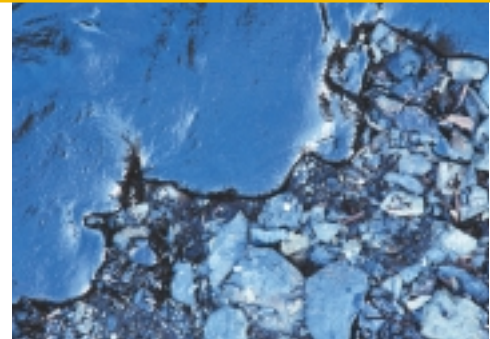


Pollution News Review



Contents

Contaminated Sites	
North America	2
International	8
Spill & Releases	
North America	8
International	11
Toxic Torts	
North America	13
International	18
Asbestos & Lead	
North America	19
Pollution Coverage	
North America	21
Fines & Penalties	
North America	23
International	25
Regulatory Issues	
North America	25
International	26
Bad Actors	
North America	27
New Research	
North America	28
International	31
Miscellaneous	
North America	31

About this Newsletter

There is no doubt that pollution and toxic tort claims have had a significant impact on the property/casualty insurance industry. North American insurers have paid tens of billions of dollars of bodily injury and property damage claims caused by pollution and exposure to toxic substances. The ultimate cost of future pollution and toxic tort claims has been the subject of some debate over the past few years with estimations ranging from U.S.\$30 billion to U.S.\$100 billion of additional reserves necessary to handle future claims activity.

These estimations rely heavily on two assumptions:

- 1) that most seriously contaminated sites in the United States have already been discovered and, therefore, are already known to the property/casualty insurance industry; and*
- 2) that attaching the absolute pollution exclusion begun in 1985 ends insurers' exposure to pollution claims.*

Unfortunately, these assumptions have not turned out to be absolute truths.

There seems to be a steady stream of newly discovered contaminated sites throughout the United States, many of which will be very costly to remediate. At the same time, some courts have mounted successful attacks on the efficacy and applicability of the absolute pollution exclusion in pollution coverage litigation. Insurance regulators in some states have also tried to limit insurers' defenses in pollution coverage disputes.

To get a full picture of the potential impact that pollution and toxic tort claims may have on the property/casualty industry, insurers should also consider:

- 1) new litigation and claims resulting from recently marketed substances, and from substances previously considered "safe" (e.g., MTBE and certain pesticides)*
- 2) the resurgence of claims arising out of old issues (e.g., asbestos, lead poisoning);*
- 3) the social/judicial inflation of court awards and settlements;*
- 4) new theories of liability (natural resource damages, stigma);*
- 5) new environmental laws and regulations; and*
- 6) in an age of globalization — international pollution and toxic tort claims and surrounding issues.*

This publication is a compilation of synopses of news articles surrounding these issues. These synopses have been divided into broad categories and, in some instances, may appear in more than one category. All the sources are shown in italics at the end of each paragraph. GeneralCologne Re is committed to heightening our clients' awareness of these important issues in order to assist our clients in making informed underwriting decisions.

Contaminated Sites

Contaminated Sites — North America

June 29, 2000 – the EPA ordered 19 companies to pay for the \$200 million remediation of the Baldwin Park section of the San Gabriel Valley groundwater basin. The aquifer is a major source of drinking water for the Los Angeles, California area. PRPs include: Aerojet-General Corp.; Azusa Gas Systems (formerly Azusa Land Reclamation); Fairchild Holding Corp.; Hartwell Corp.; Huffy Corp.; J.H. Mitchell & Sons Distributors Inc.; Oil & Solvent Process Co.; Screwmatic Inc.; White & White Properties; Wynn Oil Co.; Reichold Inc.; Mobil Oil Co.; Valspar Corp.; Lockheed Corp.; Allegiance Baxter Healthcare; Pahostron Instruments & Electronic Co.; Azusa Pipe & Tube; and Waste Management Inc. *BNA Toxics Law Daily* 7/7/00

