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Monsanto Named In Hartwell Suit

ANDERSON, S.C. (AP)—An amendment to a suit brought as a result of the contamination of Lake Hartwell with a toxic chemical names the [redacted] Company of St. Louis, Mo. as a codefendant.

The chemical and plastics producing firm was named in the $1 billion class action suit filed by an Anderson law firm Wednesday in federal court in Greenville, S.C., on behalf of Lake Hartwell property owners in Georgia and South Carolina.

The firm is 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.

Named in the original suit filed about two weeks ago was the Sangamo Electric Company of Pickens, S.C. Sangamo has been identified as a source of PCBs, suspected cancer-causing agents which have been found in dangerously high levels in Lake Hartwell. The lake separates South Carolina in the southeast from Georgia.

The attorney said Monsanto is the sole producer of PCBs, an organic chemical used by Sangamo in its manufacture of electrical capacitators. He said the suit charges that because Monsanto produced a substance that they "knew or should have known" was dangerous, the firm 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.

Cole said the action was filed on behalf of property owners whose lands touch Lake Hartwell, boating and marine dealers on the lake; residents within three miles of the lake's shoreline and all commercial businesses that sell lake-related products within three miles of the shoreline. He said three South Carolina counties—Anderson, Pickens and Oconee—and three Georgia counties—Hart, Franklin and Stephens—are involved.

The PCB contamination came to light Sept. 13 when the Environmental Protection Agency (EPA) and South Carolina health officials issued an advisory against eating fish taken from Lake Hartwell.

They said tests conducted by the South Carolina Department of Health and Environmental Control indicated that the PCB content in fish taken from one section of the lake, the Twelve Mile Creek, 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 has until the end of September to bring its PCB discharge within the recommended levels under EPA orders.

The complaint filed Wednesday charges that Monsanto should have "exercised the highest degree of care" in the distribution of the chemical to users and 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, manufacture, 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 dangers when they (Monsanto) knew or should have known that such acts would certainly result" in hazards in the vicinity its use.

If the suit is accepted as a class action, Cole said, the lake property owners and businesses would share in any award.

Answer to Previous Puzzle

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