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Monsanto Named In PCB Action

ANDERSON (AP) — The Monsanto Co. of St. Louis, Mo., has been named as a codefendant in a $1 billion class action suit on behalf of Lake Hartwell property owners in Georgia and South Carolina.

In an amended complaint filed Wednesday in federal court in Greenville, Monsanto was accused of negligence and "strict liability" in its production of PCBs, or polychlorinated biphenyls, according to Ronnie Cole, a member of the Anderson law firm which filed the complaint.

The suit, filed about two weeks ago, originally named the Sangamo Electric Co. of Pickens. Sangamo has been identified as a source of PCBs, which habe been found in high levels in Lake Hartwell.

Cole said Monsanto is the sole producer of PCBs, a group of organic chemicals used by Sangamo in its manufacture of electrical capacitators. It is suspected of causing cancer. He said the suit charges that by virtue of producing PCBs, Monsanto is liable for damages sustained by property owners as a result of the Lake Hartwell pollution.

The suit says that the PCB-contamination has caused a lowering of property values and a loss in profit to businesses along the lake.

The action, Cole said, had been filed on behalf of four classes: property owners whose lands touch Lake Hartwell; boating and marine dealers on the lake; residents within three-miles of the lakes's shoreline and all commercial businesses that sell lake-related products within three miles of the shoreline.

Earlier this month, the Environmental Protection Agency (EPA) and South Carolina health officials issued an advisory against eating fish taken from Lake Hartwell because of the PCB contamination.

Tests conducted by the South Carolina Department of Health and Environmental Control at that time indicated that the PCB content in fish taken from one section of the lake ranged from 3 to 15 parts per million. The EPA has set recommended safety limits of PCBs in fish at 5 parts per million.

Subsequent tests have shown the level of contamination has risen to as high as 33 parts per million.

Sangamo is under federal orders to bring its PCB discharge within the EPA's recommended levels by the end of September.

Specifically, the suit charges that Monsanto should have "exercised the highest degree of care" in distributing the chemical to users. It should have warned of potential hazards and is "strictly liable" for damages to the public resulting from its use.

It also says that "through the sale, maufacture, importation for distribution and actual distribution (of PCBs), Monsanto has been negligent, reckless, willfull and wanton." The suit also says Monsanto is guilty of failure to adequately "test, inspect and warn potential users of the dangershen they (Monsanto) knew or should have known that such acts would certainly result" in hazards in the vicinity of its use.

Cole said, if the suit is accepted as a class action, the lake property owners and businesses would be the beneficiaries of any award.

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