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Court battle over toxic PCBs likely to grow

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OAKLAND — Two \$100 million lawsuits filed in Alameda County Superior Court over a PCB spill last year in Stockton may be the tip of a legal iceberg of litigation over the controversial substance banned from manufacture but still widespread in everyday surroundings.

PCBs — polychlorinated biphenyls — were banned from manufacture two years ago after evidence proved them to be among the most dangerous of all toxic chemicals.

But after exactly 50 years of manufacture, PCBs were virtually everywhere — in electrical capacitors hanging on power poles all around the nation, in color television sets and in industrial products ranging from ink to plastic.

Pacific Gas and Electric Co., because it was one of the utility's capacitors that exploded and sprayed the yards of two Stockton homes with PCB on March 7, 1980, was named as the lead defendant in the huge suits filed by Oakland attorney Philip H. Knudsen.

But the suits, among the first and the largest to date in Alameda County, also name Monsanto Co., the chemical firm that in 1929 introduced PCBs — a heavy oil-like substance used in electrical insulating.

A third defendant is General Electric Co. because it manufactured the capacitor, about 120,000 of which were dangling from Northern California utility poles when PG&E announced last year it was mounting a crash program to replace them all within three years.

But perhaps the most significant legal aspect of the embryonic legal battle is the naming of Monsanto, as Knudsen Monday compared the issues to those that have triggered massive lawsuits against asbestos manufacturers since links were found between that once-revolutionary substance and cancer.

Asbestos litigation — with more than 3,000 multi-million dollar suits pending nationwide — has been called one of the biggest, if not the biggest, product liability legal battle in American history.

It is part of an increasing in-

dustrial time bomb as man-made products whose manufacture was not suspected — at least publicly — of causing widespread human injury are turning out to be highly dangerous substances with long-term effects in the environment.

The courts are being asked to untangle the knotty problem of who is ultimately responsible for paying the tab when products long in use become identified as dangerous.

Knudsen said in an interview that PCBs may be the newest front of such voluminous litigation, just like that plaguing the asbestos manufacturers. Similar issues have been raised in litigation over Dow Chemical Co.'s manufacture of a central ingredient of Agent Orange, the defoliant used extensively by the U.S. military in Vietnam.

"It is really the tip of the iceberg," he said. "It is something that is just beginning. It is very similar to the asbestos cases. These things are everywhere. This stuff is very dangerous."

The Alameda County lawsuits stem the explosion of a PG&E capacitor in a quiet single-family

home neighborhood in Stockton. The oily PCB sprayed onto the lawns of Mr. and Mrs. George Hamblin and their next door neighbors, Mr. and Mrs. Matsami Matsuo.

Knudsen said his clients knew of no dangers from the oily stuff, but were surprised when work crews started digging up their lawns with no explanation and Environmental Protection Agency officials arrived in "their space costumes," a reference to protective suits.

"This thing goes off," he said, "and the next thing they know there are people out tearing up their yards with no explanation, no apology."

In the days that followed the Hamblin's yard, which was most heavily contaminated, was literally torn out — the lawn, their sprinklers, the water meter and the contaminated power pole, which was hauled to a PG&E laboratory in San Ramon for study.

The Hamblin's pet Pomeranian, Gidget, walked through the PCB, their attorney said, and died 18 days later.

Knudsen said both the Hamblins

and Matsuo still suffer from bronchitis-type disorders, which he described as "classic" symptoms of exposure to PCB.

Doctors, he said, are still trying to determine the long-range effects of exposure. Research studies going as far back as 1936 have linked PCBs to disorders ranging from still-births to liver cancer.

The dangers became more alarming in the late 1960s when it was discovered more than 1,000 residents of a city in Japan had accidentally eaten contaminated rice. Over the five years the liver cancer rate shot to six times normal.

Monsanto, in 1971, voluntarily halted manufacture with the exception of enclosed electrical components. Production was totally banned in 1979 as part of a phaseout started with passage of the Toxic Substances Control Act of 1976.

Knudsen said he may soon file additional lawsuits, one involving the explosion of a PG&E capacitor in Oakland and the other involving industrial exposure of a now-retired man who he said may be suffering long-term effects.