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Monsanto trial may last a year

By Jonathan Lifland
Star Staff Writer

Fourteen nervous jurors were told Monday their services may be needed to decide the future of some 2,700 Anniston residents who believe they were contaminated with chemicals from the local Monsanto plant.

A panel of busy attorneys peered at the fidgeting prospective jurors, gleaned from 135 called to jury duty. Those that remained were willing to endure a year or more, if necessary, of litigation to decide on the complicated environmental case.

Calhoun County Circuit Court Judge Joel Laird will preside over the trial, which will determine liability for high levels of polychlorinated biphenyls, or PCBs, found in the area.

Teams of attorneys for both sides met Monday at the Calhoun County courthouse to begin the case, only to be told that the trial would begin again in March, after a larger jury pool could be built.

"All I can do is inform the jury that this could take a while," Laird said. "One year is an estimate; I have no way of knowing."

The trial between the chemical manufacturer and nearby residents could easily span two centuries, with reams of scientific evidence, opposing experts and human testimonials will be presented. Tens; and perhaps hundreds of millions of dollars ride on the outcome of the case.

The clients involved are combined from three similar cases against Monsanto in the county, mostly by those close to the west Anniston manufacturing plant. Two other suits have been brought in other court systems where PCBs were found in the water and sediment.

Monsanto, now called Solutia, stands accused of contaminating the environment by producing and allowing the spread of PCBs, an oily synthetic chemical originally made in the 1940s that has been proven to cause cancer, liver and kidney problems in laboratory animals.

Human testing on the compound has never been done, although it has been shown to accumulate in living organisms and is a harmful pollutant. Trace amounts can kill and deform animals, which played a significant role in an advisory that warns against eating fish caught in Snow and Choccolocco creeks in Anniston.

The chemical was last made at the Anniston plant in 1971, and was banned from production nationwide in 1979. It was used as a coolant, insulating material and lubricant for electrical equipment, prized because of its flame resistance. Less effective mineral and silicon-based oils are used now.

More than five-and-a-half million pounds of PCBs were buried by Monsanto in Anniston, according to court documents. The quantity made and buried here contaminated a great deal of the ground, air, waterways and people, according to the plaintiff's attorneys.

Defense attorneys contend, instead, that most measured amounts of chemical exposure are below federal levels established for PCBs. High PCB levels found in the nearby creeks and Logan Martin Lake in St. Clair County came from

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storm water runoff from the plant, and the company takes responsibility for that, Monsanto attorneys said.

The molecules were separated from the soil during flood remediation attempts in the early 1990s, although a $1.5 million study to fully determine the extent of the chemical's spread was recently launched, they added.

Molecules of the substance last in the ground for more than 50 years without breaking down, and are not affected by wastewater treatment techniques. Burying, or incinerating contaminated soil are the two most common methods of treating the chemical-laced waste.

More jurors for the trial will be sought in the coming weeks, and be paid $10 per day. The trial is scheduled to reconvene March 15.

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