News Release

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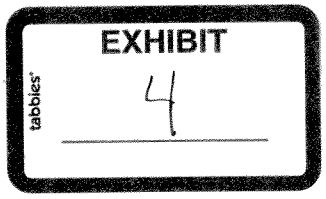

W.A. Drew Edmondson, Attorney General

AG Sues Poultry Industry for Polluting Oklahoma Waters

Citing the protection of Oklahoma lakes and streams, drinking water and public health, Attor Drew Edmondson today announced his office has filed a lawsuit against several out-of-state companies for polluting the waters of the state.

The complaint alleges violations of the federal Comprehensive Environmental Response Com Liability Act, state and federal nuisance laws, trespass and Oklahoma Environmental Quality Agriculture Codes.

"It all comes down to pollution," Edmondson said. "Too much poultry waste is being dumped ground and it ends up in the water. That's against the law. The companies own the birds as feed, medicines and other things they put in their birds. They should be responsible for mana hundreds of thousands of tons of waste that comes out of their birds."

Edmondson said that the filing of the lawsuit does not mean he has given up on mediation o

"The filing of the petition was necessary whether the end result came from an agreement or must have a petition to have a court order.

"We will defer issuance of summons," Edmondson added, "for a brief period to see if continu any promise for settlement."

Named in the complaint are Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cob Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc., and W Foods, Inc. These companies include some of the country's largest providers of chicken, turk to consumers in the United States.

The lawsuit was filed in the United States District Court for the Northern District of Oklahoma the State of Oklahoma, including the attorney general and Oklahoma Secretary of the Enviro Tolbert. The suit addresses pollution in the Illinois River watershed, which consists of more t million acres of land in Arkansas and Oklahoma. The watershed includes the Illinois River, Ba River, Caney Creek, Flint Creek, Lake Tenkiller and other minor tributaries.

The Oklahoma legislature has designated about 70 miles of the Illinois River, about 35 miles Fork River and about 12 miles of Flint Creek as scenic river areas, and Lake Tenkiller is one c most popular outdoor recreation areas.

"We are asking the court to force these companies to stop polluting and repair the damage t

already done," Edmondson said. "Clean water is our most important natural resource, not on water supply and recreation, but also for the future of agriculture, industry and tourism."

The lawsuit alleges runoff from the improper dumping and storage of poultry waste has caus causing the pollution of Oklahoma streams and lakes. In this watershed alone, the phosphor poultry waste is equivalent to the waste that would be generated by 10.7 million people, a p greater than the states of Arkansas, Kansas and Oklahoma combined.

"I understand that many hardworking Oklahomans are employed by this industry and that a industry is important to their future," Edmondson said. "I also understand that the poultry cc conduct their business in compliance with the law and remain viable - if they choose to do sc

"One company alone, Tyson, announced it was spending $75 million over 12 months in an ac they can afford that, they can afford to clean up their waste," Edmondson said.

The attorney general said the Illinois River watershed serves as the source of drinking water water supplies in eastern Oklahoma.

"We're not only talking about phosphorus," Edmondson said. "This waste contains arsenic, zi and microbial pathogens like e. coli and fecal coliform - not exactly things you want in your c water."

Edmondson, who has spent the last three years seeking a negotiated water quality agreemer poultry companies, said his attempts to reach an agreement outside the courtroom have not successful.

"It's been three years, but we still don't have an agreement," Edmondson said. "We still hop negotiated agreement, but while we sit and hope, the pollution is still occurring. Filing this su step closer to finally resolving this issue."

The attorney general has never claimed that poultry waste is the only source of pollution, jus one, and poultry waste is not the only pollutant on which Edmondson has focused. The attor assisted the secretary of environment and Oklahoma environmental agencies in finalizing an with Arkansas in December of 2003 to address municipal waste discharges.

"I know there are other sources of pollution," Edmondson said. "But, the major source of pol watershed is poultry litter. No matter how much the industry pays its public relations consult the truth is obvious. Chicken waste is the problem."

The attorney general said the state cannot allow its waterways to be used as a dump.

"The financial burden for disposing of the poultry industry's waste should not fall on the citiz Oklahoma, nor should Oklahoma allow its scenic rivers and lakes to serve as the poultry indu facility," Edmondson said. "Until the poultry companies are forced to take responsibility for s management of their waste, these practices will continue and the problems will remain."

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