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August 28, 2026

Willems for Iowa
P.O. Box 151
Mt. Vernon, IA 52314
press@natewillems.com

Re: Ad regarding POET and Jeff Broin published by the Willems for Iowa Campaign

To the Willems for Iowa Campaign:

My firm has been retained as litigation counsel for POET. This letter concerns an ad titled "Shell Rock" published by the Willems for Iowa Campaign (the "Campaign") on or around August 24, 2026 (the "Ad").[1] The Ad discusses a POET facility near Shell Rock, Iowa and Mr. Broin. The Ad has been broadcast on several channels since August 24, including KCRG, KGAN, and KWWL in Cedar Rapids, Iowa and WHO, WOI, KDSM, and KCCI in Des Moines, Iowa. The Campaign also published the Ad and additional statements regarding POET and Mr. Broin on its website at https://www.natewillems.com/policy/holding-polluters-accountable (the "Website"). As this letter will show, the statements regarding POET in the Ad and on the Website are false and defamatory and highly damaging to my client's reputation. The Ad and Website must be retracted.

The Ad contains numerous false and defamatory statements and implications about my client. The Ad features an anonymous mom from Shell Rock, Iowa discussing a nearby POET facility. The anonymous mom claims that POET's facility had "been releasing poison into the air for years" and that nearby residents had been "breathing in cancer-causing toxins." The speaker next claims that the current Attorney General of Iowa, Brenna Bird, "refused to go after [POET]" and "then she took $100,000 from [POET's] CEO." The Ad dramatically concludes with the speaker wondering "am I going to live long enough to care for my daughter" before endorsing Mr. Willems. POET is not identified by name in the Ad, but it is clear to viewers which facility the Ad is discussing. The Ad includes citations to news articles where POET is identified by name. Further, residents of Shell Rock, Iowa (a town with a population of approximately 1,250 people with few large businesses), and people in Iowa generally, know that POET has a facility near Shell Rock, Iowa. Additionally, viewers understand, or can easily look up, that Mr. Broin is the CEO of POET. The Ad does not need to mention POET by name to identify the targets of its false and defamatory statements.

The Campaign doubled down on its false and defamatory attacks on my client by republishing the Ad on the Website. The Website includes additional false and defamatory statements about POET and Mr. Broin. The Website states, "In Shell Rock, Iowa, an ethanol plant

[1] Available on YouTube at https://www.youtube.com/watch?v=k_v_6JDXEMY.

released cancer-causing toxins into the air for three years. The company knew. The families living next to it were kept in the dark." The Website also states that "[w]hen the case reached the attorney general's office, Brenna Bird refused to seek additional penalties. Afterward, the company's CEO poured $100,000 into her re-election campaign." Each of these statements and implications is false and defamatory.

Here is the truth regarding POET's facility near Shell Rock, Iowa. In the Summer of 2021, POET acquired multiple facilities, including the one outside of Shell Rock, Iowa. In August 2023, POET identified an emissions problem in the protein process tanks in another POET facility. POET voluntarily tested if the same problem was happening in the protein process tanks at the Shell Rock plant and POET determined that its protein process was likely experiencing the same issue. The issue was one that POET inherited from the facilities' previous owner. POET ***immediately*** shut down the protein process, self-reported the issue, and fixed the emissions issue. POET ultimately entered a consent order with the Iowa Department of Natural Resources related to the emissions problem, dated July 5, 2024, and paid the maximum statutory fine in Iowa. POET used a third party to test the pollutants in the emissions at the Shell Rock, Iowa facility. The third party tested within the protein process tanks where the emissions originated. This testing was done on a highly concentrated sample of the pollutants; in reality, the emission included pollutants at a far less concentrated level by venting into the atmosphere. Even at that high concentration, third party testing revealed that the pollutant amount was ***not dangerous and well below what is recognized as posing a public health risk***. Again, in reality, the actual emissions from the pipe released pollutants at far lower concentrations, posing even less of a risk to public health. In the interest of transparency and building trust with the Shell Rock community, POET hosted a town hall in Shell Rock to discuss the results.

