2 industries sued over Coosa PCBs

From Staff, Wire Reports

BIRMINGHAM — A $1 billion class action pollution suit was filed Wednesday in federal court here against the General Electric Co. and Monsanto Corp. by a group of 21 people, many from Cherokee County, who depend on the Coosa River for their livelihood and recreation.

The suit charges that pollution from a General Eletric Co. plant near Rome, Ga., into the Coosa River has ruined their businesses.

Signed by three Georgia attorneys and another in Centre, the suit is closely allied with a similar action filed in Atlanta federal court three months ago.

That suit is also a class action and asks $500 million in damages from General Electric and Monsanto.

Attorneys William C. Lanhan and Cullen M. Ward of Atlanta, along with Robert K. Finell of Rome, are representing the plaintiffs in both actions. John D. Coggin is the Centre attorney in the Alabama action filed Wednesday. The damages sought may be the largest on record in an Alabama court.

"The suits are filed in two places for legal reasons, but the Coosa River is the same river in both states," Lanhan said this morning.

The attorney said the Alabama action asks twice as much damages as the earlier Georgia suit because more people have been adversely affected in this state by General Electric's discharge of PCB's — polychlorinated biphenyls — into the river.

The controversial chemical is manufactured by Monsanto and is used by General Eletric at the Rome plant to make electric transformers.

Last September, the U. S. Environmental Protection Agency (EPA) warned people living and working along the Coosa River of the discharge of the chemical into the Coosa and of its heavy concentration in fish taken from Cherokee County's Weiss Lake.

The EPA says PCBs have been found to cause cancer in laboratory mice.

General Electric spokesman Bill Buchanan at the Rome plant refused to comment on the suit. Buchanan said he has not yet seen a copy of the suit since it was delivered to the company's corporate headquarters in Fairfield, Conn.

Buchanan did say, however, that the principal attorney for the company in the Georgia action has been Griffin Bell, the Atlanta lawyer nominated by President-elect Jimmy Carter for the post of U.S. Attorney General.

He said Bell, senior partner in the law firm of King and Spaulding, will probably assign the Georgia and Alabama suits to other members of the firm.

Lanhan said the Georgia and Alabama suits came about in much the same way. Following the EPA's September warning, the Georgia Department of Natural Resources banned

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commercial fishing in the Coosa to the Alabama state line.

"It just turned the river into a ghost town," Lanhan said. "You couldn't sell anything, the land was worthless. So people on the Goergia side who were affected got together and they retained us to file suit."

Alabama officials did not ban fishing on the Alabama side, instead issuing their own warnings. But in time, the effect was the same — a drastic drop in earnings for those who make a living from the river, Lanhan said.

Twenty-one of those people contacted the attorneys and Wednesday the suit — which Lanhan said may eventually include more than 3,500 people as part of the class action — was filed in Birmingham.

Among the 21 is Fred Ulrich, a Cedar Bluff businessman who says PCB pollution and subsequent environmental warnings "has really hurt my fishing tackle business."

"My business has been off for two and a half months, ever since this thing came up," Ulrich said. "My minnows and fishing tackle are off by about $5,000 a month."

Ulrich said he joined in the suit because, "I'd like to get my money back."

In a class action suit, any award of damages is divided among all of those specified in the class, not just those who signed the suit.

Others who signed the action are Travis Chandler, Bill Coffey, Kenneth Mackey, Pruett Fish Camp, Inc., in Centre, H. W. Rosie Smith, Dick Young, H D. Hampton, William R. Ransum, Asa Allred, Philip Powell, R. L. Guice, Randy Odam, Tom Horton, Agnes Maddox, Lynn Bishop, All Outdoor, Inc., William T. Roland, Grady McBride, Frank S. Barber and the Alabama Bass Chapter Federation.

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