OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

March 9, 2005

By Registered Mail, Return Receipt Requested

Aviagen, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 N. Robinson
Oklahoma City, OK 73102

Aviagen, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

Cal-Maine Farms, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

Cal-Maine Farms, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 N. Robinson
Oklahoma City, OK 73102

Cal-Maine Foods, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

Cal-Maine Foods, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 North Robinson
Oklahoma City, OK 73102

Cargill, Incorporated
c/o registered service agent
The Corporation Company
735 First National Building
120 N. Robinson
Oklahoma City, OK 73102

Cargill, Incorporated
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

Cargill Turkey Production, L.L.C.
c/o registered service agent
The Corporation Company
735 First National Building
120 North Robinson
Oklahoma City, OK 73102

Cargill Turkey Production, L.L.C.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

Cobb-Vantress, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 North Robinson
Oklahoma City, OK 73102

Cobb-Vantress, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

George's Inc.
c/o registered service agent
James M. Graves
Bassett Law Firm
221 North College Avenue
Fayetteville, AR 72701

George's Farms, Inc.
c/o registered service agent
James M. Graves
Bassett Law Firm
221 North College Avenue
Fayetteville, AR 72701

Peterson Farms, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 N. Robinson
Oklahoma City, OK 73102

Peterson Farms, Inc.
c/o registered service agent
Ray Wear
250 South Main
Decatur, AR 72722

Simmons Foods, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 N. Robinson
Oklahoma City, OK 73102

Simmons Foods, Inc.
c/o registered service agent
Mark C. Simmons
PO Box 430
Siloam Springs, AR 72761

4545 N. LINCOLN BLVD., SUITE 260, OKLAHOMA CITY, OK 73105-3498 (405) 521-4274 • FAX: (405) 528-1867

recycled paper

Exhibit "5"

Tyson Chicken, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 North Robinson
Oklahoma City, OK 73102

Tyson Chicken, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave.,Ste. 1700
Little Rock, AR 72201

Tyson Foods, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave., Ste. 1700
Little Rock, AR 72201

Tyson Poultry, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave., Ste. 1700
Little Rock, AR 72201

Tyson Poultry, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 North Robinson
Oklahoma City, OK 73102

Willow Brook Foods, Inc.
c/o registered service agent
The Corporation Company
425 W. Capitol Ave,,Ste. 1700
Little Rock, AR 72201

Willow Brook Foods, Inc.
c/o registered service agent
Frank M. Evans, III
1845 South National
Springfield, MO 65804

Willow Brook Foods, Inc.
c/o registered service agent
The Corporation Company
735 First National Building
120 North Robinson
Oklahoma City, OK 73102

* Additional addressees on page 6

Re: **Notice of Intent to File Citizen Suit Pursuant to the Solid Waste Disposal Act, 42 U.S.C. § 6972 (a)(1)(B).**

Dear Responsible Party:

Please be advised that the State of Oklahoma ("State") hereby gives ninety days notice in accordance with the citizen suit provisions of the federal Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972 ((a)(1)(B) and (b)(2)(A)) and applicable federal regulations, of its intent to file suit against Aviagen, Inc., Cal-Maine Farms, Inc., Cal-Maine Foods, Inc., Cargill, Inc., Cargill Turkey Production, LLC., Cobb-Vantress, Inc., George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc., Tyson Chicken, Inc., Tyson Foods, Inc., Tyson Poultry, Inc., and Willow Brook Foods, Inc. (hereinafter the "Poultry Integrators"). The Poultry Integrators have contributed and are continuing to contribute to the handling, storage and/or disposal of solid and/or hazardous waste in a manner that may and does present an imminent and substantial endangerment to human health and the environment in the Illinois River Watershed located in northeastern Oklahoma and northwestern Arkansas (hereinafter the "IRW").

Background

Millions of chickens and turkeys, owned by the Poultry Integrators, are raised annually on farms throughout the IRW, and include, without limitation, birds raised for food products, birds raised for egg production and birds raised for breeding and resupply purposes. These "poultry growing operations" owned by, operated by, and/or under contract with the Poultry Integrators generate hundreds of thousands of tons of poultry waste for which the Poultry Integrators are legally responsible. Poultry waste constitutes solid and/or hazardous waste pursuant to 42 U.S.C. §6903(5) and (27).