June 21, 2000 – a federal court approved a settlement between the EPA and PRPs where the PRPs agreed to pay \$11.5 million to demolish a former lead smelting facility contaminated with lead, asbestos and lead-based paint. Over \$30 million has already been paid to remediate lead-contaminated soil in hundreds of residential yards surrounding the facility. The former Revere Smelting & Recycling facility recycled lead from batteries from the 1920s to the 1980s. The PRPs deemed liable for the remediation are companies that disposed hazardous substances at, or transported hazardous substances to, the site, including; Commercial Metals Co.; Duggan Industries Inc.; General Motors Corp.; GNB Technologies Inc.; Interstate Battery System of America Inc.; Johnson Controls Battery Group Inc.; and Lipsitz & Co. Inc. *BNA Daily Environment Report* 7/6/00

June 21, 2000 – it was reported that W.R. Grace and Kanab Pipe Line Partners are in litigation over which one bears responsibility for contamination arising from a pipeline, abandoned in 1976, that once carried jet fuel to Otis Air Force Base in Massachusetts. The EPA expects the cleanup to cost approximately \$89 million. *Dow Jones News Service* 6/21/00

June 20, 2000 – it was reported that the city of Santa Monica, California filed a lawsuit against 18 oil industry companies to force the companies to remediate groundwater contaminated with the gasoline additive MTBE. The PRPs include 7 oil companies (Shell, Chevron, Atlantic Richfield, Mobil, Exxon, Texaco and Unocal) as well as 11 other firms including pipeline companies, refiners, and chemical companies. As recently as 1995, Santa Monica relied on the aquifer for 100% of its drinking water supplies. Now, due to MTBE contamination, the city is dependent upon outside sources for 80% of its water supplies. According to the EPA the cleanup will cost approximately \$200 million. *Los Angeles Times* 6/20/00

June 18, 2000 – the EPA proposed a cleanup plan for a Ciba Specialty Chemical (formerly Ciba Geigy) site in Tom's River, New Jersey that will cost \$92 million and take 8 years to complete. The site manufactured dyes, epoxy resins and specialty chemicals for almost 40 years. Solid and liquid waste was buried in many locations on the 1,350 acre site. The cleanup calls for excavating some 150,000 cubic yards of contaminated soil and removal of about 35,000 buried drums. The \$92 million cleanup plan will be paid for by Ciba Specialty Chemical and will only remediate soil contamination at the site. Ciba is working on a separate groundwater remediation plan that will be in addition to the \$92 million spent on the soil cleanup. The site has also come under increased scrutiny as a potential cause of the increased childhood cancer rate in the area. *The Bergen Record* 6/19/00

June 16, 2000 – it was reported that the EPA would reverse an earlier decision and remove about 150,000 cubic yards of soil contaminated with radioactive materials from the Shattuck Chemical Co. in Denver, Colorado. The soil was already capped, at a cost of \$26 million, however, this remediation method was ultimately deemed unsatisfactory. The cost to remove the contamination is expected to be more than \$21 million. The Shattuck Chemical Co. processed radium from the 1920s to the early 1980s. Shattuck is now owned by Citigroup. *Pollution.online* 6/16/00

June 16, 2000 – it was reported that an Ontario Superior Court held that the injured party in a pollution cleanup case is entitled to insist that its land be remediated to a pristine condition rather than according to a more lenient cleanup standard set by Canada's Ministry of Environment. The court also held that even after the cleanup was completed the value of the land would be diminished due to stigma caused by the contamination (*Tridan Developments Ltd. v. Shell Canada Products Ltd*, 2007-036, 20pp.). This ruling is believed to be the first Canadian court decision on these issues. The case involved gasoline contamination from a leaking underground storage tank at a Shell gas station that migrated onto adjacent property. The court ordered Shell Canada Products to pay Tridan Developments (CA)\$945,000, including (CA)\$350,000 (approximately 13% of the value of the third party property) for stigma damages. *The Lawyers Weekly* 6/16/00

June 15, 2000 – the U.S. Court of Appeals for the 9th Circuit ruled against mining companies and for the federal EPA holding that the EPA could expand the boundaries of the 21 square mile Bunker Hill Superfund site in Idaho to include the entire Coeur d'Alene River basin. The court overturned a 1998 decision by a lower court and the ruling means that the mining companies, including Asarco and Hecla Mining, could be responsible for remediating 1,500 square miles of the basin under the Superfund law. The mining companies intend to appeal the decision. *The Spokesman Review* 6/16/00

