

NEWS RELEASE

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Contacts

Abigail Seiler, Center for Food Safety: 202-547-9359; pr@centerforfoodsafety.org

Avi Kramer, Public Justice: 202-797-8600; akramer@publicjustice.net

Charlie Tebbutt, Law Offices of Charles M. Tebbutt, P.C.: 541-344-3505; charlie.tebbuttlaw@gmail.com

GROUPS FILE LAWSUITS TO STOP GROUNDWATER POLLUTION FROM INDUSTRIAL DAIRIES

Citizens react to dairies' failure to change practices and regulators' wait-and-see approach

PORTLAND, OR -- Community Association for Restoration of the Environment (CARE) and the Center for Food Safety (CFS) – represented by Public Justice, P.C., Law Offices of Charles M. Tebbutt, and the Center for Food Safety – yesterday jointly filed lawsuits in federal court against four major Yakima Valley industrial dairies for violating critical environmental protection laws. The groups charged that the violations present a dangerous threat to the health of Yakima Valley's residents and to the environment. Of chief concern is the leaking and overapplied manure which causes nitrates, antibiotics, and other pollutants to enter into nearby soils and drinking water.

These lawsuits allege that the dairies are a major public health and environmental threat. A [2012 EPA study](#) showed that 20 percent of the 331 wells tested in the Yakima Valley had nitrate levels above federal drinking water standards, posing a serious danger to the more than 24,000 residents who rely on private wells for drinking water. Nitrates can cause severe health problems such as blue baby syndrome, several forms of cancer, autoimmune system dysfunction, and reproductive problems. The dairies named in today's lawsuits were subjects of EPA's study.

"Every day, in every aspect of our lives, people in the Yakima Valley are directly impacted by pollution from these industrial dairies," said Helen Reddout of CARE. "EPA's study confirmed our long-suspected fears. It is time for these operations to take responsibility and stop dumping their problems on us taxpayers to deal with."

The complaints allege violations of the Resource Conservation and Recovery Act's (RCRA) imminent and substantial endangerment and open-dumping provisions. The complaints also allege reporting violations of the two federal statutes: the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These statutes require the dairies in question to report the release of certain hazardous airborne pollutants, including ammonia, to various state and local agencies. The lawsuit seeks civil penalties against the dairies and a court order requiring the dairies to clean up the pollution and stop their illegal practices.

"Factory farm pollution turns drinking water - a basic substance we need to survive – into a silent killer," said Elisabeth Holmes, staff attorney at the Center for Food Safety. "These industrial operations pollute our air and water under the guise of agriculture. The Yakima Valley is a prime example of the CAFO problem that these lawsuits will help solve, safeguarding public health and the environment."

“Congress gave citizens the right to act to protect themselves when the regulatory agencies fail to do so,” said plaintiffs’ attorney Charlie Tebbutt of Eugene, Oregon. “Citizens have no option but to act when their families’ health is at stake.”

“Unlawful dumping of manure at industrial dairies hurts the environment, the community, and our food supply,” says Jessica Culpepper, staff attorney at Public Justice. “When these same factories do not report their toxic air emissions, the public is endangered and left in the dark and we are standing up on behalf of those harmed to change that.”

In addition to Tebbutt, Culpepper and Holmes, CARE and the Center for Food Safety are represented by Brad J. Moore of Stritmatter Kessler Whelan Coluccio, Seattle, Wash.

In October, CFS and CARE put the dairies on notice of their violations by serving them with [90-day Notice of Intent to Sue letters](#), thereby providing the factory farms with more than the statutorily-required time to take corrective action. None of the dairies rectified their practices, leaving the groups no other option but to seek court intervention.

To view the Complaints, please contact us.

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About Center for Food Safety

Center for Food Safety is a national, non-profit, membership organization founded in 1997 to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. CFS maintains offices in Washington, D.C., San Francisco, California and Portland, Oregon. More information can be found at www.centerforfoodsafety.org.

About Public Justice

Public Justice is a national public interest law firm that fights injustice and holds corporate and government wrongdoers accountable. Public Justice created the Food Safety and Health Project to hold corporations accountable for the manufacture, distribution and marketing of food and other products that endanger consumers’ safety, health and nutrition. See our website at www.publicjustice.net.

About CARE

Community Association for Restoration of the Environment (CARE) is a non-profit organization based in Outlook, Washington. CARE is a grassroots organization made up of concerned community members, whose mission is to educate people about activities that endanger the health and quality of life and to advocate for actions to protect and restore the economic, social, and environmental resources of Washington.