

180 Kansas Water Systems Receive \$7,933,390.83 in Atrazine Settlement Case

A total of 180 cities and RWDs in Kansas have received checks totaling \$7,933,390.83 from the nationwide settlement of two class action lawsuits involving atrazine. Atrazine is a widely used herbicide to control weeds in corn and sorghum. A total of 283 water systems in Kansas were on the “potential claims list”.

The lawsuits were against Syngenta Crop Protection and Syngenta AC, the world’s largest manufacturer of atrazine. Syngenta is based in Switzerland. The St. Louis law firm of Korein Tillery and the Dallas firm of Baron & Rudd represented the water systems since 2004. The total amount of the settlement was \$105 million, however according to the law firms, claimants only filed for an amount between \$64 and \$65 million. The amount of the claims was determined by the systems’ history of atrazine detections.

In early August 2012, KRWA requested the law firm of Stumbo Hanson to provide a review of the case as KRWA was asked to support claimants in filing. Attorney Quentin Kurtz summarized the class action case as follows: “In order to qualify the systems needed to have a 'Qualifying Test Result' showing a 'Measurable Concentration' of atrazine. A 'Qualifying Test Result' is a result of analytical testing of the Class

Member’s Water performed during the 'Class Period', using any state or federal agency-approved analytical method. A Measurable Concentration of atrazine is a concentration equal to or greater than the limit of the quantitation of the analytical method used. The Class Period is 'without time limit as to the past, and ending on August 28, 2012.'”

Following consultation with Kansas Corn Growers Association and learning of their support by water systems to file claims, KRWA also encouraged water systems to file.

Out of nearly 2,000 potential claims nationwide, settlement claims were approved for 1,085 water systems. This means that nearly 50 percent of the eligible systems did not file. The majority of the total claimants were from the midwestern states where atrazine use is highest. While some news reports state that the funds are

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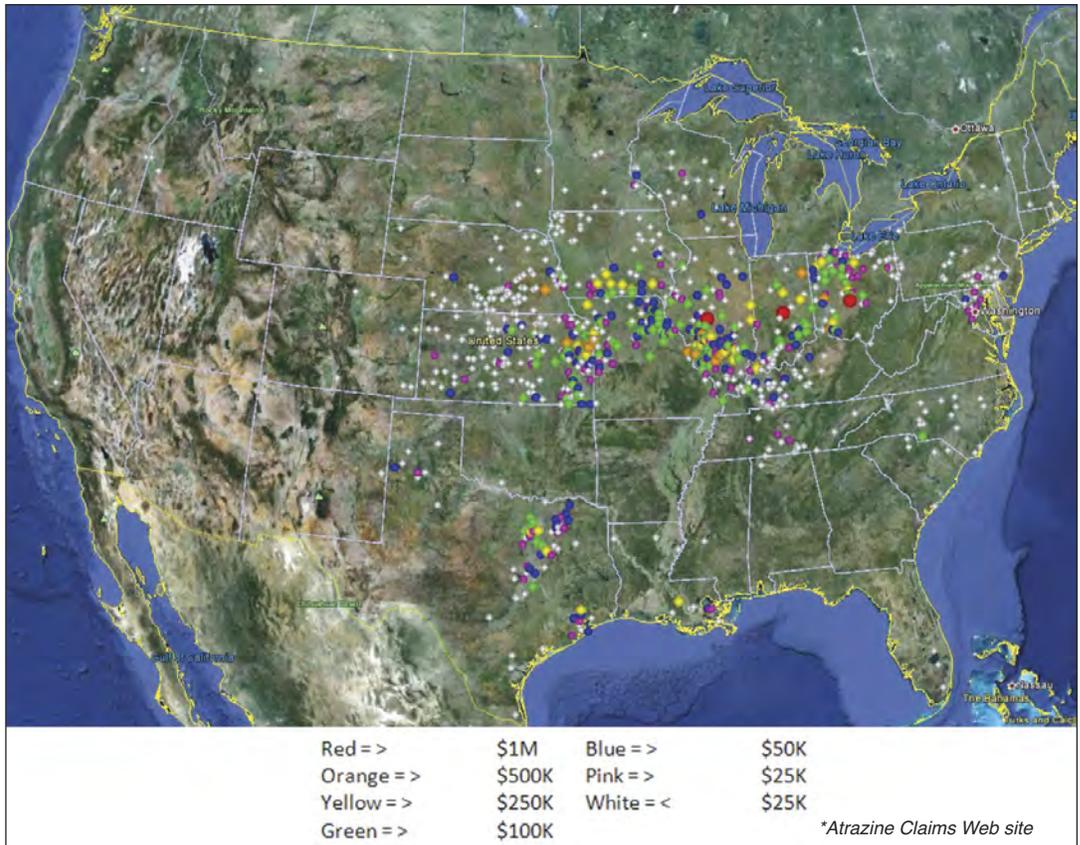
to compensate systems for the cost of removing atrazine from their drinking water, how the funds are used is left up to the discretion of the local water systems.

In a prepared news release that came with the settlement to the systems, it was stated that an estimated 80 million pounds of atrazine are sprayed on corn and other row crops each year, “much of which runs off into rivers and streams supplying drinking water to community water systems”.

In checking with KDHE, only a handful of systems in Kansas had violations of the maximum contaminant level for atrazine however, there have been numerous detections in drinking water supplies. No water system in Kansas is out of compliance with the atrazine standard of 3 parts per million as a four quarter running average.

The highest amount of award in Kansas was \$662,866.73. There were 26 awards in excess of \$100,000. There were 18 awards that ranged between \$50,000 and \$100,000. Fourteen awards were between \$25,000 and \$50,000. There were 20 awards between \$10,000 and \$25,000. The remainder of the awards in Kansas was less than \$10,000 with the lowest award being \$5,015.77.

The case is City of Greenville, et al., v. Syngenta Crop Protection, Inc. and Syngenta Ag, Case No.: 3: 10-cv-00188, JPG-PMF in the United States District Court for the Southern District of Illinois.



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