

**Rep. Markey Statement on MTBE “Mystery Deal”**  
**Thursday, July 21, 2005**  
**HC-9 Capitol**  
**10:30 am**  
**Rep. Edward J. Markey**

The current version of the House energy bill contains a so-called “Fuels Safe Harbor” that is really nothing more than a get-out-of-court-free card for the big oil companies responsible for polluting our communities’ drinking water supplies with MTBE. In truth, the House MTBE “Safe Harbor” is really a “Pirate’s Cove” for corporate polluters. If enacted, the MTBE liability loophole will let corporate polluters off the hook for water contamination and other damages to the environment and public health resulting from MTBE contamination.

Now, Chairman Barton has been assuring us that he is working out a secret “deal” that will take care of the MTBE issue. Unfortunately, no Democrats or local water authorities have been asked to participate in crafting this mystery deal. That being the case, we fear that what is being worked out behind closed doors by the Republican leadership and the MTBE producers will be a raw deal for the communities around the country that have seen their water supplies contaminated by this carcinogenic gasoline additive.

In no circumstance does Big Oil deserve to be taken off the hook for their responsibility to clean up the contamination that their defective product has caused. If these companies have legal liability for contaminating groundwater, they should pay for it themselves, and believe me, they can afford it. Last year:

- Exxon Mobil reported profits of \$25.3 billion;
- ConocoPhillips reported profits of \$8.1 billion;

- Royal Dutch Shell Petroleum reported profits of \$18.2 billion for 2004;
- BP reported profits of \$16.2 billion;
- ChevronTexaco reported profits of \$13.3 billion;
- Valero reported profits of \$1.8 billion; and
- Lyondell reported profits of \$54 million.

A few months ago the New York Times reported that:

“[The world’s giant oil companies] have cut costs, increased returns and raised profits to records. Now, flush with cash, they find themselves in a paradoxical position – **they are making more money than they can comfortably spend.**”

Just think about that... the oil companies are making more money than they can even spend, and yet the industry refuses to accept their culpability in polluting our drinking water. I hope that Chairman Barton realizes that we will not accept any “deal” that relieves MTBE producers from their full legal liability for producing an inherently defective product.

The Republicans are trying to shield the oil companies at the expense of consumers despite the fact that the EPA has concluded that MTBE is a likely human carcinogen, causing leukemias and lymphomas, with toxicological endpoints similar to known carcinogens such as benzene.

The House “safe harbor” and Chairman Barton’s “mystery deal” from legal liability will unduly shift the burden of cleaning up MTBE contamination from the companies who caused the contamination to local water authorities. Without any options for legal recourse, these now-polluted and undrinkable public water systems will have to be cleaned up using tax payer dollars .

My home state of Massachusetts has at least sixty pending cases of MTBE contamination. My constituents should not shoulder the burden of having to pay for the malicious acts of Big Oil.

We are here to say NO! to Republicans who seek to advance the agenda of polluters in the oil industry. Democrats are gathered here today to represent our citizens who deserve clean drinking water.

We are here to stop Congress from building this corporate pirate's cove for these companies that prey on families across the country and expect tax payers to clean up their mess.

We must reject any deal that relieves Big Oil of any of their well-known and well-documented responsibility for this mess.