how much they weighed.
Q. (Mr. Riggs continued.) Is there nowhere within the company records totals of birds produced or is it all just

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left to the individual grower file?
A. The individual growers have a grower number, and that's how we recognize those files or those -- those contract growers.
Q. Are you saying no one in the company looks at total numbers by these individual growers taken together?
A. Not that I'm aware of. I haven't personally as a live production manager.
Q. The company knows how many birds it processes for the market each year, doesn't it?
A. I believe so.
Q. Does the company know, then, how many birds it processes for the market each year by watershed?
A. I don't believe we do. We have -- for our records and our analysis, we -- we look at just the overall picture.
Q. Let's look at Nos. 10 and 11 on the list of topics you were to testify about today. Number 10 says, "The amount of poultry waste generated during the lifetime of an individual bird specified by bird types owned by you within the IRW."
I think I've covered that with you, and I think you told me that you don't know. Is that correct?
A. Yes, sir.
Q. And did anyone within company have any information

about that?
A. No, sir.
Q. Number 11 says, "The amount of poultry waste generated by each and all of your poultry growing operations within the IRW on an annual basis." And to clarify that, since I believe your counsel takes issue with how we use the phrase "growing operations," I'm referring to any birds you own, regardless of where they're -- and who raises them -- where they're raised and who raises them. So we're interested in the amount of poultry waste -- waste generated by those birds in the Illinois River Watershed annually.
MR. McDANIEL: Wait just a second. Let me interpose an objection. We also object to the -- your use of the term "poultry waste." I included it in my written objections. And just for the record here, the way the plaintiffs used that term, object to was overly broad, argumentative, and -- and vague. So to avoid having to interrupt you every time you use the term, if you'll agree that that one objection will do for the deposition, I'll say it once and be done with it.
MR. RIGGS: I'll agree with that -- that you had objection to this standing objection --
MR. McDANIEL: Okay.
MR. RIGGS: -- when we use the term. Let's

go ahead and talk about that then.
Q. (Mr. Riggs continued.) Do you consider the poultry excrement -- excrement and bedding materials periodically removed from grow houses where Peterson chickens are raised and spread on the land to be waste?
MR. McDANIEL: I object to the form. That's a legal conclusion.
A. No, I do not.
Q. (Mr. Riggs continued.) You don't? Why do you not consider it to be -- excremented bedding materials to be waste?
MR. McDANIEL: I object to the form. It's a legal conclusion.
A. I feel that they have value, and they're -- they're an asset to that contract grower, so I don't believe I would consider it -- as my own opinion --
Q. (Mr. Riggs continued.) Okay.
A. -- as waste.
Q. Well, what purpose does this material, excrement and the bedding material, have -- have for value?
A. Excuse me, sir?
Q. For what purpose does it have value?
A. Well, there's several things. It can be -- you know, obviously, it can be used as an organic fertilizer, it can be burned to produce BTUs, it can be composted, it

can be bagged and used for urban fertilizer. I mean, there's -- there's other things.
Q. When the company first began entering into contracts with the growers to raise its chickens, did the company consider the poultry excrement and bedding material to have value to -- for the grower?
A. Yes.
Q. It was beneficial to them then?
A. Yes.
Q. Was that part of the consideration in -- in the contract that was entered into, and is it still today part of the consideration for the growers to enter into the contract?
MR. McDANIEL: Object to the form. It calls for a legal conclusion.
A. I don't quite follow you.
Q. (Mr. Riggs continued.) Okay.
A. Sorry about that.
Q. Okay. What do most of the growers with Peterson contracts do with the poultry excrement and bedding material removed from the houses?
MR. McDANIEL: I object to the form.
A. Well, when you say, "most," I'll just assume you mean what is the larger percentage or --
Q. (Mr. Riggs continued.) Yeah.

A. -- the majority.
Q. Right.
A. The majority of our independent growers -- well, that is hard to answer. Our growers have to follow their state-recommended nutrient management plans so depending on what that is, whether they can land apply or they have it removed or sell it to be taken to another area, another watershed where it can be land applied.
Q. Uh-huh. Do you know from your experience dealing with these growers what most of them do with it?
MR. McDANIEL: Object to the form.
A. I don't know what most of them do with it. I know the different things they do with it but not percentages.
Q. (Mr. Riggs continued.) Would you agree that a lot of them spread it on pasture land, either theirs or some pasture land nearby?
MR. McDANIEL: Object to the form.
A. Some -- I agree some do.
Q. (Mr. Riggs continued.) Would you agree that a lot do?
MR. McDANIEL: Object to the form.
A. You know, anymore I'm not -- I'm not so sure if it's even 50 percent now.
Q. (Mr. Riggs continued.) Okay. Before they were required to have nutrient management plans, or waste

1 management plans, what did most of them do with the
2 poultry excrement and bedding materials that was removed
3 from the barns?
4 MR. McDANIEL: Object to the form.
5 A. Before there was any nutrient management plans, some
6 of our -- quite a few of our farms that's just a little
7 bit smaller acreage sold their litter. But they would
8 sell it closer to home. You know, some people spread it
9 on their own property, but a lot of growers still went
10 ahead and sold it.
11 Q. (Mr. Riggs continued.) Do you have any information
12 about how far the excrement and bedding material is
13 removed from the poultry houses can be transported before
14 the cost of transportation equals or exceeds the value of
15 that material as -- for -- for spreading it on the land?
16 A. You know, I'm not into trucking. I mean, I know
17 what -- commercial fertilizer's -- is very expensive, but
18 I know fuel's expensive. But I do know we've had litters
19 taken all the way down to south Arkansas and all the way
20 over to eastern Arkansas and other areas, so it's a long
21 ways. I just don't know the exact mileage.
22 Q. In those instances you were telling me about, do you
23 know who paid for the cost of hauling it that far?
24 A. On the litter that is hauled in considerable
25 distance, it would probably be through the BMP program,

