Water Utilities Share $105M Herbicide Settlement

DAVID PITT & JIM SUHR, Associated Press

ST. LOUIS (AP) — More than 1,000 communities that have spent millions of dollars over many years filtering a common agricultural herbicide out of their drinking water are welcoming their shares of a $105 million settlement with the weed-killer's maker.

The varying payouts end more than nine years of wrangling in a class-action lawsuit over Syngenta's atrazine, which widely was used for decades by corn farmers to kill grasses and broadleaf weeds. Research has shown runoff after rainstorms can wash the chemical into streams and rivers, where it can enter drinking water supplies.

The lawsuit claimed atrazine exposure could lead to health problems such as low birth weights, birth defects and reproductive problems. The company has countered that no one ever has or ever could be exposed to enough atrazine in water to affect their health.

Swiss-based Syngenta said it agreed to the settlement, approved in October by a federal judge in southern Illinois, "to end the business uncertainty" and avoid

further legal costs. The company denied any liability or wrongdoing linked to the chemical, which it will continue to sell.

The settlement money will go to community water systems that serve more than 37 million Americans, mostly in farming states. While some consider it "free money," others said it's only a pittance compared with what they've spent dealing with atrazine.

In Des Moines, Iowa, "this nearly $66,000 certainly doesn't in our view represent a windfall by any means or does it even begin to represent the cost" of years of ridding drinking water of the chemical, said Bill Stowe, chief executive of the city's water supplier.

Community water systems from at least a half-dozen states — Illinois, Iowa, Indiana, Kansas, Missouri and Ohio — sued Syngenta for reimbursement of the cost of dealing with atrazine.

The amounts eligible water systems get depend on the levels and frequency of atrazine contamination they experienced, as well as the population each served. Plaintiffs' attorneys in the case have said some 1,887 community water systems serving more than 52 million Americans were eligible to make a claim, though only 1,085 did.

The payments range from $5,000 to a few million, with $3.1 million going to Columbus, Ohio, in what appears to be the biggest sum sent to a single city. Illinois received $15 million to be shared by 143 water districts. Some 73 Iowa cities and water suppliers will share $3.5 million, with an average payout of roughly $50,000.

Paul Minehart, a spokesman for Syngenta's North American operations, called the settlement "old news" and said in an emailed response to an Associated Press request for comment that "we have no more to add."

Atrazine, while not barred in the U.S., has been regulated by the Environmental Protection Agency since 1992 in terms of the maximum level of the chemical may be found in drinking water and still be considered safe. In areas where contamination is an issue, utilities often use carbon filtration systems to remove it from the water.

Syngenta has said the chemical is sold in more than 60 countries, including the U.S., since 1959.

Recipients may spend the settlement payouts as they wish, much as states did with hundreds of billions of dollars from a 1998 tobacco settlement.

"Basically it's almost like free money," said Mike Heffernan, who manages the Ottumwa (Iowa) Water Works and Hydro operation. Given that that water provider had to spend far more than the $54,776 it received in the settlement to clear atrazine from the drinking water it draws from the Des Moines River, the settlement "is kind of like getting a refund on that."

His utility hasn't decided how to spend the money, but in many cases recipients said they planned to put the money into their budgets' general funds for various expenses.

In Holiday Shores, Ill., just northeast of St. Louis, trustees of the community's sanitary district plan to use the bulk of its $266,565 payment to pay off recently installed solar panels powering the administration building and water-treatment plant. The rest will go into district reserves, as officials look to replace two aging vehicles.

In Evansville, Ind., utilities director Allen Mounts said the city "was very pleased" to put its $374,000 take into the water department's general fund, which helps cover operation of the filtration plant that draws drinking water from the Ohio River.

As a provider of water in southern Iowa and northern Missouri, Rathbun Regional Water Association is mulling what to do with its check for just over $330,000, chief executive officer John Glenn said. The money could be used to replace the carbon filters that take atrazine out of the water the association draws from 11,000-acre Rathbun Lake.

"It's nice to have," Glenn said of the payout. "It's not going to make a big difference in our operation in any way. But we're happy to get it."

As part of the settlement, the plaintiffs' attorneys will share roughly $35 million in fees.

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Pitt reported from Des Moines, Iowa. Associated Press writer Ken Kusmer contributed to this report from Indianapolis.

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