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## Cabot Creamery pleads guilty to chemical spill

Tuesday November 27, 2007

**John Dillon**

*Montpelier, Vt.*

(Host) The Cabot Creamery has agreed to plead guilty to violating the Clean Water Act after an ammonia spill two years ago killed thousands of fish in the Winooski River.

The Creamery will pay a \$50,000 dollar fine, and another \$50,000 to fund environmental projects.

VPR's John Dillon reports:

(Dillon) It took just a few gallons of ammonia spilled from an industrial refrigerator to wipe out almost seven miles of the upper Winooski.

The chemical flowed downstream, littering the river from Cabot through Marshfield Village with dead fish. Also killed were the macro-invertebrates – the bug life that fish need to eat.

The state launched an environmental enforcement action, but the case was later taken over by the federal Environmental Protection Agency. Late Monday, Cabot agreed to plead guilty to a criminal misdemeanor violation of the U.S. Clean Water Act.

*(MacDonald) We have employees that I don't think if you took them out in the parking lot and flogged them would feel worse about what happened.*

(Dillon) Roberta MacDonald is a Cabot senior vice president. She says Cabot takes full responsibility for the fish kill. It will pay a \$50,000 fine, and has agreed to other measures to make sure the river is not harmed again.

*(MacDonald) We signed an agreement that says we will prove or show how we train people and make them aware of the environmental consequences of the material we handle. We will do more than what we've done before. We will do more than what is expected.*

(Dillon) But this wasn't Cabot's first ammonia spill. In 1983, a similar accident with ammonia also damaged several miles of river, according to the U.S. Attorney's office.

As part of a civil settlement with the state in the 1983 case, Cabot promised to train its employees to prevent future spills. But the federal prosecutor says those procedures were not followed in 2005 when the latest accident occurred.

Assistant U.S. Attorney Barbara Masterson said the company was charged with a misdemeanor because the spill occurred due to negligence -- not from an intentional act. A Cabot worker twice drained ammonia into a drum and failed to notice that it was overflowing.

Environmental activists followed the Cabot case closely. Anthony Iarrapino is a lawyer with the Conservation Law Foundation. He says the federal government is

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*the environmental laws that protect our water.*

(Dillon) But Sal Spinosa, the director of environmental enforcement, says the criticism is misplaced.

*(Spinosa) That strikes me as a poor piece of analysis... The feds got this case because they asked for it. We were pursuing the case at the time, we did the investigation initially and we were prepared to bring it to conclusion through our own means and we weren't reluctant to do it.*

(Dillon) Spinosa says the Agency of Natural Resources doesn't do criminal prosecution of environmental violations.

Meanwhile, the upper Winooski is slowly recovering from the chemical spill. A state fisheries biologist says some brook trout have returned to the area around Cabot, but that mature brown trout are still missing from sections in Marshfield.

For VPR News, I'm John Dillon in Montpelier.

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