ANDERSON, S. C.
INDEPENDENT
D. 52,000

SEP 23 1976

PAGE ONE

Monsanto Accused

Neglect Charge Added To $1 Billion PCB Suit

By MICHELLE GREEN
Staff Writer

GREENVILLE — The Anderson law firm that filed a $1 billion class-action lawsuit Sept. 10 against the Sangamo Electric Company of Pickens in connection with the company's discharge of polluted wastewater into Lake Hartwell filed an amended version of the complaint Wednesday afternoon, adding charges of negligence against the Monsanto Company.

Monsanto is believed to be the sole manufacturer, importer, distributor and seller of the industrial chemical polychlorinated biphenyls (PCBs), which Sangamo uses in its manufacturing process.

Last month, it was announced that high concentrations of the Monsanto-produced chemicals — which have been linked to cancer — were found in the waters and fish of the Lake Hartwell tributary where Sangamo discharges its treated wastewater.

Sangamo was pinpointed by the Environmental Protection Agency (EPA) as the pollution source, and EPA has ordered the Pickens plant to curb the PCB content in its treated wastewater to a "non-detectable" level by the end of this month.

The firm of Anderson, Kenyon and Epps had filed the earlier version of the $1 billion suit against Sangamo on behalf of all owners of property and businesses near Lake Hartwell. The suit charged that the PCB contamination of the lake and the subsequent warning against consuming its fish had "irreparably damaged" area business revenues and property values.

Like the original suit, the

See SUIT, Page 4-A

MONS 037022

...Suit

Continued from Page 1-A

amended version filed in Federal District Court Wednesday charges that Sangamo "has either wilfully, wantonly, negligently...recklessly and-or intentionally allowed (PCBs) to enter Lake Hartwell in violation of the laws, rules and regulations of the United States, its agencies, and the laws of South Carolina."

It further charges that "the use of PCBs and the actions of...Sangamo constitute a public and private nuisance...and (are) an ultrahazardous activity for which the defendant (Sangamo) is strictly liable."

The additional charges filed Wednesday incorporate the original allegations and further allege that Monsanto, which sells PCBs to Sangamo, "knew, or should have known, that the chemical substance...was used in the manufacturing process conducted by...Sangamo."

The suit contends Sangamo "did use the chemical substance in its manufacturing process and did thereby pollute Lake Hartwell."

The amended class-action suit charges that PCBs are "an ultrahazardous product which is extremely detrimental to the environment of wildlife and the human population. The defendant, Monsanto Company, was aware or should have been aware of this situation, and knew, or should have known that they should exercise the highest degree of care in the distribution for use of the...substance and should properly warn users thereof of the potential hazards."

It also alleges that Monsanto is "strictly liable" for public health hazards resulting from the handling and discharge of the chemicals.

Yesterday, Monsanto was named as a co-defendant in a similar $500 million class-action suit filed in Atlanta, which charged the General Electric Co. with polluting Georgia's Coosa River with PCBs.

The Georgia lawsuit, filed on behalf of Coosa's businessmen, property owners and fishermen, charged General Electric with poisoning fish by dumping PCBs into a tributary of the river, and alleges that Monsanto is responsible for selling the chemicals to General Electric.

Two weeks ago, General Electric admitted responsibility for discharging thousands of pounds of PCBs into New York's Hudson River and agreed to pay $3 million to the state to clean up the river. The company also agreed to pay another $1 million to go for research into the prevention of future pollution.

According to a University of Wisconsin report, Monsanto, which markets PCBs under the trade name Aloclor, voluntarily restricted the sale of the chemicals in 1971, when they were first recognized as a problem. Although the sale was limited to users who would employ the compound only in closed electrical systems in which they could not easily escape into the environment, the report says, the company still produces about 30-40 million pounds of PCBs per year.

PCBs have been in industrial use for at least 45 years, but their impact on human health and the environment was not recognized until the late '60s.

Sangamo and Monsanto must reply to the class-action suit by Oct. 22.

MONS 037023