1 which, basically, is a subsidy to help cover cost.
2 Q. If -- if the grower doesn't have a subsidy and back
3 in the period of time before there was a subsidy and
4 before there were nutrient management plans, do you know
5 what most of them did with their litter?
6 MR. McDANIEL: Object to the form.
7 A. Some would spread litter on their own property, and
8 then some still sold litter to other people that wanted to
9 use the litter.
10 Q. (Mr. Riggs continued.) Do you agree that
11 transportation cost is a factor in how far this excrement
12 and bedding material can be hauled for the purpose of
13 spreading on the land?
14 A. I believe anything is economics. I mean, it comes
15 down to economics. You know, the value of the product for
16 what you're going to use it for will dictate where you
17 take it or how far you take it.
18 Q. If the hauling is not subsidized in some way, do you
19 have an opinion about how far you can haul it before the
20 cost of hauling it equals or exceeds the value?
21 MR. McDANIEL: I -- since I can't figure out
22 what topic this relates to, if you want to ask him
23 questions as a fact witness, that's fine, but I -- unless
24 you can show me where he's supposed to testify on behalf
25 of Peterson Farms related to these economic issues, then

1 -- then he won't be giving such testimony.
2 MR. RIGGS: It's -- it's not an economic
3 issue, it's what happens to waste and the industry
4 practice and your poultry contract growers' practice
5 regarding handling, storage, and spreading on land of
6 poultry waste.
7 MR. McDANIEL: All right. There's a
8 difference between a practice and the analysis you're
9 asking him. He can answer the question, but he's not
10 speaking for Peterson Farms. Go ahead.
11 A. The expense of commercial fertilizer's gone up so
12 much this year that it's made it to where it's economical
13 to haul it quite a ways.
14 Q. (Mr. Riggs continued.) Okay.
15 A. I mean, I'd be speculating if I said 200 miles, but
16 it's -- it's a long ways.
17 Q. And prior -- for most of the time the practice of
18 spreading poultry litter on land has gone on, in the
19 experience of Peterson Farms how far was it feasible to
20 haul the litter for that purpose?
21 MR. McDANIEL: Object to the form.
22 A. You're referring to when? How long ago? Just
23 recently?
24 Q. (Mr. Riggs continued.) Before --
25 A. Before --

1 Q. -- as you just said, the cost of fertilizer went so
2 high and before, as we've said in the other questions, it
3 was subsidized, the hauling, and before nutrient
4 management plans were in place.
5 MR. McDANIEL: Object to the form.
6 A. I don't really know of any exact specifics on the
7 mileage, but I do know that we had growers selling litter
8 even before we had nutrient management plans to other
9 watersheds.
10 Q. (Mr. Riggs continued.) Was that the exception or
11 the rule?
12 MR. McDANIEL: I object to the form.
13 A. It was probably the minority.
14 Q. (Mr. Riggs continued.) I have been trying not to
15 use the term poultry waste, I admit I've slipped a time or
16 two, but I want to ask you about that, since I know you
17 object to the term or your counsel has made an objection
18 to it.
19 Let me hand you Exhibit No. 6.
20 (Wherein, Plaintiff's Exhibit 6 was marked.)
21 I'll represent to you, Mr. Houtchens, that these
22 three pages are the definition section in the Oklahoma
23 Registered Poultry Feeding Operations Act. Have you ever
24 read that Act before?
25 A. No, sir.

Q. I assume, therefore, you never read the definitions section of the Act. Is that correct?
A. Yes, sir.
Q. Would you look at item No. 21 under the definition section?
MR. McDANIEL: David, tell me where you have designated a topic that would require Peterson Farms to produce a witness to provide interpretations of Oklahoma Statutes and Regulations.
MR. RIGGS: We talked about --
MR. McDANIEL: If you can't, he isn't answering the question.
MR. RIGGS: We're talking about poultry waste and your objections to the term. And he's the guy that's supposed to be talking to us about that. It's listed in here.
MR. McDANIEL: Well, it's improper for you to try to take a fact witness to create a disagreement with that witness' lawyer who's stating a legal position. And I'm not -- that's improper, and we're not going there.
Q. (Mr. Riggs continued.) Well, would you answer my question? Would you read item No. 21 into the record?
MR. McDANIEL: You can read it. Go ahead.
A. "Poultry waste means poultry excrement, poultry carcasses, feed waste, or any other waste associated with

the confinement of poultry from a poultry feeding operation."
Q. (Mr. Riggs continued.) Did you know that that was the definition under the law of poultry waste in the State of Oklahoma?
MR. McDANIEL: Object to the form. We're not answering questions from the statute.
Q. (Mr. Riggs continued.) I believe you said no. Is that right.
MR. McDANIEL: I said we're not answering the questions.
Q. (Mr. Riggs continued.) Are you not going to answer my question about whether or not you knew that was the definition of poultry waste in Oklahoma?
MR. McDANIEL: I told you we're not answering questions. I'm directing him not to answer the question. You can -- you can answer his question, and that is, whether or not you will answer his question. And then stop.
A. No.
Q. (Mr. Riggs continued.) Okay. Let me hand you Exhibit No. 7.
(Wherein, Plaintiff's Exhibit 7 was marked.)
This is a large exhibit. It has about a 150 pages in it.