June 15, 2000 – it was reported that remediation contractors cleaning up Industrial Lead Co.'s site in Alabama found much more buried lead waste than was first expected. Original estimates believed that the company buried 190,000 tons of lead waste at its facility. It is now believed that the company buried more than 270,000 tons of lead waste at the facility (42% more than previously thought). Initial studies concluded that waste was buried two to four feet deep on the property. Remediation contractors have found lead waste buried 20 feet deep. The cleanup will take longer than originally anticipated and will cost considerably more than the original estimate of \$60 million. ILCO operated a battery recycler and lead reclamation business from 1970 to 1984. ILCO has been out of business since 1984 and as such the EPA has held 20 other companies, which brought materials to ILCO, as PRPs. *Alabama Live* 6/15/00

June 15, 2000 – it was reported that several companies deemed to be potentially responsible parties by the EPA will fund the cleanup of the Hylebos waterway near Tacoma, Washington. The Hylebos waterway is part of the Commencement Bay Superfund site that was added to the National Priorities List in 1983. Under the cleanup plan being considered, Asarco, Kaiser Aluminum, General Metals and Elf Atochem will pay about \$39 million to dredge 976,000 cubic yards of contaminated sediment from the waterway. Kaiser is seeking permission to bury 100,000 cubic yards of the contaminated sediment on property they own. A separate settlement was reached with Occidental Chemical that will remediate the head of the waterway. *Knight Ridder Tribune News/Business* 6/15/00

June 14, 2000 – the Delaware Department of Natural Resources and Environmental Control (DNREC) announced a settlement with Connectiv, the parent company of Delmarva Power & Light Co. with regard to air permit violations and oil contamination emanating from its Indian River facility. Approximately 600,000 gallons of oil leaked from a pipeline connected to an AST at the facility over the past 8 to 12 years. The leak was discovered after oil had entered the Indian River. In addition to cleanup costs in excess of \$1.2 million, the utility will also pay \$350,000 in fines and \$11,559 reimbursement of costs to the DNRECC. Air permit violations at the same facility will add another \$100,000 to fines the utility will pay. This settlement does not relieve the utility from any liability for natural resource damage claims that are still being assessed. *BNA Environment Report* 6/23/00

June 7, 2000 – U.S. Liquids filed a lawsuit against National Steel Corp. alleging that waste sent to a U.S. Liquids' facility in Michigan was contaminated with PCBs. U.S. Liquids alleges that they incurred \$28 million in cleanup costs and lost profits after closing the facility from September 1999 to February 2000 during remediation. *Dow Vision Business Wire* 6/7/00

June 6, 2000 – the EPA ordered two potentially responsible parties, Solutia Inc. and Monsanto, to excavate 50,000 cubic yards of contaminated sediments from Dead Creek near the Mississippi River in Sauget and Cahokia, IL. The sediments are contaminated with PCBs, heavy metals and other organic contaminants. The sediments are to be placed into a hazardous waste landfill. *PR Newswire* 6/7/00

June 5, 2000 – it was reported that a group of electric utilities and two municipalities agreed to remediate 27 abandoned coal gasification plants in North Carolina and pay oversight costs to the state's Department of Environment and Natural Resources. Parties to the agreement include: Carolina Power & Light; Duke Power; the Greenville Utility Commission; NUI North Carolina Gas; Piedmont Natural Gas; Public Service Co. of North Carolina; and the cities of Rocky Mount and Wilson, North Carolina. *BNA Toxics Law Daily* 6/13/00

June 2, 2000 – a U.S. District Court fined a gasoline station's owner \$4.74 million for failing to obey a cleanup order issued by the EPA to remediate 10,000 gallons of gasoline that had leaked out of underground storage tanks into soil and groundwater in Nedrow, New York. The owner of the gas station/convenience store, O.R.'s Gas and Grocery operated the facility from 1984 to 1993. The leak was discovered and the EPA ordered a cleanup in 1995. *Reuters* 6/5/00

May 29, 2000 – it was reported that there are 25,000 abandoned oil wells in Texas that remain unplugged, plus an additional 15,000 oil wells sitting idle and tens of thousands of others that may be leaking oil and threatening aquifers. Many of these wells are on ranch land. According to the Texas Railroad Commission, complaints about contamination increased dramatically between 1997 and 1998. In 1997, regulators received 77 cases of contamination caused by oil patch operations. In 1998, they received 976 cases of oil field pollution. According to an environmental attorney, pollution lawsuits filed against the oil industry have become more common in Texas. Most of these are settled out of court with the terms remaining confidential. *New York Times* 5/29/00

