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Shell fined $22m for drinking water contamination

BY REBECCA TRAGER | 9 JANUARY 2017

Jury rules in favour of US city of Clovis over 1,2,3-trichloropropane contamination, while rejecting punitive damages

Shell Oil, the US subsidiary of Royal Dutch Shell, will pay about $22 million (£18 million) to the California city of Clovis after unsafe levels of 1,2,3-trichloropropane (TCP) contaminated the city's drinking water, a jury has determined.

Last month, the jury agreed that city residents were harmed by the chemical, which the state of California recognises as a human carcinogen. This is the first time that a jury has found in favour of a community suing over 1,2,3-trichloropropane contamination.

During the trial, Clovis argued that Shell did not warn the public even though it knew about the health risks when it designed fumigants containing the chemical that were injected into local wells. The jury rejected claims of malice, and declined to award any punitive damages.

'There is no evidence to justify [malice],' Shell said in a statement. 'Whether we will appeal the other findings in the jury verdict is a matter for another day,' the company added.

'The $22 million is what the jury determined it would cost to install and operate carbon treatment facilities at seven contaminated wells in Clovis,' explains Todd Robins, one of the lead plaintiffs' lawyers in coordinated California TCP products liability litigation, which involves or has involved approximately 40 similar cases by water suppliers against Shell and Dow Chemical.

‘This case does not necessarily set a binding precedent, but it does signal that juries in the Central Valley of California, where TCP contamination of groundwater is widespread, are likely to agree in similar cases that Shell’s fumigant was defective,’ Robins tells *Chemistry World.* He says the case suggests that TCP shouldn’t be in people’s drinking water, and that the responsible parties should bear the cost of cleaning it up, rather than the ratepayers of these water systems.