All the information I've shared with you is publicly available. Prior to publishing the Ad, the Campaign should have reviewed this information. Instead, the Campaign ignored publicly available information to attack a political opponent, unconcerned that the Ad would damage my client. Both the Ad and the Website omit crucial, public information regarding POET, its facility near Shell Rock, Iowa, and Mr. Broin. The omissions change the story. Without this information, a viewer's takeaway from the Ad is that POET knowingly concealed information about dangerous emissions from the public and bribed a state official to avoid any penalties. That implication, which was intentionally made by the Campaign, is 100% false.

First, the Ad and the Website omit that third-party testing of the emissions—conducted within the pipe at their highest possible concentration—showed that pollutant levels were well below recognized thresholds for public health risk. Specifically, the acetaldehyde concentration measured 110 ppm inside the protein tank pipe, below OSHA's 8-hour personal exposure limit of 200 ppm and below the EPA no-observed-adverse-effect level limit of 273 mg/m^3. Second, the Ad and the Website omit that in the three years since the emissions issue was identified and remediated there has been no evidence that any Shell Rock resident has suffered any health injury. This is unsurprising given the testing data described above. Third, the Ad and the Website omit that there was no basis for the Attorney General of Iowa to "go after" POET: POET inherited the emissions issue when it acquired the facility from a prior owner, identified the problem after being notified by a sister facility, immediately shut down the affected protein process tanks, voluntarily self-reported the issue to the Iowa Department of Natural Resources, and promptly remediated it, all

without any resulting danger to the public. POET settled the issue with the Iowa Department of Natural Resources, acting with its delegated authority under the federal Clean Air Act. The Iowa Department of Natural Resources decided not to refer the matter to the Iowa Attorney General. Finally, the Ad and Website omit that Mr. Broin's political contributions to Attorney General Bird are publicly reported and unconnected to the incident or Consent Decree. Public records reveal that Mr. Broin made contributions to Attorney General Bird's campaign, and many other campaigns, on a regular basis. None of Mr. Broin's contributions to Attorney General Bird's campaign correspond to any decision made by the Attorney General Office—nor could they because the Iowa Department of National Resources decided not to refer the matter to the Office.

By omitting these facts, the Campaign has intentionally created the false impression that POET's CEO paid a bribe to the Attorney General of Iowa in exchange for her agreement not to prosecute POET—a serious criminal offense. This implication is defamatory *per se. Huegerich v. IBP, Inc.*, 547 N.W.2d 216, 221 (Iowa 1996) ("To accuse a person of an indictable crime is defamation *per se*."); *Rees v. O'Malley*, 461 N.W.2d 833, 836 (Iowa 1990) (upholding lower court's ruling that statement accusing plaintiff of committing extortion "constituted slander *per se*"). Iowa recognizes that defamatory implications are as actionable as affirmative statements, "[o]therwise, by a careful choice of words in juxtaposition of statements in a publication, a potential defendant may make statements that are true yet just as damaging as if they were actually false." *Stevens v. Iowa Newspapers, Inc.*, 728 N.W.2d 823, 828 (Iowa 2007) (finding plaintiff submitted sufficient evidence as to falsity of statement's implication to survive summary judgment). Here, the implications of the Ad and the Website are false and defamatory *per se*.

POET welcomes robust debate by political candidates on matters of public concern, including environmental policy. However, this does not give political candidates and campaigns license to make false statements. There is no immunity from defamation liability in the context of a political advertisement. A political campaign does not enjoy a privilege to publish false statements of fact about private parties or private companies in paid advertising. "Political advertisements are constitutionally protected to no greater and no lesser extent than other forms of speech." *Chicago Joint Bd., Amalgamated Clothing Workers of Am., AFL-CIO Chicago Tribune Co.*, 307 F.Supp. 422, 429 (N.D. Ill. 1969). Numerous courts have found that false and defamatory statements in political ads can be the basis for defamation claims. *E.g.*, *Bertrand v. Mullin*, 846 N.W.2d 884, 890 (Iowa 2014) (allowing defamation claim based on statements made in political ad to go to the jury); *Tirio v. Dalton*, 2019 IL App (2d) 181019, ¶ 33 (finding defamation claim based on statements in political flyer "adequately set forth claims of defamation per se"). Iowa law does not allow the Campaign to make POET a casualty of a political fight through defamatory advertising that falsely accuses its CEO of criminal conduct and falsely accuses the company of endangering public health.

