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Water District Sees Carcinogens at the Tap

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SAN FRANCISCO (CN) - Dow Chemical, Shell Oil and others polluted the public water system with carcinogenic trichloropropane for decades, a Kern County community services district claims in court.

The East Niles Community Services District serves parts of unincorporated Kern County, rural farmland outside of Bakersfield, and parts of Bakersfield itself.

It claims that the community's drinking water is contaminated with highly toxic TCP, a byproduct of the manufacturing of soil fumigants used to kill tiny worms that infest plant roots.

These products were mainly manufactured from 1940 to the late 1980s, but the land continues to suffer its effects, the district says in its March 30 complaint in Superior Court.

"Communities should not have to choose between affordable water and clean water. They have the right to both," plaintiff's attorney Todd Robins said in an interview. "These cases are about making sure the parties who cause the pollution pay for the cleanup, and not the ratepayers."

The California Office of Environmental Health Hazard Assessment's public health goal for TCP in drinking water is .0007 parts per billion. But this is not an enforceable standard, and the State Water Resources Control Board's drinking water division is developing a "maximum contaminant level" for TCP, according to the lawsuit.

Robins has taken on Dow Chemical and other chemical giants in a number of similar cases, including a 2012 challenge from nearby Tulare County over TCP levels in its municipal water wells.

The California cities of Ceres, Hughson, Manteca, Kingsburg, Reedley, Oildale and many others have filed lawsuits over TCP levels in recent years.

According to East Niles' complaint, the chemical companies knew of the dangers of TCP, but hid it from the public and "instructed users to apply products containing TCP to agricultural fields, where these defendants knew or should have known that TCP would contaminate groundwater."

The district says the TCP migrated through the groundwater and is polluting water pumped from some of its wells. TCP is known to cause liver and kidney damage, blood disorders and cancer in animals.

"The manufacturers of TCP had a duty and breached their duty to evaluate and test such products adequately and thoroughly to determine their environmental fate and transport characteristics and potential human health and environmental impacts before they produced and sold such products. They also had a duty and breached their duty to minimize the environmental harm caused by TCP," the water district says. "The manufacturer defendants failed to adequately evaluate and test their TCP products, or otherwise ensure that TCP would not contaminate drinking water."

Dow Chemical did not respond to a request for comment.

East Niles demands that the chemical companies pay for removing TCP from its water supply, and "exemplary damages sufficient to punish defendants Dow and Shell."

It is represented by Todd Robins with Robins Borghei in San Francisco.

Defendants include Occidental Chemical Corp., J.R. Simplot Co., and others.

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