

Environmental Lawsuit Against McDonald's Corp. Dismissed for Lack of Standing

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The U.S. District Court for the Northern District of Illinois recently issued [an opinion in *Gencarelli v. McDonald's Corp.*](#) that dismissed a lawsuit against McDonald's alleging environmental violations. Plaintiff alleged that McDonald's harms the environment because its food packaging contains chemicals that harm the environment when they are discarded by customers. Plaintiff also alleged that this harm violated the Safe Drinking Water Act, the Toxic Substances Control Act, and the National Environmental Policy Act.

The Court dismissed the lawsuit for two reasons. First, the Court found that the National Environmental Policy Act does not have a citizen-suit provision and, therefore, NEPA does not allow non-governmental plaintiffs to file lawsuits for violations of that particular statute.

Second, the Court ruled that "Plaintiff does not have standing to sue under any of these laws because what he alleges is a generalized grievance." For a proper federal lawsuit to move forward, the U.S. Constitution requires a showing of "concrete injury in fact, causation, and redressibility." Further, "prudential principles of standing bar suits where the asserted harm is a general grievance shared by a large group of citizens." Because Plaintiff did not allege that he was individually harmed by the alleged environmental violations, the Court dismissed the lawsuit.

This case is an interesting example of a typical environmental problem--plaintiffs must have standing to bring a lawsuit. However, many plaintiffs are not harmed individually and

instead are outraged by some general environmental problem. Those type of lawsuits, however, are usually dismissed by federal courts.

Stay tuned to the [Illinois Environmental Law Blog](#) for more news and developments. To set up a free initial consultation to discuss your legal matter, please contact Chicago environmental attorney [Dave Scriven-Young](#) at (312) 239-9722 or dscriven-young@pecklaw.com.