Of course, the defamatory conduct here is far more alarming because your candidate is seeking the highest legal office in the State of Iowa. It is improper for anyone to publish false and defamatory statements but even more so for someone who wants voters to trust him to enforce the law. A candidate for Attorney General—the State's chief law-enforcement officer—should not make false criminal accusations against private parties in paid advertising or lie to the public about health risks. Someone who falsely implies criminal conduct and public endangerment cannot be

trusted with the responsibility of making actual legal determinations and exercising prosecutorial discretion for Iowa's citizens.

Further, it is concerning that a candidate running, in part, on a platform of addressing pollution and public health risks demonstrates a fundamental inability to understand the basic science regarding those very issues. The data from the Shell Rock facility, publicly shared at the town hall, shows no public health risk. A candidate who wishes to be entrusted with pursuing genuine environmental dangers must demonstrate the ability to read and interpret basic scientific data, not exploit fear by omitting material facts and lying to the public about test results. It is equally concerning that this candidate would go after a private company that, when it learned of potential pollution and public health risk, did everything right. POET immediately addressed the problem it inherited, self-reported, and remediated the problem, all while cooperating with the Iowa state government. Someone who is trusted by voters to serve as the Attorney General of Iowa, should want more companies to act just as POET did—self-identify problems, self-report those problems, and fix them immediately.

Finally, the lack of diligence on the part of the Campaign is alarming. The Campaign intentionally ran an advertisement attacking POET and its CEO. But the Campaign never reached out to POET or Mr. Broin to learn the truth. That is irresponsible for any publisher and especially for someone who wants to be the Attorney General of Iowa. The voters should not trust someone who does not bother to investigate and learn the truth with an Office that depends on investigating and learning the truth. If the Campaign's conduct with respect to the publication of the advertisement is an indication of how your candidate plans to conduct himself while in Office, the citizens of Iowa should be concerned. The subject of the Campaign's hit piece was not even contacted by the Campaign to learn the truth. Not only is that evidence of "actual malice" for purposes of a defamation claim, but it says everything voters need to know about your candidate's commitment to due diligence and hearing from the other side.

The false claims and implications in the Ad and the Website have already damaged POET and Mr. Broin. As you are aware, POET has numerous facilities throughout Iowa and relies on its good reputation to hire workers for its plants, purchase supplies from local farmers, and make a positive impact on the community. As CEO of the company, Mr. Broin's reputation necessarily reflects on POET. Mr. Broin has strived to build and maintain a good reputation in Iowa and surrounding states. My client relies on its positive reputation to run POET's business. False narratives about endangering the health of local residents and bribing government officials are incredibly damaging to my client's reputation and endanger POET's business and financial condition.

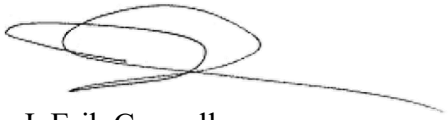
To prevent further damage to POET and Mr. Broin, we demand that the Campaign retract the Ad, the Website, and any republications (including by social media) entirely and immediately. In conjunction with the retraction, we further demand that the Campaign issue an apology to POET and Mr. Broin for the false claims and implications made in the Ad and on the Website. **Please confirm by 10:00 a.m. Central Time on August 31, 2026, that the Campaign will be retracting the Ad and the Website and issuing an apology to POET and Mr. Broin.** My client reserves all its legal rights and remedies, including the right to pursue a defamation claim against the Campaign. Accordingly, please confirm that you will preserve all potentially relevant documents,

information, and communications, including emails, text messages, chat correspondence, and instant messages, regarding this article and my client, and suspend all destruction protocols related to these documents, information, and communications.

Please direct further communications to my attention. I look forward to working with you to resolve this situation.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP



J. Erik Connolly

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