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PCB Pollution Suit Filed in Atlanta

By Martha Gershun

ATLANTA, GA. -- General Electric and Monsanto have been sued for more than $600 million for PCB pollution of the Coosa River in Alabama and Georgia in two related class action suits filed in September and October in U.S. District Court in Atlanta.

Fishermen, marina operators and property owners sued after the state of Georgia closed the Coosa River and its tributaries in August because the river "had been contaminated by PCB to levels where ingestion (of its fish) would be dangerous to human life," according to court papers.

The GE plant in Rome, Ga., on the river, makes transformers. Monsanto was sued as the manufacturer of PCB.

The suit alleges that both GE and Monsanto "knew of the deadly effect" of PCB and that GE "had been discharging PCB ... well knowing that same created a polluted and toxic condition in said waters." Court papers further allege that a GE employee, W.R. Buchanan, said GE "would continue to use PCB's through June of 1977." Monsanto has said it would cease manufacturing PCB by October 31, 1977.

In the preliminary arguments filed so far, GE has denied the charges and the claims for damages, as well as the suit's validity as a class action. GE was originally represented in the suit by Attorney General Griffin Bell. His former firm, King and Spalding of Atlanta, still represents the company.

A decision is expected by the end of the year as to whether the suits will be allowed to proceed as class actions.

GE, Sprague and other capacitor manufacturers are currently phasing out the use of PCB's in capacitors. The Toxic Substances Act of 1977 forbids the use of PCB's by mid-1979.

GE lost a damage suit brought by New York State last year alleging PCB pollution of the Hudson River.

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