

**For Immediate Release:**

November 5, 2019

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## **State's Request to Appeal Granted in Lawsuit to Clean-Up the Raccoon River and Establish Factory Farm Moratorium**

### **Case stayed in District Court; Iowa Supreme Court will Hear the State's Appeal**

**Des Moines, Iowa** — Yesterday, the Iowa Supreme Court granted a request for an “interlocutory appeal” of a decision from Polk County District Court Judge Robert Hanson, who recently ruled that a lawsuit against the State to restore the Raccoon River could proceed to trial. The decision means that the Supreme Court will consider the state’s legal arguments to dismiss the lawsuit and decide the primary issue of whether an Iowa court has the authority to hold the state accountable for violating Iowans’ right to clean water and order the state to clean-up the Raccoon River. Yesterday’s decision also halts proceedings before Judge Robert Hanson until the Supreme Court decides the appeal.

Iowa Citizens for Community Improvement and Food & Water Watch filed the lawsuit against the State of Iowa in March because the Legislature has failed to take Iowa’s water pollution crisis seriously. The groups’ lawsuit alleges that the state has violated its obligation under the Public Trust Doctrine to protect the Raccoon River for the use and benefit of all Iowans by failing to limit the pollution running off industrial agriculture operations into the Raccoon River and its tributaries. Despite well-documented water pollution that has harmed the public’s ability to use the Raccoon River for recreation and as a source of drinking water, the state has adopted only voluntary agricultural pollution controls.

The lawsuit asks the Court to order the state to adopt a mandatory clean-plan and a moratorium on new and expanding factory farms in order to restore and protect the Raccoon River. While not part of the lawsuit, the groups also endorse technical and financial assistance to support farmers’ implementation of the mandatory plan, and measures to hold integrators like Iowa Select accountable for compliance by operations raising their animals.

The groups are represented by Public Justice, Food & Water Watch, Roxanne Conlin & Associates, and Lawyer, Lawyer, Dutton & Drake.

**In response to the news that the application for the interlocutory appeal has been granted, the groups released the following statement:**

“The Raccoon River provides drinking water for half a million Iowans, and the state is failing to limit agricultural water pollution. Voluntary half-measures to limit this pollution simply do not protect public use. Right now we’re looking at a system that props up Big Ag at the expense of Iowans—including farmers.”

“In addition to immediate remediation of the Raccoon River watershed, we need broad reforms to farm policy that increase the economic viability of independent farms, including commodity policy reform to ensure that farmers can receive a fair price for their crops and livestock.”

“This lawsuit is a wake-up call to force the state to act. Every Iowan has a right to clean water under the Public Trust Doctrine, and the state has a duty to protect that right. So far, the state has failed to protect Iowans’ right to clean water. We have faith that the Supreme Court will preserve the role of the courts in protecting the rights of Iowans.”

*Iowa Citizens for Community Improvement works to empower and unite grassroots people of all ethnic backgrounds to take control of their communities; involve them in identifying problems and needs and in taking action to address them; and be a vehicle for social, economic, and environmental justice.*

*Food & Water Watch mobilizes people to build political power to win bold and uncompromised solutions for the most pressing food, water and climate problems of our time. We work to protect our health, communities and democracy from destructive economic interests.*

*Public Justice pursues high impact lawsuits to combat social and economic injustice, protect the Earth’s sustainability, and challenge predatory corporate conduct and government abuses. The Public Justice Food Project supports rural communities, farmers, workers, and allies to fight for a just, humane, sustainable, and regenerative animal agriculture system.*

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