May 26, 2000 – it was reported that the EPA has ordered W.R. Grace to cleanup the site of their former vermiculite mining operations in Libby, Montana. The EPA also reported that it would clean up another Grace mining site just outside of Libby and seek reimbursement from the company afterward. Both sites are contaminated with asbestos. *New York Times* 5/26/00

May 25, 2000 – Potential Responsible Parties (PRPs) agreed to spend an additional \$37.25 million to clean up the San Fernando Valley, California aquifer. The PRPs have already paid \$20 million in remediation costs, bringing total costs to \$57.25 million. The EPA will

Contaminated Sites — North America (cont'd)

recover most of the costs from Lockheed Martin and ITT Corp., with 12 other companies also contributing lesser portions of the cleanup costs. The additional money will fund pump and treat operations for the next 12 years. The aquifer has been contaminated with trichloroethylene, tetrachloroethylene and other chlorinated solvents. *PR Newswire* 5/31/00

May 24, 2000 – litigation surrounding cleanup costs at a waste oil reclamation facility, contaminated with hazardous materials, including PCBs, continued and is a good example of the wide net cast in expensive remediation projects. Hutch Oil Services was the most recent owner of the site that had been operational for 40 years. The EPA identified three other potential responsible parties (PRPs) who were either previous owners or had disposed of hazardous substances at the site; Centerior Service Co., General Electric Co. and Ashland Oil Inc. The initial PRPs then found 250 other entities that disposed of waste at the facility and filed suit for contributions against more than 125 of them. *BNA Toxics Law Daily* 5/24/00

May 18, 2000 – an environmental group filed suit against two mining companies and the city of Clovis, New Mexico alleging the entities are contaminating lakes in the region. The suit filed by Forest Guardians alleges that mining companies IMC Kalium Potash and Mississippi Potash Inc. dumped toxic wastes into shallow lakes without a permit. The group alleges that the city of Clovis discharged treated sewage into the lakes. Each defendant faces the possibility of millions of dollars in fines as the maximum penalty under the Clean Water Act is \$25,000 per day. *Albuquerque Journal* 5/23/00

May 18, 2000 – it was reported that the North American Commission for Environmental Cooperation, established under the North American Free Trade Act, will investigate as to whether Mexico failed to enforce its own environmental laws by failing to order the owner of an abandoned lead smelter to remediate both on-site and off-site pollution. The *Metales v. Derivados' Tijuana* smelter, which operated for 12 years before being abandoned, was left surrounded by piles of lead-tainted powder which can run off during rain and also become airborne. There have been allegations that the contamination is affecting the health of over 1,000 families living adjacent to the site. The parent company is located in San Diego, California. *Los Angeles Times* 5/18/00

May 17, 2000 – the EPA decided on a cleanup remedy for the Sheboygan River and Harbor Superfund site in Wisconsin. Tecumseh Product Company, a refrigerator and air conditioning compressor and gasoline engine manufacturer, is the primary potentially responsible party at the site which is heavily contaminated with PCBs and heavy metals. The contaminants are also

migrating into the Great Lakes. The site was added to the federal Superfund list in 1986. Tecumseh has already performed and paid for some remedial actions, but the cleanup plan selected by the EPA will cost an additional \$41 million. Two other companies, Thomas Industries, which operated an aluminum die cast shop since the late 1950s, and Kohler Company, which owns the adjacent site, have an old landfill leaching contaminants into the river. The Kohler Landfill Site is itself a Superfund site. Tecumseh is expected to pay for the bulk of the cleanup costs. *EPA Region 5* 5/17/00

May 16, 2000 – the EPA announced that it will cost \$28 million just to cap 41 acres of the Mount Eaton landfill in Wayne County, Ohio. The landfill was purchased by Mount Eaton Reclamation from Wayne County in January 1999, and still operates a landfill on the additional 33 acres. *The Beacon Journal* 5/16/00