Have you ever seen this exhibit before?
A. No, sir.
Q. Do you recognize the title, which is Poultry Water Quality Handbook?
A. I've not seen this before.
Q. Do you know what the Water Quality Consortium is?
A. No, sir.
Q. Have you ever heard of it?
A. Yes, sir. I've heard of it.
Q. Do you know anything about it at all?
A. No, sir.
Q. Do you know what the U.S. Poultry and Egg Association is?
A. Yes, sir.
Q. What is it?
A. I believe the U.S. Poultry and Egg Association would be a group of people with like interest or -- or like business interests and -- in poultry and egg growing.
Q. Is Peterson a member of the U.S. Poultry and Egg Association?
A. I don't know.
Q. Do you know what the purposes of the association are?
A. No, sir.
MR. ELROD: Is that Exhibit 7?

MR. McDANIEL: Yeah.
Q. (Mr. Riggs continued.) On the second page of Exhibit 7 you will see a letter which -- well, you need to -- the second page. All right. It says, "Dear Peterson Grower," and it's signed by someone name Dan Henderson. Do you know who Dan Henderson is?
A. Yes, sir.
Q. Who is he?
A. He was the former president of Peterson Farms.
Q. What period of time did he serve as president of the company?
A. I'm not sure when he started. I believe he left the company in 2001, 2000. I'm not sure.
Q. In the letter he wrote to these Peterson growers he says, "The protection of our environment and in particular our region's water supply is of great importance to Peterson Farms." Goes on to say, "It's important to Peterson Farms that they provide their growers with the most up-to-date information on water quality," and it recommends that the Poultry Water Quality handbook be used by Peterson growers as a management tool to protect the environment.
I'll give you a minute to read the letter, and I just want to ask you if that's a fair statement of what he says in the letter to the growers.

1 MR. McDANIEL: Objection. The document
2 speaks for itself.
3 A. Yes, I agree that's what it's supposed to be
4 stating.
5 Q. (Mr. Riggs continued.) Would you happen to know
6 when this handbook was first provided to the growers and
7 recommended to them that they follow it?
8 A. No, I don't.
9 Q. On page 3 of the document it says, "Preface to the
10 Second Edition." Do you see that?
11 A. Yes, sir.
12 Q. About the middle of that page it says the first
13 edition was produced in 1994, the first edition of the
14 Poultry Water Quality Handbook, 1994. Do you see that?
15 A. Yes.
16 Q. Do you recall whether or not you ever saw the first
17 edition of this Water Quality Handbook?
18 A. No, sir.
19 Q. Do you know if the company, Peterson, ever had a
20 copy of it?
21 A. I'm not sure. No.
22 Q. Do you know if any of the information contained in
23 the first edition of the Poultry Water Quality Handbook
24 was ever discussed by people in the company?
25 A. No, I don't.

1 Q. Were you ever in on any discussion of that kind?
2 A. No, sir.
3 Q. Would you turn to the very next page -- well, maybe
4 not the very next page. Let me -- page number 641. Look
5 at the bottom there. There -- there's a numbering system.
6 Could you read into the record the title of the article
7 that is -- starts on page 641 of the Poultry Water Quality
8 Handbook?
9 A. Environmental Impacts of Poultry Waste.
10 Q. Now, will you turn to page 679 of this exhibit, and
11 if you will take the time to thumb through the pages from
12 641 to 679 and look at the top, if you will, I want to ask
13 you if you would agree that all of those pages from 641 to
14 679 are devoted to the topic of Poultry Waste Management?
15 A. Yes. That's what they read.
16 Q. Okay. Do you know what the water quality consortium
17 in the U.S. Egg and Poultry Association meant by the term
18 "poultry waste" as used in this handbook?
19 A. No, sir.
20 Q. Did Peterson expect its growers to know what the
21 term "poultry waste" meant when they told the growers they
22 should follow the handbook?
23 MR. McDANIEL: Object to the form.
24 A. I don't know.
25 Q. (Mr. Riggs continued.) Well, look at page 651 of

1 the exhibit. In the right-hand column -- page 651. You
2 see the heading that says, "Kinds of Poultry Waste -
3 Manure and Litter"?
4 A. Yes.
5 Q. It says, "Livestock manure is feces and urine;
6 poultry waste is manure with added bedding or water." So
7 did Peterson, by telling its growers to read and utilize
8 this handbook, expect them to know what they meant by the
9 term "poultry waste"?
10 MR. McDANIEL: Object to the form.
11 A. It looks like here Peterson Farms is saying that
12 poultry waste is manure and bedding, whereas what I object
13 to is where you consider it with dead carcasses in it.
14 Q. (Mr. Riggs continued.) So if I use the term poultry
15 waste the way the handbook Peterson gave its growers used
16 it, would you understand what I mean?
17 A. Yes, sir.
18 MR. McDANIEL: I still object. I -- I think
19 it's a -- I think it's a legal question that counsel's
20 asserting an objection to.
21 MR. RIGGS: Counsel, it's not a legal
22 question because their own growers are expected to
23 understand it.
24 MR. McDANIEL: Well --
25 MR. RIGGS: And they're not all lawyers, I

