Agriculture industry sees lawsuit as first of many

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McPherson County — A class-action lawsuit filed last week in a southern Illinois court is threatening to change a long-standing Kansas farming practice.

The suit, organized and filed by a Texas law firm, represents nearly 100 cities, counties and water systems—including 16 water systems in Kansas—that feel their drinking water has been compromised by farmers' use of one of the most common herbicides, atrazine.

Atrazine levels in many of the cities involved in the lawsuit, including Hillsboro, do not and have never exceeded federal limits. But the plaintiffs contend even small levels of exposure to the herbicide, over long periods of time, can have negative consequences. And cities participating in the suit have been told they will bear no financial burden for the lawsuit. The plaintiffs are asking for a total of up to $5 million to use to rid their water supplies of atrazine.

Proven Effects

The suit, filed against atrazine producer Syngenta, focuses on the herbicide’s effect on public water sources. The suit cites studies that link atrazine ingestion to long-term health conditions. The studies have not been proven conclusive but case attorneys believe they show probable cause for concern. Atrazine levels in many of the cities involved in the lawsuit, including Hillsboro, do not and have never exceeded federal limits. From 1995 to 2007, atrazine levels in Hillsboro’s water measured between 0.8 parts-per-billion and 1.2 parts-per-billion, well below the allowable levels. But Hillsboro city administrator Larry Paine said he believes taking part in the lawsuit can only benefit the city.

“Anything we can do to remove atrazine would be a good thing for customers,” Paine said of signing on to the suit. But the plaintiffs contend even small levels of exposure to the herbicide, over long periods of time, can have negative consequences. And cities participating in the suit have been told they will bear no financial burden for the lawsuit. The plaintiffs are asking for a total of up to $5 million to use to rid their water supplies of atrazine.

Fighting Back

Kansas Corn Growers Association executive director Jere White said the city’s willingness to join such a lawsuit is a cause for concern.

“What concerns me is that these city councils only heard one-sided information provided by the Texas law firm of Baron and Budd, which will reportedly collect a third of any winnings of the lawsuit,” White said. “Why not also get information from experts that don’t have a monetary interest, like Kansas Department of Health and Environment or EPA?”

Schulte said she is perplexed at the logic of cities, like Hillsboro, that have joined the suit but have no record of atrazine levels exceeding federal limits. And fears that the “because it sounds good” mentality will lead to other lawsuits aiming to change farming practices. Many law firms leading the charge on class-action suits are linked to well-funded activist groups that have a goal of change, and eliminating, many farming and ranching practices.

“Their agenda is not just atrazine,” Schulte said of the activists groups behind the lawsuit. But agricultural activists groups are putting up their own fight. Members of the McPherson County Farm Bureau board sent letters to the government bodies of each of the county’s cities to ask them, if contacted by the law firm behind the suit, to consider both sides of the issue.

A large coalition of agriculture groups have written EPA administrator Lisa Jackson asking her to consider atrazine’s impact on the agricultural community during the panel reviews of the herbicide.

“We want to set the record straight on the agriculture community’s broad support of this very effective herbicide that has been used by farmers for more than 50 years,” White said in the group’s appeal to Jackson. “Atrazine is used on more than one-half of all U.S. corn and two-thirds of sorghum. It is one of the primary elements that make American agriculture so phenomenally productive. Every EPA Administration since the EPA was founded — Republican and Democrat — has endorsed atrazine’s safety and that is why we join together to pledge our support and confidence in this product.”

An earlier study conducted by the EPA showed that without atrazine, U.S. farmers would lose $28 per-acre in yield declines which would amount to nearly $2 billion is loses from declines in yields nation-wide.

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