



Law Firm Applauds MTBE Lawsuit Decision

New York law firm Weitz & Luxenberg, P.C. reacted with approval over Judge Shira A. Scheindlin's ruling in Manhattan's Federal District Court that requires major oil companies including Exxon Mobil Corp., BP PLC, Sunoco Inc., and Amerada Hess Corp., to defend dozens of lawsuits accusing them of polluting groundwater with a gasoline additive called methyl tertiary butyl ether (MTBE).

([PRWEB](#)) April 24, 2005 -- New York law firm Weitz & Luxenberg, P.C. reacted with approval over Judge Shira A. Scheindlin's ruling in Manhattan's Federal District Court that requires major oil companies including Exxon Mobil Corp., BP PLC, Sunoco Inc., and Amerada Hess Corp., to defend dozens of lawsuits accusing them of polluting groundwater with a gasoline additive called methyl tertiary butyl ether (MTBE).

Judge Scheindlin ruled that plaintiffs including cities, municipalities, and private well owners in New York City and New Hampshire, can proceed with more than 80 lawsuits on behalf of about 190 municipalities and other water providers seeking to hold oil companies responsible for both the pollution of groundwater and for the significant costs of MTBE cleanup. Scheindlin's opinion refusing to dismiss the majority of the claims states "Innocent water providers- and ultimately innocent water users- should not be denied relief from the contamination of their water supply if defendants breached a duty to avoid an unreasonable risk of harm from their products."

In the late 1970's, the oil industry began adding MTBE to its gasoline to act as an octane booster. In 1990, the Clean Air Act stipulated that oil companies must oxygenate gasoline to reduce air pollution. Given their choice of oxygenates, oil companies stuck by MTBE, which was a profit-making by-product of their own refinery processes, despite the availability of non-polluting oxygenates such as ethanol, the use of which would have benefited the American farmer.

MTBE is highly water-soluble, resists biodegradation, and moves rapidly in groundwater. If MTBE escapes from its container via a leak or spill, it actively seeks out and contaminates groundwater. Once MTBE has contaminated a drinking water source, its chemical nature makes it extremely difficult, expensive, and time-consuming to remove. Even small amounts of MTBE can render an entire community's groundwater supply undrinkable, with an unpleasant turpentine-like taste and odor. The Environmental Protection Agency has called MTBE "a potential human carcinogen."

Oil companies argued that lawsuits brought by plaintiffs demanding that the companies pay for the cost of MTBE cleanup are unfair, and that the accountability for shouldering the cost of cleanup should fall on those directly responsible for the spills, not the makers of oxygenated gasoline products. Gasoline products from several companies are often run through common pipelines before they end up at gas stations or underground storage tanks. Oil companies structure the market such that many service stations from which gasoline is spilled are owned by other people "often Mom and Pops" who could not possibly pay for the expensive contamination the oil companies created.

Weitz & Luxenberg, a leading player in MTBE litigation, now represents several water systems nationwide. The "commingled product theory" of market share liability announced by the federal court means that each oil company that distributed gasoline to a given area is responsible for cleanup payments according to its percentage share of the market in that area. Attorney Stanley N. Alpert, head of the firm's Environmental



Toxic Tort Unit, commented on the ruling's significance. "The fact that a water district cannot prove precisely which oil company put the MTBE in its well will not prevent these plaintiffs from seeking justice."

People who are concerned about the MTBE pollution in their community may visit Weitz & Luxenberg's corporate website, www.weitzlux.com, for late breaking information. Interested parties may also call the firm's Client Relations Department at 1 (800) 476-6070, or email them at clientrelations@weitzlux.com for more information about filing an MTBE lawsuit.

###

**Contact Information****David Kufeld**

WEITZ & LUXENBERG, P.C.

<http://www.weitzlux.com>

2125585682

Online Web 2.0 VersionYou can read the online version of this press release [here](#).