1 don't think.
2 MR. McDANIEL: No, but it's going to be a
3 question for the court. It's not going to be resolved in
4 this deposition --
5 MR. RIGGS: All right.
6 MR. McDANIEL: -- and we're maintaining our
7 objection.
8 MR. RIGGS: Whether the witness understands
9 it. That's all I wanted to accomplish.
10 Q. (Mr. Riggs continued.) But we'll use the term, and
11 I will ask you if you would agree to give it the meaning
12 that you just told me you understand, I can --
13 A. Just as long as what we're both understanding
14 poultry waste is is manure and bedding.
15 Q. Okay.
16 A. I -- I -- that's what I will consider it being.
17 Q. On page 651, right after that part I just read, it
18 says, "The only way to know for certain its quantity,
19 concentration and composition is from lab analysis."
20 Do you agree with that statement? It's referring to
21 poultry waste, "The only way to know for certain its
22 quantity, concentration and composition is from lab
23 analysis"?
24 A. I agree with the concentration and composition. I
25 don't know about the -- how a lab can get the quantity.

Q. Okay. I think you made a good point.
Has Peterson Farms ever done a lab analysis of the poultry waste produced in the grow houses in which chickens are raised?
MR. McDANIEL: Object to the form.
A. We've never done any lab analysis. We may have sent some samples off to have it done.
Q. (Mr. Riggs continued.) Did you learn anything about what the constituents of poultry waste produced by Peterson chickens are?
MR. McDANIEL: Object to the form.
A. Yes.
Q. (Mr. Riggs continued.) What did you learn?
A. Just in general, that the poultry litter is approximately 30 percent moisture, approximately 60 pounds of nitrogen, approximately 70 pounds of phosphates, and approximately 60 pounds of pot ash.
Q. Do you, or to your knowledge has anyone at Peterson Farms, know whether or not the constituents of poultry waste produced in houses which birds are raised are on the circle of hazardous substances list?
MR. McDANIEL: Object to the form. It's a legal conclusion.
A. No idea.
Q. (Mr. Riggs continued.) Do you know if the company

has a particular concern about whether or not any of the constituents of poultry waste produced by its chickens are on the circle of hazardous substances list?
MR. McDANIEL: I object to the form. It's argumentative.
A. I do not, no.
Q. (Mr. Riggs continued.) If they did have a concern about it, would you be likely to know it?
MR. McDANIEL: Object to the form. It's argumentative.
A. I don't know if I would or not.
Q. (Mr. Riggs continued.) Okay. Well, what's your position in the company?
A. Live production manager.
Q. That wouldn't come under your area of responsibility, things of that sort?
A. The way my job is defined now, it's not. But if they needed me to be involved in it, I would.
Q. Still dealing with Exhibit No. 7, let me ask you to turn to page 629. Under the heading -- whoops. I'll give you time to get there.
A. Okay.
Q. "Pollution is Not Inevitable." The handbook says, "Poultry growers, whether their operation is consolidated or diversified, need not produce any pollution outside the

system. Pollution occurs only when litter is mismanaged for example when it is land applied in quantities that exceed plant needs, or when the ground is wet or frozen."
Do you agree with that statement?
MR. McDANIEL: Object to the form. That's a scientific question. You want to tell me where he's designated to testify about the science in this case of what pollution is or isn't?
Q. (Mr. Riggs continued.) I'm asking you if you agree with that statement I just read to you about what happens when poultry waste is mismanaged.
MR. McDANIEL: And I've asked you to identify where the plaintiff have -- have requested Peterson to prepare a witness to testify on that point.
A. It would be hard to --
MR. McDANIEL: Hold on just a second.
MR. RIGGS: Number 12, Industry Practice --
MR. McDANIEL: See, he gets to answer the next question.
THE WITNESS: Oh, okay.
MR. RIGGS: "Industry practice and your contract poultry growers practice regarding handling, storage, and spreading of land on poultry waste," for one. "Knowledge or awareness of the run-off/discharge/release of poultry waste from land." Well, that's precisely what

this is about.
Number 14, No. 15, No. 16, No. 17, No. 18, all of those cover that question.
Q. (Mr. Riggs continued.) Will you please answer it?
MR. McDANIEL: No. Hold on. Those -- those topics ask regarding practices of Peterson's contract growers awareness or knowledge of run-off, etc., from a Peterson Farm. You're asking conceptual, technical scientific questions of this witness. That's my objection. And we're not going to answer those.
MR. RIGGS: Item No. 15 doesn't refer to Peterson at all. Item No. 14 doesn't. I don't think item No. 16 or 17 does.
MR. McDANIEL: Knowledge, awareness of the run-off. We're not going to talk hypotheticals. He's not a technical expert. We're not going to do that today, David.
MR. RIGGS: Okay. Well --
MR. McDANIEL: He hasn't been qualified. Peterson doesn't have to present a technical expert, and you haven't specified a topic that would require him to give conceptual answers.
MR. RIGGS: The topics I named ask for his knowledge or awareness of what is precisely discussed in this section of the handbook they gave their growers. How

