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# Court Rules: Polluters Will Pay For Clean-up

If you pollute, you will pay.

That is the recent ruling by U.S. District Court Judge Julius Hoffman in a suit filed by the Outboard Marine Corp.

The corporation sued in an attempt to force state and federal governments to pay for cleaning up contaminated sediment in Lake Michigan's Waukegan Harbor.

Contamination occured when Outboard Marine reportedly dumped large quantities of polychlorinated biphenyls (PCBs) into the lake waters and a tributary, the North Ditch.

The manufacturers of Johnson and Evinrude Outboard Motors contended that federal law required government agencies to pay for cleaning up existing pollution.

Illinois Attorney General William J. Scott argued the law applies only when those responsible for pollution could not be located. The law, he said, did not intend to make the taxpayers responsible for removing a polluter's duty.

Judge Hoffman's decision "will save the taxpayers of Illinois hundreds of thousands of dollars," Scott commented.

This ruling does not affect another suit against the corporation, filed by Scott in August, 1978. Scott is requesting the court to order Outboard Marine to fund a court supervised study of available methods for removing and disposing of PCBs that have accumulated in the harbor, the North Ditch and its property, and to remove and dispose of the PCBs so as not to cause or contribute to further environmental damage.

Scott is also seeking to fine the corporation for each day it discharged PCBs after the Federal Water Pollution Control Act of 1972 became effective and for each day it violated the Illinois Environmental Protection Act of 1970.

This suit is pending before Judge Frank McGarr.

The U.S. Food and Drug Administration ruled that fish with greater than five parts per million of PCBs is unsafe to eat. It has prohibited interstate transportation of fish containing more than that.

Many Lake Michigan fish contain PCB concentrations well over that limit. Scott noted that PCB levels in the Waukegan Harbor is the highest anywhere in the lake.

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## Prenatal chemical exposure to be tested

Four chemicals will be studied for prenatal effects on animal offspring in a five-year, $3 million contract from the National Institute of Environmental Health Sciences to Battelle Columbus Laboratories. The two compounds chosen to date are Arochlor 1254, a polychlorinated biphenyl, and phenytoin, a drug used to control epilepsy. A group of rats and mice exposed to test compounds prenatally and two years after birth will be compared with a group exposed only after weaning. The first three years will be spent determining suitable doses and the last two in observing animals for any toxicity problems, signs of cancer formation, and effects on immune systems, reproduction, and behavior.