

Sixth seed company sues AltEn; Bayer alleges owners mishandled insurance claim

[Chris Dunker](#) Mar 3, 2022 **Lincoln Journal Star**

A sixth agricultural industry giant has sued AltEn in federal court, alleging the practices of the ethanol plant near Mead violated an agreement that pesticide-treated seed would be handled properly.

Bayer sued AltEn and several other companies owned by Tanner Shaw in U.S. District Court on Wednesday, including Mead Cattle, which sold to a Texas feed yard operator last year.

The third federal lawsuit against the now defunct ethanol plant comes a week after the other five members of the AltEn Facility Response Group -- Syngenta, Corteva, AgReliant, Beck's Superior Hybrids and Winfield Solutions -- also sued.

A spokeswoman for Bayer told the Journal Star the company opted to take "any legal action they believe is appropriate on their own timeline."

Bayer's complaint [reiterates many of the claims made by the lawsuits filed by the other members of the response group](#) that AltEn violated its agreement with Bayer, which it paid \$25 per ton for discard seed.

The complaint also sheds more light on Bayer's interactions with the company, particularly after a frozen pipe burst on a 4 million-gallon tank at AltEn in February 2021, releasing a slurry of manure and pesticide-contaminated byproducts downstream.

Bayer, according to a spokeswoman and the lawsuit, "dedicated significant resources to the emergency cleanup."

After arriving on site at the request of both the Nebraska Department of Environment and Energy as well as the Environmental Protection Agency, Bayer's role expanded from a consult role to leading the cleanup.

Court documents indicate Bayer spent \$1.5 million to draw down the levels in overflowing lagoons and to create new berms to control storm water runoff.

In March 2021, Bayer requested AltEn notify its insurance carrier of its claims for work done -- the agreement obligated AltEn to carry \$2 million in general liability insurance and \$1 million in excess coverage -- but says AltEn "misrepresented that it, not Bayer, had paid for the February and March 2021 expenses."

The seed industry giant also accused AltEn of interfering with the insurance carrier's attempts to investigate and resolve the claim.

An attorney for AltEn declined to comment.