1 could that not be covered by this deposition?
2 MR. McDANIEL: No. You -- you can't rewrite
3 your topics. They're in black and white. And it says the
4 run-off --
5 MR. RIGGS: Okay.
6 MR. McDANIEL: -- discharge. You haven't
7 asked him that question. If you do, I won't object. But
8 you can't throw some broad thing out there and expect
9 someone to come in and answer technical questions from a
10 multi-page report.
11 Q. (Mr. Riggs continued.) Do you agree that pollution
12 occurs when litter is mismanaged?
13 MR. McDANIEL: Object to the form.
14 A. In what way would that be mismanaged?
15 Q. (Mr. Riggs continued.) Well --
16 A. This specifically.
17 Q. -- this gives you examples, when it's land applied
18 in quantities that exceed plant needs or when the ground
19 is wet or frozen. Under those examples.
20 MR. McDANIEL: No. We're not answering
21 those questions.
22 Q. (Mr. Riggs continued.) Do you agree that litter is
23 mismanaged if it is land applied in quantities that exceed
24 plant needs?
25 MR. McDANIEL: That's -- again, that's a

1 technical question that -- that you haven't specified in
2 your topics, so we haven't prepared someone to answer
3 those kind of questions, so...
4 MR. RIGGS: Are you directing him not to
5 answer that question?
6 MR. McDANIEL: Yes, I am.
7 Q. (Mr. Riggs continued.) Are you not going to answer
8 that question?
9 A. Under counsel's advice.
10 Q. Okay. Are you not going to answer the question I
11 asked immediately before that under the advice?
12 A. No. Under his advice I'm not going to answer.
13 MR. McDANIEL: Yes, he's not going to
14 testify.
15 MR. ELROD: This sounds likes a professional
16 hearing.
17 MR. RIGGS: Reminds me of the one -- well, I
18 won't say that.
19 Q. (Mr. Riggs continued.) The statement in the
20 handbook goes on to say, "As a result of such
21 applications, potentially contaminated substances become
22 'available' to the environment. If they also become
23 'detached' from the site, for example, by being absorbed
24 to sediments or dissolved in water, they can be
25 'transported' off site. Transport occurs when

1 contaminants in the animal waste (the unused nutrients,
2 bacteria or other elements in the litter) are released to
3 surface drainage or infiltrate beneath the soil surface in
4 groundwater recharge areas."
5 Do you agree with that statement?
6 MR. McDANIEL: It's not a designated topic
7 for this witness, plus he's told you he's not familiar
8 with the document. We're not answering that question.
9 Q. (Mr. Riggs continued.) Are you not going to answer
10 that question?
11 A. Yes.
12 Q. Did you know that bacteria are contained in poultry
13 manure?
14 A. Yes.
15 Q. For how long have you known that?
16 A. Never thought of that. I just really don't know.
17 Q. Do you know if the company is aware that bacteria
18 are contained in poultry manure?
19 A. I assume we do, yes.
20 Q. Do you know how long the company's known bacteria
21 are contained in poultry manure?
22 A. No, sir. I do not know.
23 Q. Do you know that these bacteria can run off the land
24 during rainfall, along with other constituents of poultry
25 waste which has been spread on the land?

1 MR. McDANIEL: Object to the form. I still
2 -- I -- I don't see where you've covered this by any topic
3 asking him to answer broad, general, technical questions
4 about patent transport of constituents in the environment.
5 He's not here as an expert witness.
6 MR. RIGGS: I'm not giving terms about
7 patent transport, I'm using common terms that are used in
8 the handbook, run-off from the land, and it comes under
9 No. 14, 15, 16, and 17.
10 MR. McDANIEL: Those questions don't go to
11 the run-off. You're asking conceptual questions that you
12 haven't asked us to prepare a witness for.
13 MR. RIGGS: These questions are about the
14 company's knowledge or awareness of this phenomenon of
15 these constituents running off the land where manure has
16 been land applied.
17 MR. McDANIEL: Okay. That's maybe -- you
18 could have written that topic and we could have objected
19 to --
20 MR. RIGS: It is the topic. I read it.
21 MR. McDANIEL: No. I don't see the
22 phenomenon in -- anywhere in your list of topics. You
23 can't rewrite your notice in your deposition.
24 Q. (Mr. Riggs continued.) Are you not answering my
25 question about the company's knowledge that bacteria can

1 run off the land during rainfall where poultry waste has
2 been spread?
3 MR. McDANIEL: That's -- that's so
4 hypothetical and unfair. If it was a -- if there a Ph.D.
5 sitting here I would object.
6 Q. (Mr. Riggs continued.) My question is, are you not
7 going to answer that question?
8 A. Yes.
9 Q. Did you know what I meant by the term runoff used in
10 that context?
11 A. I don't know if I can -- I can't put myself in your
12 shoes. I'm assuming that when you mean runoff, there
13 would be an occurrence where water, a sudden downpour, a
14 large rain event would wash anything down --
15 Q. Well, let's turn --
16 A. -- off of it.
17 Q. -- your poultry growers' handbook and see if it told
18 them what it is?
19 MR. McDANIEL: Object to the form. Are you
20 --
21 MR. RIGGS: The first page, 624.
22 MR. McDANIEL: Are you referring to Exhibit
23 7 as a poultry growers' handbook?
24 MR. RIGGS: Yeah.
25 MR. McDANIEL: That's what you stated for