Since approximately 1980, it has been the practice of the Poultry Integrators to dispose of this waste on lands within the IRW resulting in the release of this waste and associated

Exhibit "5"

pollutants, into the soils, groundwater and surface waters of the IRW – a practice which may and does present an imminent and substantial endangerment to human health and the environment in the IRW in violation of 42 U.S.C. § 6972 (a)(1)(B) and applicable federal regulations.

The Poultry Integrators have long known that poultry waste contains a number of constituents that can and do cause harm to the environment and human health. These constituents include, but are not limited to:

(a) Phosphorus and phosphorus compounds;

(b) Nitrogen and nitrogen compounds;

(c) Arsenic and arsenic compounds;

(d) Zinc and zinc compounds;

(e) Copper and copper compounds;

(f) Hormones;

(g) Antibiotics; and

(h) Microbial pathogens.

These constituents of poultry waste have been released into the land and/or waters of the IRW by the disposal practices of the Poultry Integrators. The Poultry Integrators' waste management and disposal practices, combined with their failure to respond adequately to the continued release of poultry waste into the IRW, present an imminent and substantial endangerment to human health and the environment.

Solid Waste Disposal Act

Section 7002 of the SWDA provides that any person may commence a civil action against any person "who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment. . ." 42 U.S.C. §6972(a)(1)(B). The Poultry Integrators have contributed to the past and present handling, storage, and disposal of solid or hazardous waste that presents an imminent and substantial endangerment to human health and the environment in the IRW. The Poultry Integrators' waste management and disposal practices have caused and will continue to cause the migration of the pollutants throughout the waters and natural resources in the IRW. These conditions pose an imminent and substantial endangerment to human health and the environment.

Under the SWDA, the Poultry Integrators are responsible for the complete and prompt cleanup of all contamination resulting from the disposal and releases, as well as the State's attorney's fees and litigation expenses. The State intends to seek injunctive relief pursuant to 42 U.S.C. § 6972 (a) requiring the Poultry Integrators to immediately cease all further disposal and

releases of poultry waste in and to the IRW in violation of the SWDA, prevent further endangerment of human health and the environment by undertaking a comprehensive cleanup program, and such other relief as may be necessary to abate the imminent and substantial endangerment of human health and the environment.

Other Legal Liability

In addition to the foregoing, the State alleges that the manner in which the Poultry Integrators have disposed of and released waste for which they are responsible into the environment has resulted in violations of numerous other federal and state statutes, federal and state regulations, and common law. Accordingly, the State also intends to assert actions for additional remedies under other state, federal and common law. By notifying the Poultry Integrators of its claims under SWDA, the State does not waive, but rather reserves, its right to pursue additional claims against the Poultry Integrators under state, federal and common law at any time, including prior to the expiration of the Notice Period described herein for the SWDA claim.

SWDA Demand for Relief

Pursuant to the SWDA, the State demands that the Poultry Integrators (1) immediately cease all disposal and releases of poultry waste to the environment in violation of the SWDA; (2) immediately assess the damage to the waters and natural resources of the State caused by historical disposal and release of poultry waste; (3) develop and implement a plan for comprehensive remediation of the waters and natural resources of the State, including all sediments associated with the IRW; and (4) reimburse the State for past and future response costs, attorney's fees and costs.

The State is prepared to negotiate a prompt settlement that adequately addresses all of its claims under the SWDA. However, unless a binding settlement decree that addresses all of the State's claims under the SWDA is entered within 90 days of receipt of this letter, the State will seek an order in U.S. District Court requiring the Poultry Integrators to take all necessary measures to halt the endangerment of human health and the environment caused by the actions described in this letter. In connection with the intended litigation, the State has retained the assistance of the law firms listed below.

