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PCB Claims Argued In US District Court

Pierce Suit Against Gov't, Monsanto Held Invalid

United Press International
BILLINGS, Mont. — The U.S. government and Monsanto cannot be sued by Pierce Packing Co. over chemical contamination of nearly 2 million pounds of animal feed, attorneys argued before a U.S. District Court.

Pierce has been sued for about \$40 million by hundreds of wholesalers, retailers and other customers who in 1979 bought feed contaminated with polychlorinated biphenyl (PCB) at Pierce's meatpacking plant in Billings.

Pierce, in turn, sued the government for negligence in failing to warn the company of the dangers of PCB and Monsanto for manufacturing the now-banned chemical, which has been linked to cancer.

A Monsanto attorney argued late last week that Pierce cannot sue Monsanto because of Pierce's role as defendant in the suit by wholesalers and others.

A government lawyer said laws governing federal consumer-product monitoring agencies "were designed to protect against injuries to public health — not to insure against economic losses that are the subject of this action."

U.S. District Judge James Battin has taken under advise-

ment Monsanto's and the government's motions for dismissal of the complaints filed against them by Pierce.

GE Also Named

Pierce also is suing General Electric, which manufactured the electrical transformer from which the highly toxic PCB leaked.

The contaminated feed was shipped to 17 states and two foreign countries.

The contamination forced the destruction of eggs and hundreds of thousands of chickens and other poultry in seven states.