

WORD FROM WASHINGTON



Should The Public Pay For The Oil Industry's Mistake?

by Scott Summy

(NAPSA)—An ill-conceived provision to an energy bill may be fueling a threat to the safety and welfare of U.S. taxpayers.

As I write this, the so-called Fuels Safe Harbor provision of the energy bill is being considered by Congress. This provision would grant products liability immunity



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to the manufacturers of methyl tertiary-butyl ether (MTBE), a gasoline additive contaminating an alarming number of public and private drinking water supplies nationwide. It might be law by the time you read this.

If enacted, the provision will shift the burden of an estimated \$29 billion in clean-up costs to taxpayers, municipalities, water providers, and private well owners across the country.

The problem dates to the late 1970s, when gasoline refiners discovered that they could create a gasoline additive to boost octane, which helped to reduce the “knocking” of auto engines.

In the 1990s, MTBE became widely used as the oxygenate of choice for oil companies over other available and safer alternatives due to its lower cost.

MTBE can render water undrinkable due to its foul, turpentine-like odor and taste. The EPA has concluded that it is an animal carcinogen and a potential human carcinogen.



It is estimated that over 500 public drinking-water wells are contaminated with MTBE, a gasoline additive. Treating the problem may cost billions of dollars nationwide.

It enters water supplies primarily from leaking underground gasoline storage tanks at gas stations. Because it is extremely soluble, it spreads more quickly than other constituents of gasoline, making it costly and difficult to remediate.

And the problem is widespread: it is estimated that over 500 public drinking-water wells and 45,000 private wells throughout the country are contaminated. MTBE is now banned in 17 states.

As early as the 1980s, oil companies were aware of the threat posed by MTBE. For example, an internal Exxon document from 1984 estimated that the number of well contamination incidents would triple following the widespread introduction of MTBE into its gasoline.

The immunity provision the oil companies are lobbying for would set a dangerous precedent on several grounds. It would seriously impede efforts by municipalities and water authorities to protect public drinking water supplies from the harmful effects of MTBE contamination.

Also, it would shift the burden of clean-up costs to municipalities and, ultimately, to taxpayers. In an era where the shortage of fresh water is widely recognized among world leaders as the major ecological problem of our time, such a burden shift is sorely misguided.

The United States Conference of Mayors and a coalition of 14 states attorneys general publicly oppose the provision, as do such groups as the American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Water Companies, the National League of Cities, Association of California Water Agencies and the National Rural Water Association.

The courts, not Congress, are the proper forum for deciding whether a harmful product is “defective in design or manufacture.” Congress should not shift the burden of this industry-created environmental crisis to cities and taxpayers.

To let your elected officials in Congress know you oppose the Fuels Safe Harbor provision, visit www.house.gov and www.senate.gov.

Attorney Scott Summy heads the water litigation section of the Dallas, Texas-based law firm of Baron & Budd, P.C.