

Chemical injected in town's drinking water called 'an environmental injustice'

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Residents of a small town that injected an unapproved chemical into their drinking water for 10 years want the chemical manufacturer and South Carolina health regulators to pay for exposing them to the unauthorized water additive.

Berry Systems Inc. and the S.C. Department of Health and Environmental Control face potential liability over the use of Halosan in the town of Denmark, a remote community that for years has drawn complaints about the quality of its drinking water.

Lawyers for the residents asked a court this past week to add Berry and DHEC to a 2018 [class action lawsuit](#) against Denmark over Halosan.

The U.S. Environmental Protection Agency didn't approve Halosan for use in drinking water, but DHEC allowed the town to begin using the chemical in 2008 as part of an effort to stop discoloration of the water in the Bamberg County town.

Federal regulators suspended use of the chemical

in 2018 after discovering it had been added to Denmark's drinking water to kill slime and make the water clearer.

Bakari Sellers, an attorney representing town residents, said Berry and DHEC also should be held accountable, in addition to the town of Denmark.

"It's an environmental injustice," he said. "We are going to try to go and make our clients whole for the injustice they suffered at the hands of the city, the state and the manufacturer."

The health effects of Halosan aren't fully known, but North Carolina regulators banned the chemical in drinking water 14 years ago after determining that it could create harmful pollution in wells. The State reported in 2018. Halosan has been linked to skin and eye irritation. It has rarely, if ever, been used in other [public water systems](#).

Sellers, a former state representative who now is a CNN commentator, and co-counsel Jessica Fickling declined to speculate on how much the case could cost Denmark, DHEC and Berry systems if the attorneys are ultimately successful in court. But it could be a hefty amount.

Records show thousands of customers who have paid water bills for years were exposed to Halosan during the decade Denmark used it. Denmark has about 3,000 residents.

Successful class action lawsuits can result in payouts of hundreds of thousands of dollars, and in some cases millions of dollars, to large groups of people who claim they were harmed. That would have to be determined by a court.

Representatives of DHEC and Berry Systems, a company located in Lugoff northeast of Columbia, declined comment when reached Friday by The State. But DHEC has downplayed any potential

danger from Halosan in the water.

"We do not believe that this has translated into adverse health effects for the users," DHEC water bureau chief Mike Marcus told The State in a November 2018 story.

Denmark, an economically depressed town south of Columbia, has been in an uproar since the Halosan discovery in 2018.

Many people have complained loudly about what they say is poor quality water and that they were never told about the Halosan injections. Those concerns drew national attention in 2018 and attracted some Democratic presidential candidates to Denmark, including Sen. Bernie Sanders, I-Vt.

Despite that, other residents, as well as city officials, say the concerns are overblown and the water is clean. DHEC has said the water is safe, even though the Denmark system has encountered problems.

While it remains up to a judge whether to add DHEC and Berry to the lawsuit, an amended complaint filed this week by Sellers and Fickling says Berry had no experience with water treatment systems before 2003. Until then, Berry was "solely a technological company," the complaint says.

The complaint said Berry marketed the Halosan treatment system and DHEC signed off on it after the system received good marks from the National Sanitation Foundation, an independent organization that offers certifications. Berry was a member of NSF, the complaint said.

But the complaint, initially filed by three town residents, said while NSF certification verifies that a product is what it claims to be, it is not a replacement for the required EPA authorization.

The Halosan water treatment system, developed in Australia, relies on a chemical used as a disinfectant to treat pools and spas, the complaint said.

Had "defendant Berry operated with a modicum of due diligence, they would have known NSF

certification was not an appropriate substitute for EPA registration," according to the complaint.

The complaint also says DHEC didn't do enough to study the effects of Halosan before Denmark began using the material.

An agency water regulator asked Berry Systems officials in January 2007 about how Halosan would affect drinking water, but after that initial contact, the department never analyzed the system, the complaint said. The town of Denmark and DHEC never undertook "reasonable measures to understand the consequences, if any, of adding Halosan to the Denmark water system."

Deanna Miller Berry, a Denmark resident who is not connected to Berry Systems, said city efforts have cleared up some discoloration in the water, but plenty of problems remain in Denmark. The town has had a history of run-ins with state regulators, aside from the Halosan issue with [federal regulators](#).

She still is organizing efforts to hand out bottled water to residents concerned about what comes from their taps. People concerned about Denmark's water also visit a spring outside town, where they fill up jugs of water for use at home, she said.

"It's something citizens should not have to bear the burden of," she said. "We are paying for [water](#) we cannot use."

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