1 the record.
2 MR. RIGGS: I'm sorry. Poultry Water
3 Quality Handbook.
4 A. What page are you on?
5 Q. (Mr. Riggs continued.) 624. Okay. Left-hand
6 column near the bottom, it says, "In the poultry industry,
7 for example, components of manure, dead birds, and
8 wastewater include nutrients that may be released to water
9 through direct discharge, excessive runoff from the land,
10 or leaching through the soil."
11 Do you understand what the term runoff means as used
12 in the handbook which your company provided your growers?
13 A. Yes.
14 Q. Let's look at page 630 of the Poultry Water Quality
15 Handbook. There it says -- if I can find the place.
16 Under the heading Nutrients and Salts, "Poultry manure is
17 a valuable nutrient for grain and fiber crops, forage
18 crops, fruit, and vegetables. However, if manure, litter,
19 dead birds, (as compost or as buried carcasses) and/or
20 wastewater are not properly protected and utilized, water
21 contamination can occur from the release of excess
22 nitrogen and phosphorus into the environment."
23 Do you agree with that statement?
24 A. Yes, I do.
25 Q. Skipping on down, it says -- it's one full paragraph

1 below that. "When nitrogen and phosphorus concentration
2 in waterbodies rise too high, algae and rooted aquatic
3 plants take over, prematurely aging and chocking the
4 waterbody and creating undesirable conditions - odors,
5 offensive taste, and discoloration - all of which can make
6 the water unfit for consumption or recreational and
7 aesthetic use. Further, these eutrophic conditions can
8 kill fish, clog water treatment plant filters and lead to
9 the growth of blue-green algae, a species that can be
10 fatal to livestock."
11 Did you know that?
12 MR. McDANIEL: Object to the form.
13 Q. (Mr. Riggs continued.) Algae.
14 MR. McDANIEL: Object to the form. My prior
15 objection. It's outside the scope of his testimony.
16 You're not going to make your technical case through this
17 witness. We're not answering that question.
18 Q. (Mr. Riggs continued.) Are you refusing to answer
19 the question?
20 A. Yes.
21 Q. Over on the right-hand column of the same page, No.
22 630, in the Water Quality Handbook, which Peterson gave to
23 its growers --
24 MR. McDANIEL: That's your testimony. This
25 witness hasn't so testified.

1 MR. RIGGS: Well, the letter -- I believe he
2 agreed he read and understood the letter from the company
3 president where he sent it to the growers and recommended
4 it to them.
5 Q. (Mr. Riggs continued.) Didn't you, Mr. Houtchens?
6 MR. McDANIEL: He said he -- he said that's
7 what the letter says.
8 Q. (Mr. Riggs continued.) Are you saying the company
9 didn't send this to the growers?
10 A. I'm saying I haven't seen it, so I don't know if we
11 have or not.
12 MR. McDANIEL: There's no foundation for
13 your statement, David. That's all.
14 Q. (Mr. Riggs continued.) Do you recognize Mr. --
15 MR. GARREN: A Peterson grower has already
16 testified previously that they had.
17 Q. (Mr. Riggs continued.) Do you know -- is it John
18 Pigeon? James.
19 MR. GARREN: James.
20 Q. (Mr. Riggs continued.) James Pigeon?
21 A. Excuse me?
22 Q. Do you know James Pigeon.
23 A. Yes, sir.
24 Q. Grower. If he said under oath in his deposition
25 that this water quality handbook was sent to him by the

1 company, would you believe him?
2 A. Yes.
3 Q. Do you know --
4 A. I'm not denying we haven't sent this out, I'm just
5 saying I --
6 Q. Okay. Because I thought your counsel was --
7 A. -- I haven't seen it.
8 Q. -- quibbling about that.
9 MR. McDANIEL: I wasn't quibbling. I'm
10 trying to keep you honest. You're making representations
11 that haven't been handled -- that haven't been addressed
12 in this deposition.
13 MR. RIGGS: Are you telling me that the
14 company didn't send this to its growers?
15 MR. McDANIEL: We're not here to deny
16 foundation. Your job is here to establish foundation.
17 MR. RIGGS: I think we have, so unless he
18 tells you not to answer them, I'm going to ask you some
19 more questions about it. Okay?
20 Q. (Mr. Riggs continued.) Let's look under the
21 right-hand column on page 630 where it says
22 "Microorganisms." Under that heading it says, "Desirable
23 and undesirable microorganisms live in our environment.
24 Animal waste is a potential source of some 150
25 disease-causing organisms or pathogens. These organisms

1 include bacteria, viruses, fungi, protozoa, and parasites.
2 Examples of undesirable microorganisms include Salmonella,
3 Cryptosporidium, Giradia, Listeria, coliform, New Castle
4 (virus) ringworm, coccidiosis, and Ascaris.
5 "When found in water or wastes, these pathogens pose
6 significant threats to humans and other animals. They can
7 infect humans and animals through drinking water, contact
8 with the skin, or consumption of fish or other aquatic
9 animals. Most pathogens die relatively quickly. However,
10 under the right conditions, they may live long enough" --
11 "they may live enough to cause problems. They may persist
12 longer in groundwater than in surface water."
13 Do you understand what the word pathogen means in
14 that context?
15 MR. McDANIEL: Object to the form.
16 A. Yes, I do.
17 THE VIDEOGRAPHER: Excuse me, Counsel. We
18 have about three minutes on the tape.
19 MR. RIGGS: Okay.
20 Q. (Mr. Riggs continued.) Do you agree with the
21 statement I just read regarding pathogens in animal waste?
22 MR. McDANIEL: Object to the form, and I
23 incorporate my prior objection. It's outside the scope of
24 his -- any designated testimony from Peterson Farms, plus
25 it's extremely compound. We're not answering that

