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Attorney General Steve Marshall Announces \$3 Million Settlement with Tyson over Mulberry Fork Spill

(MONTGOMERY) – Attorney General Steve Marshall announced Wednesday a \$3 million State settlement with Tyson Farms, Inc. over the 2019 wastewater spill in the Mulberry Fork of the Black Warrior River.

The settlement agreement, filed in the Circuit Court of Walker County, brings an end to litigation filed by the state against Tyson in April of 2020 in which the State alleged that Tyson illegally discharged thousands of gallons of partially treated wastewater into the waters of the state in May and June of 2019.

The settlement, valued at \$3,025,000, directs money to the affected communities for specific projects and mandates that Tyson take steps to sufficiently mitigate against the possibility of future harm.

The primary provisions of the settlement are as follows:

1. Tyson will place \$1.5 million into a trust for the benefit of the affected Walker and Cullman County communities. The trust will be administered by a five-member committee of local residents to be named by the Attorney General's Office.
2. Tyson will pay restitution and a civil penalty to the State of Alabama, as prescribed by law – \$650,000 in restitution to the Alabama Department of Conservation and Natural Resources (ADCNR) and a \$350,000 civil penalty to the Alabama Department of Environmental Management (ADEM).
3. Tyson will invest \$500,000 to increase public access to the Mulberry Fork. ADCNR will oversee the use of these funds to construct up to four new public access points in Walker and Cullman Counties so that recreational paddlers and boaters can more easily enjoy the Mulberry and Sipsev Forks of the Black Warrior River.
4. Tyson will fund a \$25,000 grant to the Alabama Cooperative Extension System's Alabama Water Watch, a non-profit organization, to be used for the benefit of training citizens of Walker and Cullman Counties to monitor water quality conditions and trends of their local water bodies.



5. Tyson will take all reasonable and appropriate steps to address and remediate the causes and impacts from the 2019 wastewater spill.
6. Tyson will comply with the terms of its environmental permit and submit engineering reports to ADEM to ensure future permit compliance.

The Attorney General's Office forfeited attorneys' fees and any additional payments to the state in favor of maximizing compensation to the impacted communities.

Upon filing the settlement agreement, Attorney General Marshall remarked, "I am pleased to finally be able to tell the communities of the Mulberry and Sipsev Forks that the state has resolved this matter. Though my Office was ready to go to trial, I am convinced that this agreement prioritizes the concerns that I heard from locals and gets money into the right hands quickly."

He continued, "I am proud of my Consumer Interest Division who went to great lengths to ensure that these communities were heard and recompensed for their losses. This is another example of a Consumer Protection case done well – the money is going exactly where it ought to go – not to the state coffers or outside counsel, but to the impacted areas. My team felt this loss deeply and wanted to do right by the locals above all. "

The Attorney General thanked the Alabama Department of Conservation and Natural Resources and the Alabama Department of Environmental Management for their partnership in investigating and resolving this case. The Attorney General also thanked Senator Greg Reed, Senator Garlan Gudger, and Representative Connie Rowe for their involvement in connecting the Office to affected constituents.

Marshall concluded, "Our state's natural resources are sacred, and my Office takes very seriously our role in protecting them."

The settlement agreement takes the form of a consent decree, meaning that the Walker County Circuit Court will maintain jurisdiction over the matter, ensuring that its terms are met. The State's resolution of its case does not bar private suits against Tyson from proceeding.

A copy of the settlement may be read [here](#).