

CENTER FOR FOOD SAFETY

DERUYTER DAIRY FACTORY FARMS HELD IN CONTEMPT FOR CONTINUING TO POLLUTE DESPITE COURT ORDER

APRIL 15, 2020

DeRuyter Dairy Factory Farms Held in Contempt for Continuing to Pollute Despite Court Order

YAKIMA, WA: Yesterday, Judge Thomas O. Rice of the United States District Court for the Eastern District of Washington **found** two large dairy factory farms in the Lower Yakima Valley in contempt of court for violating the Court's Order to stop polluting community water. The dairy concentrated animal feeding operations (CAFO)—George DeRuyter & Sons Dairy and D&A Dairy—agreed with community groups, Community Association for Restoration of the Environment (CARE) and Center for Food Safety, in 2015 to undertake major operational and infrastructure changes to end the facilities' pollution of groundwater. That agreement, known as a Consent Decree, is signed by the federal judge and is an enforceable Court order. The order required the DeRuyter Dairies to synthetically line 13 manure storage lagoons by 2018, cease over-applying millions of gallons of liquid animal waste to their agricultural fields, remove compost from specific areas, conduct an inspection of the facilities' underground conveyance systems, and routinely provide information to the Plaintiffs in the case.

For years, the community groups attempted to work with representatives of the DeRuyter facilities to bring the dairies into compliance with the Consent Decree. After exhausting their options, the plaintiffs turned to the Court, asking Judge Rice to hold the DeRuyter Dairies in contempt for their failures to comply the Order. The Court agreed with the Plaintiffs in all respects, finding DeRuyter's significant violations of the Decree inexcusable. As the Court stated: "The only issue remaining is what sanction the Court should impose for failure to timely comply and the imposition of a future date certain to comply." A decision on appropriate sanctions is expected this summer.

"Our community's right to a safe, clean environment has once again been vindicated by the Federal Court," **said Helen Reddout, President of CARE and lead plaintiff in the underlying lawsuit.** Mrs. Reddout, a lifelong Yakima Valley resident and successful cherry farmer, has been at the forefront of combating dairy CAFO pollution in the region for three decades. "The DeRuyter dairy facilities were bound by the Court's order to stop polluting our drinking water, and they ignored it. CARE will seek appropriate action to stop the pollution."

"These mega-dairies made a deliberate choice to prioritize profits over people and the environment, but resilient regional food systems can be both profitable and healthy for communities," **said Amy van Saun, an attorney with the Center for Food Safety, a co-plaintiff in the case.** "When mega-dairy owners put the community in jeopardy it violates federal law, as Judge Rice ruled five years ago when he determined that practices like those used at the DeRuyter dairies create an imminent and substantial endangerment to health and the environment. The Center for Food Safety will continue monitoring these defendants into the future, and will ensure that any non-compliance is swiftly rectified."

Charlie Tebbutt, lead attorney representing the plaintiffs, stated: "The DeRuyter Dairies ignored their own agreement to fix the massive pollution problems at their facilities, which continue to pollute groundwater and harm human health. Based on the uncontested evidence, the Court reached the same inescapable conclusion as plaintiffs: DeRuyter severely violated the Consent Decree and must now face the consequences."

"For decades before Public Justice got involved with this coalition to represent the plaintiffs in court, Yakima Valley community members were fighting this factory dairy facility just so they could have clean water. For CARE to secure a fair and just settlement and consent decree, only for DeRuyter to choose not to implement nearly any of what it promised to do is a profound insult to its neighbors in Yakima Valley. It's clear that only severe sanctions by the court can end this nightmare for neighbors of this facility," **said Jessica Culpepper, Director of Public Justice's Food Project and co-counsel representing the plaintiffs.**

The groups are represented by the Law Offices of Charlie Tebbutt, Public Justice, Center for Food Safety, Terrell Marshall PLLC, and Stritmatter Kessler Koehler Moore.