1 question.
2 Q. (Mr. Riggs continued.) Let's go back to Exhibit No
3 1. First of all, are you not going to answer that
4 question?
5 A. Yes.
6 Q. Okay. Would you look at Exhibit No. 1 again?
7 A. I've got it.
8 Q. Would you read into the record No. 16 and 17 on
9 Exhibit No. 1?
10 A. "The environmental and human health effects/impacts
11 of run-off/discharge/release of poultry waste (or any
12 constituents thereof) from land or locations within the
13 IRW on which poultry waste generated by your poultry
14 growing operation has been stored, spread on or disposed
15 of."
16 Number 17, "The environmental and human health
17 effects/impacts of run-off/discharge/release of poultry
18 waste (or any constituents thereof) from land or locations
19 on which poultry waste has been stored, spread on or
20 disposed of."
21 Q. Can you tell me how this quote I just read and asked
22 you about would not be covered by your understanding of
23 your assignment here today?
24 MR. McDANIEL: I'm sorry. That is a
25 question for counsel. That's not a fact. The witness

1 can't answer that. That's -- that's my job, and I've
2 answered that for you.
3 Now, we've been at this for an hour and
4 you've yet to ask him the question that is listed in the
5 topic --
6 MR. RIGGS: The topic of what I've been
7 asking him about. We need to take a break. We're about
8 out of time here.
9 THE VIDEOGRAPHER: The time is 2:22. This
10 is the end of tape 2. We're off the record.
11 (Wherein, a break was taken from 2:22 to 2:36 p.m.)
12 THE VIDEOGRAPHER: The time is 2:36. This
13 is the beginning of tape 3. We're on the record.
14 Q. (Mr. Riggs continued.) Mr. Houtchens, I want to
15 direct your attention to one more reference in the Water
16 Quality Handbook that Peterson provided its growers. On
17 page 644, about the third or fourth paragraph down it
18 says, "Phosphorus." Whoops, I'll give you time to find
19 it.
20 A. Okay.
21 Q. Got it? It says, "Phosphorus-laden soil or
22 dissolved phosphorus can move via runoff into the rivers,
23 lakes and streams, where it causes excessive plant and
24 algae growth, which in turn depletes the dissolved oxygen
25 content in the water. Phosphorus-enriched waters

1 contribute to fish kills and the premature aging of the
2 waterbody. In the end, the beauty and the use of the
3 waters are seriously curtailed. Even relatively small
4 soil losses may result in significant nutrient depositions
5 in the water."
6 Do you understand how the word phosphorus is used in
7 that context?
8 MR. McDANIEL: Object to the form. I think
9 we've already stated our objections to the use of the term
10 phosphorus.
11 Q. (Mr. Riggs continued.) Do you understand how it was
12 used in that context?
13 A. Yes, I do.
14 Q. Do you understand how the word runoff is used in
15 that context?
16 MR. McDANIEL: I object to the form.
17 A. Yes, I do.
18 Q. (Mr. Riggs continued.) Do you agree with the
19 statement I just read from the Water Quality Handbook?
20 MR. McDANIEL: I'll object to the form.
21 It's outside the scope of his designation, so Peterson
22 Farms isn't going to answer that question.
23 Q. (Mr. Riggs continued.) Do you refuse to answer that
24 question?
25 A. Yes.

1 Q. Who in the company would be better able to respond
2 to that question?
3 A. I'm not aware that we have any trained specialized
4 people in the field of microbiology or soil scientists.
5 Q. Do you have any people who know anything about the
6 runoff of nutrients from poultry waste that gets in the
7 water?
8 MR. McDANIEL: Object to the form.
9 A. No, we do not.
10 Q. (Mr. Riggs continued.) Do you have anybody in the
11 company that knows more than you do about any of these
12 topics we've been referring to in the Water Quality
13 Handbook?
14 A. No, I do not.
15 MR. McDANIEL: Object to the form.
16 Q. (Mr. Riggs continued.) It goes on to say just below
17 that quote I just read, "Applying poultry waste to land at
18 rates based on supplying the nitrogen needs of grain or
19 cereal crops can lead to a phosphorus buildup in the
20 soil."
21 My question to you is can the same thing occur as
22 poultry waste is applied to pasture land where grass is
23 grown at rates based upon the nitrogen needs of grass?
24 MR. McDANIEL: Object to the form.
25 A. You know, there again, I'm not -- you know, I'm not

1 technically trained in soil scientists, that kind of
2 thing. It would be speculation --
3 Q. (Mr. Riggs continued.) Okay.
4 A. -- on my part.
5 Q. Does anyone in the company know more than you do
6 about the -- the application of poultry waste to -- to
7 pasture land in a safe way?
8 MR. McDANIEL: Object to the form.
9 A. No, there isn't.
10 Q. (Mr. Riggs continued.) In your experience, would
11 you agree that farmers are encouraged to apply poultry
12 waste to pasture lands for its nitrogen need even though
13 those soils would have no need for more phosphorus?
14 MR. McDANIEL: Object to the form.
15 A. No. We don't. Our -- our growers are using their
16 nutrient management plans, and those are written based on
17 phosphorus index -- indexes.
18 Q. (Mr. Riggs continued.) Before your nutrient
19 management plans, would you say it's been true
20 historically for farmers to apply poultry waste for
21 nitrogen needs rather than -- or even though there were no
22 phosphorus needs in that soil?
23 MR. McDANIEL: Object to the form.
24 A. You know, it was -- your know, our plan's written by
25 both states were written based on nitrogen.

