Exxon Mobil Executive Calls MTBE 'Outstanding'

LYNNE TUOHY,Associated Press

CONCORD, N.H. (AP) — A former Exxon Mobil marketing analyst on Tuesday defended his company's use of the gasoline additive MTBE, saying during a pollution trial that it was an outstanding blending component to replace lead and reduce smog.

Retired analyst Victor Dugan testified on the second day of the defense's case in a lawsuit brought by the state of New Hampshire. The state is seeking hundreds of millions in damages to monitor and treat groundwater contaminated by MTBE.

Exxon Mobil Corp. is the sole remaining defendant of 26 the state named in its lawsuit filed a decade ago. Other defendants have reached settlement deals with the state.

Dugan says Exxon Mobil delayed using MTBE as a gasoline additive to study its health and environmental impacts. He said some company executives criticized his study committee for taking so long and reducing Exxon Mobil's competitive edge in the marketplace.

Dugan said the study committee in June 1985 recommended using MTBE, or methyl tertiary butyl ether, saying the environmental risks were manageable. He testified that the committee's final report included concerns raised by former Exxon Mobil engineer Barbara Mickelson, including that MTBE would move farther and faster if leaked into water supplies and be more costly and difficult to remediate.

"We wanted management to be fully aware of all the concerns raised," Dugan said.

Dugan said they rejected using methanol as being too hazardous, with as little as a teaspoonful capable of causing blindness. Ethanol was ruled out, he said, because it could cause vapor lock in car engines and some auto manufacturers were warning consumers that they would not honor warranties if the car owner used gasoline with ethanol.

The state claims MTBE is a defective product and that Exxon Mobil failed to warn state officials about potential adverse effects.

Over the state's objections, Dugan testified Tuesday that Mickelson shared her concerns with EPA officials.

Attorney Jessica Grant, representing the state, told Superior Court Judge Peter Fauver that Exxon Mobil's lawyers "are trying to mislead this jury into thinking they were candid with the EPA when they weren't." Fauver allowed defense attorney David Lender to ask whether Mickelson shared her findings with the EPA but would not permit Dugan to elaborate.

The trial began Jan. 14 and is expected to run well into April.

While other lawsuits have been brought by municipalities, water districts or individual well owners, New Hampshire is the only state to have reached the trial stage in a lawsuit over MTBE. Most cases filed in the past decade have ended in settlements. New York City in 2009 won a $106 million federal jury verdict against Exxon Mobil for MTBE contamination of city wells; that verdict has been appealed.

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