Sincerely,

W.A. Drew Edmondson

Oklahoma Attorney General

Exhibit "5"

Counsel for Plaintiffs:

Lloyd Landreth
Landreth Law Firm
801 East B Street
Jenks, OK 74037
(918) 296-0460

Frederick Baker
Motley Rice
P.O. Box 1792
Mt. Pleasant, SC 29465
(843) 216-9000

David Page
Miller & Keffer
222 Kenosha
Tulsa, OK 74119
(918) 743-4460

Kelly Hunter Burch
Oklahoma Office of the
Attorney General
4545 North Lincoln Blvd., Ste. 260
Oklahoma City, OK 73105
(405) 521-4274

David Riggs
Riggs, Abney, Neal, Turpen,
Orbison & Lewis
The Frisco Building
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

cc: (By Registered Mail):
Attached Service List

The Honorable Brad Henry
Governor of the State of
OklahomaGovernor's Office
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

The Honorable Mike Huckabee
Governor of the State of Arkansas
Governor's Office
State Capitol, Room 250
Little Rock, Arkansas 72201

The Honorable Alberto Gonzales,
Esq.
United States Attorney General
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Stephen L. Johnson
Adminstrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460

Richard Green
Regional Administrator
Environmental Protection Agency,
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Steve Thompson
Executive Director
Oklahoma Department of
Environmental Quality
707 N. Robinson
P.O. Box 1677
Oklahoma City, OK 73101-1677

The Honorable Terry L. Peach
Commissioner of Agriculture
2800 North Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Miles Tolbert
Oklahoma Secretary of
Environment
3800 North Classen Boulevard
Oklahoma City, OK 73118

John Elrod, Attorney for Simmons
Foods, Inc.
Conner & Winters, P.L.L.C.
100 W. Center St., Suite 200
Fayetteville, AR 72701

Timothy Jones, Attorney for Tyson
Foods, Inc.
Tyson Foods, Inc.
2210 West Oaklawn Drive
Springdale, AR 72762

A. Scott McDaniel, Attorney for
Peterson Farms, Inc.
Joyce, Paul & McDaniel, P.C.
1717 S. Boulder Ave., Ste. 200
Tulsa, OK 74119

Gary V. Weeks, Attorney for
George's, Inc.
Bassett Law Firm
PO Box 3618
Fayetteville, AR 72702

John Tucker, Attorney for Cargill,
Inc.
Rhodes, Hieronymus, Jones,
Tucker & Gable
100 West Fifth Street, Suite 400
Tulsa, OK 74121

Exhibit "5"

* Additional Addressees (by Registered Mail)

Ian Panton, CEO
Aviagen, Inc.
5015 Bradford Dr., NW, Ste. 2
Huntsville, AL 35805

Fred R. Adams, Jr., CHB-CEO
Adolphus Baker, President & COO
Cal-Main Farms, Inc.
3320 Woodrow Wilson, Ave.
Jackson, MS 39209

Fred R. Adams, Jr., CHB-CEO
Adolphus Baker, President & COO
Cal-Main Foods, Inc.
3320 Woodrow Wilson, Ave.
Jackson, MS 39209

Warren R. Staley, CHB-CEO
Gregory R. Page, COO
Cargill, Incorporated
15615 McGinty Road West
Wayzata, MN 55391

John J. O'Carroll, President
Cargill Turkey Production, LLC
151 North Main Street
Wichita, KS 67202

James Bell, President
Cobb-Vantress, Inc.
4703 Highway 412 East
Siloam Springs, AR 72761

Monty Henderson, President
Gary George, CEO
George's, Inc.
402 West Robinson Avenue
Springdale, AR 72764

Monty Henderson, President
Gary George, CEO
George's Farms, Inc.
402 West Robinson Avenue
Springdale, AR 72764

Kerry Kinion, COO
Blake Evans, CEO
Peterson Farms, Inc.
250 South Main Street
Decatur, AR 72722

Todd Simmons, President-COO
Buddy Pilgrim, CEO
Simmons Foods, Inc.
601 North Hico
Siloam Springs, AR 72761

John Tyson, CHB-CEO
Don Tyson, Principal
Richard Bond, President
Tyson Chicken, Inc.
2210 West Oaklawn Drive
Springdale, AR 72762

John Tyson, CHB-CEO
Don Tyson, Principal
Richard Bond, President
Tyson Foods, Inc.
2210 West Oaklawn Drive
Springdale, AR 72762

John Tyson, CHB-CEO
Don Tyson, Principal
Richard Bond, President
Tyson Poultry, Inc.
2210 West Oaklawn Drive
Springdale, AR 72762

Mike Briggs, President-COO
Willow Brook Foods, Inc.
405 North Jefferson Street
Springfield, MO 65806

Exhibit "5"