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Imminent Legal Action Planned Over Water Contamination Near Mountaire Chicken Processing Facility in Delaware

Press Call Announced for Today, 11am ET

As reported this morning in *The Delaware News Journal*, Indian River Bay area residents who have suffered serious harm due to the mismanagement of waste at its massive Millsboro, Del. chicken processing facility [have notified Mountaire](#) that they intend to sue following the company's refusal to take adequate actions to stop contamination of local water supplies and residential wells. The residents' letter calls on Mountaire to fix longstanding water contamination problems within the next 90 days or face legal action. **A press call will be held today at 11am ET with Gina Burton, an impacted community member and party to the suit, and attorneys at 1 (888) 862-6557; confirmation number: 46726769*.**

A significant number of wells in the communities adjacent to Mountaire's processing plant have routinely tested for nitrate contamination of 10 mg/l and above (levels deemed unsafe by state regulators), reaching contamination levels that have been proven to increase the risk of serious health risks, including "blue baby syndrome," some forms of cancer, and autoimmune system dysfunction.

Mountaire's refusal to adequately address the contamination has also had an effect on the livelihoods of local residents and their enjoyment of their homes. Mountaire's processing facility produces 2.4 million gallons of waste each day. The waste – comprised of manure, feathers, carcasses, organs, blood, dirt and massive amounts of wastewater – is stored in lagoons and then the liquid part of the waste is sprayed onto nearby disposal fields. The groundwater aquifer below the plant is the sole source of drinking water for the surrounding community. Groundwater monitoring has shown serious contamination of the water supply since at least 2000.

Gina Burton, a plaintiff who lives across a corn field from the Mountaire facility, said that her family has suffered horrible health in recent years, including the loss of her young son to asthma. "Our family is invested in this community, and we welcomed Mountaire in thinking they'd be a good neighbor. Our land is the reason they could build this huge facility."

In addition to impacted community members, plaintiffs in the suit include the national advocacy group Food & Water Watch.

The plaintiffs' notice to Mountaire precedes an expected lawsuit under the Resource Conservation and Recovery Act (RCRA), a law designed to give citizens in the vicinity of toxic facilities a means of redress when their health or safety is damaged or at risk.

"For a long time, people in this area have been waiting and pleading for Mountaire to make a true effort to make the groundwater safe. Notice to file a lawsuit under RCRA is not only now appropriate, it's absolutely essential to the health of this community," said Jessica Culpepper, a staff attorney at Public Justice, who is among those representing the plaintiffs.

If Mountaire does not adequately address the residents' concerns within 90 days, a forthcoming lawsuit will "allege that Mountaire is operating an 'open dump' in violation of the prohibitions of RCRA. The Community Plaintiffs and Food & Water Watch will seek mandatory injunctive relief requiring Mountaire to abate and/or remediate the source(s) of the endangerment to health and the environment," according to the notice letter.

Thomas Crumplar of Jacobs & Crumplar, the Delaware law firm which is representing the plaintiffs, stated that today's action "should be a clear message to Mountaire and all the other polluters that 'business as usual' must end. They will no longer be able to get away with despoiling Delaware's environment. Safe drinking water is not a privilege of a select few but is a basic right for all."

"Whether you live near capital cities or in the rural reaches of this country, all people have a right to clean water. No one should be forced to bathe in bottled water because they worry about the safety of their pregnancy," said Chris Nidel, a Washington D.C.-based environmental attorney at Nidel & Nace, PLLC, representing the Plaintiffs in the case

"Clean water is the basis for the community's health and wellbeing," said Tarah Heinzen, a staff attorney at Food & Water Watch. "Mountaire must be held accountable for its massive amounts of pollution that are contaminating drinking water, and may be leading to severe health impacts. Industrial agriculture facilities must not be allowed to run roughshod over their neighbors in pursuit of profit."

** The 11am ET press call will include community member Gina Burton; Thomas Crumplar of Jacobs & Crumplar; Jessica Culpepper, staff attorney at Public Justice; and Tarah Heinzen, a staff attorney at Food & Water Watch. **Call in number: 1 (888) 862-6557; confirmation number: 46726769.***

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