May 16, 2000 – it was reported that a five-year investigation by the Minnesota Pollution Control Agency discovered over 1,800 unlicensed dumps in Dakota County, Minnesota. At least 300 of these have already been identified as threats to human health or the environment. Another 600 have been remediated during the five-year period, or have been innocuous. Over 900 still need to be characterized. About 60 unlicensed dumps are being discovered annually in Dakota County. Contaminants leaching from some of these landfills have been discovered in private residential wells. Dakota County is expected to approve \$12 million for continuing investigations of the 300 sites already deemed to be priority sites. *St. Paul/Minneapolis Pioneer Planet* 5/16/00

May 15, 2000 – it was reported that Kaiser Aluminum's newest cleanup plan for remediating contamination at its Mead, Washington smelter will cost an additional \$18.1 million, bringing the total cleanup costs to \$23.1 million. The plan includes putting an improved cap over a pile of potliners, now 20 feet high and the size of two football fields, and contaminated soil at the site, as well as the pumping and treatment of groundwater. Local residents want the potliners and contaminated soil hauled to a hazardous waste landfill. Kaiser has refused to do this as it would cost an estimated \$527.4 million. Cyanide and fluoride contamination from the site has affected the Spokane-Rathdrum Prairie Aquifer and the Little Spokane River as well as springs running through third party properties and residential drinking water wells. *The Spokesman Review* 5/15/00

May 11, 2000 – it was reported that Chevron has agreed to remediate gasoline and MTBE contamination in groundwater underneath the town of Cambria, California that emanated from a Chevron service station. The contaminant plume has migrated 200 feet from the gas station and is now 500 feet from two municipal drinking water wells. Chevron has been directed to

provide the town with an alternative water supply by September 1, 2000. The gasoline additive MTBE has been measured in the groundwater at levels up to 165,000 parts per billion (ppb). The standard for drinking water is 5 ppb. The leaking underground storage tanks were replaced in 1995. *Los Angeles Times* 5/11/00

May 11, 2000 – the EPA added the Intermountain Waste Oil Refinery to the federal Superfund list. The two acre site is heavily contaminated with toluene, ethyl benzene, dichloroethane, trichloroethene and other refinery wastes. Residential properties and an elementary school are adjacent to the site. The waste oil recycler was operational from 1958 to 1993. Groundwater has been contaminated. Tests revealed levels of dichloroethane at 430 parts per billion (ppb) and levels of trichloroethene at 750 ppb. Safe levels of these are 5 ppb and 200 ppb respectively. The shallow contaminated aquifer is connected to deeper aquifers that supply about 67,000 people with drinking water. There are also concerns that pollutants can become airborne. *The Salt Lake Tribune* 5/12/00

May 10, 2000 – it was reported that the owners of a 168-unit apartment building will pay over \$754,000 for an October 1999 oil spill. The Los Angeles Regional Water Quality Board fined the Wilshire West Partners \$354,000 for releasing 4,000 gallons of oily water from sump pumps into storm drains which contaminated Ballona Creek. Cleanup of the spill has already cost the firm over \$400,000. *Los Angeles Times* 5/11/00

May 5, 2000 – it was reported that the San Francisco Water Department will spend at least \$3.1 million to clean up a shoreline shooting range. The now bankrupt Peninsula Sportsman's Club leased the land from the water department for over 50 years. The shoreline is contaminated by lead shot and debris from clay targets (which contain known carcinogens). The \$3.1 million expense will fund remedial activities for the years 2000 and 2001. *San Jose Mercury News* 5/5/00

May 5, 2000 – it was reported that a new, simpler cleanup plan would be implemented to remediate the Industrial Excess Landfill in Uniontown, Ohio. The simplified plan elevates the pump and treat system to clean up contaminated groundwater. Instead the plan calls for natural attenuation and for simplifying the cap to go over the landfill. Cleanup costs under the cheaper plan will be about \$13 million. Four companies are being held liable for the cleanup; Goodyear Tire & Rubber Co.; Bridgestone/Firestone Corp.; B.F. Goodrich and GenCorp. *The Beacon Journal* 5/5/00

May 4, 2000 – a case decided by the Washington Supreme Court discussed the Aluminum Company of America's (Alcoa's) cleanup costs for just three of their 35 U.S. facilities requiring remediation. These three sites,

in New York, Texas and Washington cost nearly \$850 million to clean up.

