

# 'I'd be very frightened'

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## Lawyer in class-action suit says first round of tests in Spelter are disturbing

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CLARKSBURG — Results from the first round of medical monitoring and property cleanup testing in the Spelter smelter settlement are frightening, an attorney who helped arrange the settlement said.

"I think it's probably going to scare them to death," Harrison County lawyer Jerald Jones said, referring to those who live or lived near the old smelter.

Many "have been subjected to these toxic chemicals for all their lives," Jones said. "I'd be very frightened if it were me."

Results of the testing were contained in a recent mailing to members of the class.

Claims Administrator Edgar C. Gentle III reported that 2,000 members of the class action signed up for medical monitoring, and



Jones

1,418 participated in the first round of testing.

Out of 45,024 test results, 2,356, or 5.23 percent, had "abnormal results," Gentle wrote. In a footnote, he added: "Abnormal results means any test result that is outside the normal range for the appropriate age and sex of the individual being tested. We do not know if the abnormality was

caused by or associated with environmental exposure from the Spelter area."

Gentle went on to add, "while these results are not related to a specific diagnosis, the Settlement recommends that you participate in the second round of testing."

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## TESTS

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In addition, 71 Participating Claimants received services from a specialist referral for diagnoses related to the following: Cancer and tumors (23.9 percent), urinary diseases (17.2 percent), skin disorders (14.2 percent), digestive disorders (12.7 percent), respiratory diseases (3.7 percent), heart diseases (1.5 percent), endocrine disorders (0.7 percent) and miscellaneous diseases (26.1 percent)."

On property cleanup, 989 areas in the class action were tested, and 687, about 69 percent, had hazardous levels of lead, arsenic, cadmium and/or zinc, although only a few houses tested high for the latter, according to Gentle's letter. Gentle noted that about 230 of the contaminated houses had been cleaned up thus far.

A total of 229 soil properties

were tested, and 173, about 76 percent, had hazardous levels of arsenic, lead and/or cadmium, Gentle wrote. Cleanup is done on 94 properties thus far, Gentle noted.

Gentle added that, "based on (i) the percentages of abnormal test results from the first round of Medical Monitoring testing, (ii) the percentages of referrals to specialists as a result of testing, and (iii) the percentages of contaminated houses and soil properties, we strongly recommend that you participate in the second round of testing and take advantage of the free benefits provided in the Medical Monitoring Program."

The time already has passed to sign up for medical monitoring and/or property cleanup, Gentle confirmed in a phone interview.

But those who signed up for medical monitoring and received a cash payout — yet didn't get tested — still are eli-

gible for future testing, Gentle underscored in the phone interview.

"A medical checkup every two years is just common sense for your own health, and it is free," Gentle said.

Jones phrased it even more strongly.

"I'd suggest that they get in line to get tested, pronto, because it could be their health," he said. And those who didn't sign up for medical monitoring may want to consider getting tested, even though the settlement isn't paying for it.

"At least they'll know if they need some treatment or don't," Jones said. "It's a rather frightening situation, not knowing, I think."

Jones also had this advice for property owners in the area of the plant who weren't part of the home and soil testing process: "I would tell them to try to get somebody to do some testing for them, see

what the problem is, or move. Of course, a lot of people can't do either one, get testing or move. But I think it would be very difficult to live in those conditions, not knowing if you have contaminated property."

Charleston attorney James S. Arnold represented DuPont in the case. He declined comment, but said he would check with DuPont officials to see if they wanted to discuss the matter. No one from DuPont contacted *The Exponent Telegram* by deadline for this article.

The property cleanup budget for the settlement was about \$34 million. DuPont agreed to pay for medical monitoring separate of that. The monitoring pays for urinalysis for all participants over age 15, blood tests for all participants, and stool samples for all participants age 18 and above, Gentle's letter notes. The settlement doesn't pay for medical treatment.