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March 15, 2026

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Nishnabotna Water Defenders File Lawsuit Against NEW Cooperative Over Catastrophic Fertilizer Spill, Citing “Grossly Inadequate” State Enforcement

RED OAK, IA — The Nishnabotna Water Defenders (“NWD”), a grassroots organization formed in the wake of one of the largest environmental disasters in Iowa’s history, announced today that they have filed a lawsuit against NEW Cooperative, Inc., an Iowa-based cooperative with nearly \$3 billion in annual revenue. The petition, filed in Iowa District Court for Montgomery County, seeks to hold the cooperative fully accountable for the March 2024 release of 265,000 gallons of liquid nitrogen fertilizer into the East Nishnabotna River, an event that decimated aquatic and other wildlife across over fifty miles of Iowa and Missouri waterways.

The legal action comes after a state settlement was widely panned as a “sweetheart deal,” totaling only \$100,000 in penalties and supplemental project funding—a fraction of the environmental and economic damage caused when a tank valve was left open for an entire weekend.

“The scale of this disaster is almost beyond comprehension, yet the state’s response has been a mere slap on the wrist,” said Attorney James C. Larew, of Iowa City, one of the attorneys representing NWD. “By allowing hundreds of thousands of gallons of toxic urea ammonium nitrate to flow unchecked into our public waters, NEW Cooperative committed an egregious violation of the Clean Water Act and state law. The state’s failure to enforce meaningful penalties not only insults the local community but sends a dangerous message to every corporate polluter in Iowa: that destroying a river is simply the low cost of doing business. In these cases, unfortunately, private citizens, acting as individuals or through their membership groups, must do for themselves and each other that which our governmental agencies should be doing—but, too often, are failing to do.”

The lawsuit highlights that the spill killed over 750,000 fish, as well as countless frogs, snakes, mussels, birds, and animals, effectively turning a 50-mile stretch of the East Nishnabotna, Nishnabotna, and Missouri Rivers into a “dead zone.”

Attorney Carrie La Seur, co-counsel on the case, emphasized the broader legal implications regarding Iowa’s natural resources. “This case is about more than just one spill. It is about the public trust doctrine, which holds state lands and waters in trust for the people of Iowa,” La Seur said. “Iowa’s navigable waters are not private sewers for industrial accidents. The state has a fiduciary duty to protect these public resources for the benefit of all Iowans. When the state abdicates its duty, the people must step in. This lawsuit is a necessary assertion that the public’s right to clean, living water is superior to any corporation’s right to be careless.”

The Nishnabotna Water Defenders seek full restitution for the value of the lost natural resources, the implementation of mandatory containment barriers and remote shutoff technology at all

NEW Cooperative's agricultural chemical storage sites, and new state permitting of these facilities, to ensure ongoing compliance.

Terry Langan, Co-President of NWD, summarized the reason for the lawsuit: "Local citizens are being deprived of the full use and enjoyment of what should be a public recreational asset and a source of clean water for personal and business uses: our rivers. The massive pollution event caused by NEW Cooperative—followed by ineffective enforcement of our water pollution laws by Iowa's Department of Natural Resources and Iowa Attorney General Brenna Bird make it imperative the citizens act to fill the gap that is harming the quality of the lives of those who live and work in Southwest Iowa. This lawsuit fits squarely within NWD's clean water advocacy purpose."

About Nishnabotna Water Defenders: Nishnabotna Water Defenders is a community-led organization, with a membership approaching 200 persons. The organization is dedicated to monitoring water quality and advocating for the health of the Nishnabotna Watershed. Formed by concerned residents of Southwest Iowa, the group works to ensure that local waterways remain safe for recreation, drinking, and wildlife for generations to come.

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