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CLASS ACTIONS PROTECT OUR DRINKING WATER

Congress has enacted important federal laws to protect our drinking water.¹ However, today's underfunded environmental agencies cannot protect us from every irresponsible business that contaminates our drinking water. Private enforcement of pollution laws through litigation and class actions have been critical not only to remedy past and prevent future environmental violations, but also to compensate those who have been harmed.

The following are two examples of recent class action settlements that have held accountable drinking water polluters and provided important relief to those harmed. They are contained in CJ&D's extensive class action compilation, *First Class Relief*.²

City of Greenville, et al., v. Syngenta Crop Protection, Inc., and Syngenta AG, (2012), Case No. 310-sv-0018-JPG-PMF (S.D. Ill.)

Syngenta settled with approximately 1,930 Community Water Systems, which provide water to more than 2.3 million people, for injury to their property rights. Syngenta manufactures atrazine, an herbicide that contaminated all of the plaintiffs' water systems. The plaintiffs had to test, monitor, filter and remove the herbicide. Syngenta settled for \$105 million, which was distributed to the class based on the levels of contamination they suffered.³

Class of Fuller Heights Residents v. CSX Transportation Inc.; KC Industries and Land O' Lakes Purina Feed LLC, (2011), Case No. 2007CA-006859-0000-00 (Fla. Cir. Ct.)

KC Industries, CSX Transportation Inc. and Land O' Lakes Purina settled with a class of residents of the Fuller Heights community in Florida. The companies' chemicals poisoned the community groundwater causing numerous medical issues, including higher rates of cancer. KC Industries filed for bankruptcy and settled separately for \$1.6 million. The remaining parties settled for \$2 million, with each resident expected to receive about \$18,000.⁴

NOTES

¹ See, e.g., the Safe Drinking Water Act, <http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm>

² <http://centerjd.org/content/first-class-relief-how-class-actions-benefit-those-who-are-injured-defrauded-and-violated>

³ Motion for Final Approval of Proposed Settlement, *City of Greenville vs. Syngenta Crop Protection, Inc., and Syngenta AG*, Case No.:310-sv-0018-JPG-PMF (October 16, 2012).

⁴ 2011 WL 1562181 (Cir. Ct. Fla.) (Verdict and Settlement Summary).