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DuPont settles suit over claims chemical tainted drinking water around Salem County plant

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By **Phil Dunn / Today's Sunbeam**

PENNSVILLE TWP. — A preliminary \$8.3 million settlement has been reached in a class action lawsuit involving a group of Salem County residents and the DuPont Chambers Works over claims a chemical from the plant has tainted local drinking water.



The DuPont Co. has agreed to a settlement of a class action suit claiming a chemical from its Chambers Works tainted local drinking water.

The initial settlement, still needing approval by the United States District Court in Camden, stems from complaints in the suit that local drinking water contained an unhealthy level of perfluorooctanoic acid, or PFOA, a substance that purportedly came from DuPont Chamber Works facility here.

Perfluorooctanoic acid, known as PFOA, was used for years by the DuPont Co. in the manufacture of compounds for non-stick surfaces such as Teflon.

A spokesman for DuPont Chambers Works, Dan Turner, said DuPont, and attorneys for those filing the suit have reached an agreement in principle to settle the class action lawsuit and individual claims related over the PFOA issue.

Turner said the total class settlement is \$8.3 million.

"Pending approval, the settlement funds will be used to provide each household in the class with an option to elect a water filter system or the cash equivalent," said Turner.

Approval of the settlement will release DuPont from liability without an admission of wrongdoing.

DuPont believes the litigation is without merit.

Only certain county residents are eligible for the water filter system.

They include those who have a private well within a two-mile radius of DuPont Chambers Works where traces of PFOA have been found.

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The settlement also provides individuals who as of the date of the suit are residential water customers of the former Penns Grove Water Supply Co. would receive the filter system.

Turner said DuPont does not manufacture PFOA at Chambers Works, but PFOA occurs at trace levels as an unintended by-product in fluorotelomers manufactured at Chambers Works.

Additionally, it is used as an ingredient in small quantities for one other product lines also at Chambers Works, said Turner.

DuPont has tested for PFOAs in the two-mile radius of the Chamber Works. Testing began in March 2009 and 85 wells were tested.

The samples are taken by a third-party contractor and then sent to a certified lab for analysis.

While there is no federal or New Jersey regulatory limit for PFOA in drinking water, the U.S. Environmental Protection Agency has a provisional health advisory of 0.4 parts per billion (ppb) and New Jersey has established a preliminary guidance value of 0.04 ppb.

"We are pleased to reach an agreement that places our focus on plant operations and the community and not on lengthy and contentious legal proceedings," said Turner. "We are clear that the settlement does not imply any admission of liability."

The revised proposed class settlement was filed in U.S. District Court in New Jersey on February 22, 2011 and is still subject to final court approval and challenges.

DuPont is ready to implement the terms of the agreement, once they are approved by the court, Turner said.

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