April 27, 2000 – it was reported that Washington State University is facing yet another cleanup project. The soil around the university's livestock pavilion, used these days for student gatherings, is contaminated from lead-based paint flaking off the building. The university is already undertaking the cleanup of contamination at its scrap metal yard, road paint shop and an inactive chemical waste dump. *The Spokesman Review* 4/28/00

April 27, 2000 – it was reported that it will cost approximately \$164 million to remediate two municipal landfills in Brooklyn, New York. The two landfills are not federal Superfund sites but are on New York State's priority list. The cost of these two sites could bankrupt the state's Superfund cleanup program, which currently includes nearly 800 contaminated sites. *New York Times* 4/27/00

April 26, 2000 – it was reported that soil at a 200 unit low-income apartment complex in Richmond, California was contaminated with elevated levels of lead and would require \$5 million to remediate. Remediation will include the removal of 20,000 tons of contaminated soil. The cause of the contamination was traced back to when the Pullman Company sandblasted and painted railcars on the property from 1909 to 1959. The apartment complex was built in the 1970s. Lead levels were measured 75 times higher than the 400 parts per million allowed by state environmental laws. The complex is owned by Housing Preservation Inc. of Los Angeles and managed by Alton Management of Oakland. *San Francisco Gate* 4/26/00

April 21, 2000 – it was reported that Commonwealth Edison and Nicor Gas have reached an agreement with the village of Oak Park, Illinois to remediate third party properties affected by coal tar contamination that emanated from an old manufactured gas plant. The cleanup is expected to cost more than \$15 million and will encompass residential properties and a village park. Over 80,000 tons of contaminated soil will have to be removed from the park alone. So far, one third-party suit has been filed alleging injuries (cancer) caused by exposure to the contamination on her property. The gas plant was operational from the 1890s to the 1920s. *Chicago Sun-Times* 4/21/00

April 19, 2000 – it was reported that the Silver Butte abandoned copper and zinc mine has been leaching acids into Oregon's Middle Fork Creek, a tributary of the South Umpqua River, for several years. The last owner of the mine, Canadian mining company Formosa Resources, declared bankruptcy in 1993 after spending \$1.3 million in an effort to remediate contamination leaching from the mine. High levels of copper and zinc acids have contaminated an 18-mile stretch of the creek and have

Contaminated Sites — North America (cont'd)

killed nearly all aquatic life in the creek. Formosa operated the mine from the 1980s to 1993. Oregon's Department of Environmental Quality only has \$4 million annually to spend on remediation of abandoned sites, not enough to clean up the abandoned mine.

April 17, 2000 – it was reported that General Motors had failed to meet its obligations to remediate gasoline spills from underground storage tanks (USTs) at its Michigan proving grounds. Investigations discovered an unreported leak from a UST that occurred in the 1970s which released as much as 110,000 gallons of gasoline into the soil and groundwater. This is one of the largest UST leaks to occur in Michigan. Another release occurred in 1989, after lightning hit an underground storage tank at the proving grounds releasing 7,000 gallons of gasoline. Four years after the lightning strike, tests show freestanding gasoline had migrated down to 93 feet below ground. The groundwater of an affluent residential neighborhood has been affected and GM has agreed to buy 30 of the \$500,000 homes. GM violated an earlier agreement with state regulators requiring the testing of monitoring wells and drinking water wells for gasoline contamination twice a year. GM stopped testing both in 1995 through 1999. *Detroit Free Press* 4/17/00

April 14, 2000 – the municipality of Carleton Place in Ontario, Canada has been ordered to provide 26 homes in Beckwith Township with bottled drinking water after an abandoned landfill once operated by Carleton Place contaminated their wells with industrial solvents. Additional testing is being conducted and the number of contaminated wells in the area is expected to rise. Trichloroethylene and tetrachloroethylene have leached from the landfill into the drinking water wells. *Ottawa Citizen* 4/21/00

April 5, 2000 – it was reported the city of St. Paul, Minnesota has agreed to spend \$10 million to partially remediate the closed Pigs-Eye landfill. The 300 acre landfill took in commercial and industrial waste from 1956 to 1972 and accumulated 8.3 million cubic yards of waste. The \$10 million will be spent on removing old barrels of hazardous waste, stabilizing contaminated soils and capping part of the landfill with more than 70,000 cubic yards of clean soil in an effort to reduce the amount of pollution leaching into the Mississippi River. Even though the site has been on Minnesota State's priority list since 1989, state regulators have deemed a total cleanup of the site too costly. *Pioneer Planet* 4/6/00