1 Q. (Mr. Riggs continued.) I'm referring to the period
2 of time when Peterson was in the poultry business before
3 either state adopted nutrient management plan regulations.
4 Was it typically true of farmers to apply poultry waste
5 for nitrogen needs without regard to phosphorus needs?
6 MR. McDANIEL: Object to the form.
7 A. Like I said earlier, David, the growers applied
8 poultry litter to their pasture land, and it would be more
9 on the nitrogen needs.
10 Q. (Mr. Riggs continued.) Okay.
11 A. Because at the time we weren't -- we weren't using
12 the phosphorus on this.
13 Q. In fact, wasn't that one of the reasons it became
14 necessary to have nutrient management plans, because there
15 were so many people applying poultry waste for the
16 nitrogen needs without regard to the phosphorus buildup in
17 the soil?
18 MR. McDANIEL: Object to the form. I don't
19 see where you've asked Peterson Farm to take a position on
20 when nutrient management plans came into existence.
21 Q. (Mr. Riggs continued.) Do you have an opinion about
22 that?
23 MR. McDANIEL: He can answer it personally
24 but not as a representative of Peterson Farms, if he
25 knows.

A. I don't know why that evolved from nitrogen to phosphorus.
Q. (Mr. Riggs continued.) You don't know why it became necessary for either state to try to put into effect nutrient management plans?
MR. McDANIEL: Same objection. He's not speaking for Peterson Farms, but you can answer personally, if you know.
A. I don't know.
Q. (Mr. Riggs continued.) Does anyone at Peterson Farms know that, to your knowledge?
A. No, not that I'm aware of.
Q. Does Peterson Farms know whether or not poultry waste has been applied to land in the Illinois River Watershed for nitrogen purposes, even though it was being applied to soils which did not need more phosphorus?
MR. McDANIEL: Object to the form.
A. No, I don't believe so.
Q. (Mr. Riggs continued.) Does Peterson Farms have any interest in knowing that?
A. Yes, they would.
Q. Have you done anything to find out whether that's occurring?
MR. McDANIEL: Object to the form.
A. We --

Q. (Mr. Riggs continued.) What I'm referring to -- excuse me. What I'm referring to is the application of poultry waste to pasture land for nitrogen purposes in the Illinois River Watershed even though there is no need for the phosphorus in those soils.
MR. McDANIEL: Object to the form.
A. Peterson Farms requires our contract growers, whether they're breeder growers or broiler growers, to utilize the state's nutrient management plans so that won't happen.
Q. (Mr. Riggs continued.) Let me hand you what you we've just marked as Exhibit 8.
(Wherein, Plaintiff's Exhibit 8 was marked.)
Do you recall whether -- it's a two-page exhibit. The one -- the top page -- I believe the one you've got -- yes, is the enlargement of the actual document. The actual document is page 2, but it's not very easy to read.
So let me ask you if you have seen that document before?
A. No, I haven't.
Q. It does have Peterson Farms' name and logo on it. Do you see that?
A. Yes, I do.
Q. Do you know what part, if anything -- any Peterson Farms had in causing this document to be produced?

A. No, I don't.
Q. The third bullet point in the ad which is in the form of an open letter to Dear Citizens of Oklahoma, it says, "Reducing the amount of poultry litter applied within the watersheds by transporting more than 200,000 tons of litter to other areas over the next three years." And, of course, that's in reference to a list of things it says that these companies whose names are on this document, propose to improve the management of poultry-related nutrients that might find their way into eastern Oklahoma Scenic River Watersheds. This is one of this list of proposals.
Do you agree that that's what this document purports to do?
MR. McDANIEL: I object to the form.
MR. BOND: I object to the form, too.
A. I feel like that this letter has been written to the citizens of Oklahoma stating the areas that the poultry companies are going to be working on.
Q. (Mr. Riggs continued.) Okay. It says --
A. There is a sentence that says about the poultry-related nutrients, but it's just the one sentence in that paragraph, so I can't say for sure. I really can't agree that that's what this is all related to.
MR. McDANIEL: David. David, this is a

topic that Miss Wilkerson's prepared to talk about, as far as this ad --
MR. RIGGS: Okay.
MR. McDANIEL: -- and so forth. But if it relates to his topics, go right ahead.
MR. RIGGS: Well, my concern is -- and I hesitated to bring it up now because I know specifically she's going to talk about the ad campaigns and so on, but there are questions within this that I feel come under his topics of responsibility, so we'll --
MR. McDANIEL: Go ahead.
MR. RIGGS: We'll see.
MR. McDANIEL: Go right ahead.
Q. (Mr. Riggs continued.) Well, this says -- the industry and these companies whose names are on it, on this ad, have this voluntary proposal to improve the management of poultry-related nutrients that might find their way into the Oklahoma Scenic River Watershed. Says, "We've delivered this proposal to the Attorney General's office with our recommendations in detail. These include," so this is one of the recommendations.
Do you agree? It's No. 3. "Reducing the amount of poultry litter applied within the watersheds by transporting 200,000 tons to other areas over the next three years."