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Herbicide suit has survived 7 judges; lawyer estimates \$400M a year is spent removing it from drinking water

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Seven years after water districts filed suit against the makers of a farm herbicide, the class-action lawsuit is still mired in legal machinations in Madison County.

The Holiday Shores Sanitary District was one of 13 public water districts to file suit against Syngenta, maker of the popular herbicide atrazine, in 2004. Atrazine is used on most corn and grain sorghum grown in the United States, but allegedly costs water districts millions of dollars for its removal from drinking water.

Attorney Steve Tillery has argued that the water districts only want Syngenta to help with the costs of filtration.

"We're not asking for it to be banned, just asking for them to pay for it instead of the taxpayers," he said.

Tillery said they have estimated about \$400 million a year is spent on filtering atrazine from drinking water.

But the suit has been tied up with depositions taken in Europe, arguing over discovery motions and approximately four million pages of documents. The suit, currently on the docket of Madison County Circuit Judge Bill Mudge, has survived through seven judges.

The latest round included Tillery accusing Syngenta attorneys of defying a previous judge's order for production of documents, as the defense argued that they were prohibited from doing so by Swiss law, where the documents currently are archived.

"I'm concerned about how long this is taking," Mudge told the attorneys. But the next hearing will decide whether Syngenta should be sanctioned in the ongoing war over document production.

Tillery said he has requested documents around the work of a Chicago professor who was allegedly hired to create fake press releases and research supporting atrazine.

"(Tillery) likes to engage in a lot of histrionics about discovery," said Syngenta's attorney, Kurtis Reeg. "In this case, we have produced four million pages of documents.

"There will be no settlement in this case," Reeg said. "We will defend this product."

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