April 4, 2000 – the San Gabriel Basin Water Quality Board filed a lawsuit against Aerojet-General Corp. seeking to recover the \$4.6 million spent to construct a groundwater treatment facility. California state and federal authorities have identified the company as

one of largest responsible parties contributing to the groundwater contamination allegedly caused by historical waste discharges. *Los Angeles Times* 4/6/00

April 4, 2000 – the California Attorney General filed suit against the owners of land used to stockpile over 6 million tires and several other companies involved in a waste-to-energy operation where the tires would be used as fuel, seeking to force the parties to clean up after lightning started a fire on September 22, 1999. The fire burned for 34 days and caused soil contamination that allegedly threatens groundwater. Clean up costs could total more than \$20 million. The suit also seeks \$3.65 million in civil penalties. Defendants include: Edward and Mary Filbin, Oxford Tire Recycling of Northern California, Modesto Energy Ltd. Partnership, Omega Tires Inc. and Heights II Inc. *San Jose Mercury News* 4/5/00

March 2000 – according to a new study, as many as 9,000 community drinking water wells in 31 states might be contaminated by the gasoline additive methyl tertiary butyl ether (MTBE) leaking from underground storage tanks (USTs). The U.S. Geological Survey (USGS) and the Oregon Graduate Institute of Science & Technology conducted the new study. The 9,000 drinking water wells identified in the study equal one-third of the community drinking water wells in the 31 states. According to the USGS, due to MTBE's slow degradation rate, past releases of MTBE will continue to threaten drinking water supplies until at least 2010. Approximately 12 billion gallons of MTBE have been produced for use as a gasoline additive in the U.S. between 1970 and 1998. *eurekaalert.org* 3/21/00 published by the American Association for the Advancement of Science

March 31, 2000 – owners of properties along the Housatonic River in Pittsfield, Massachusetts filed a motion to intervene in the settlement of a suit filed by the U.S. Government, the Commonwealth of Massachusetts and the State of Connecticut against General Electric Company. In the settlement, GE agreed to pay between \$316 million and \$716 million to remediate PCB contamination in its closed Pittsfield facility and along several miles of the Housatonic River in both Massachusetts and Connecticut. The property owners are seeking to have the settlement modified to require GE to perform more extensive remediation than that proposed in the settlement. *excite.news* 4/3/00

March 27, 2000 – it was reported that the Miami-Dade School Board is facing a \$4 million cleanup of a landfill on property it acquired from a local builder. The builder, Lennar Homes, obtained a permit in July 1987 to open a five-acre landfill which allowed the company to bury only inert construction debris and limited plant material at the site. The landfill was closed in 1990, and the property was deeded to the school board in 1995. The landfill contains not only construction debris but also old appliances, tires

and household trash. The cleanup is expected to involve hauling away over 3,700 truckloads of waste. The \$4 million price tag is roughly twice the value of the uncontaminated land in the area. *Miami Herald* 3/27/00

March 24, 2000 – it was reported that the electric utility AGL (formerly Atlanta Gas & Light) will spend \$150 million to remediate 11 old manufactured gas plants in Georgia. Initial stages of the cleanup will involve removing thousands of truckloads of soil contaminated with benzene, xylene, naphthalene and other chemicals. *savanahmorningnews.com* 3/24/00

March 10, 2000 – 13 oil companies were ordered by the EPA to pay for the costs of replacing drinking water supplies for Santa Monica, California. At least seven drinking water wells have been closed due to high levels of methyl tertiary butyl ether (MTBE) emanating from 24 underground gasoline storage tanks in the area. The companies named in the administrative order are: Chevron USA, Exxon Mobil Corp., Atlantic Richfield Co., Conoco Inc., Douglas Oil Co. of California, Kayo Oil Co., Unocal Corp., Tosco Corp., Mobil Oil Corp., Thrifty Oil Co., Best California Gas, Kazuho Nishida, and HLW Corp. *BNA Toxics Law Daily* 3/16/00

March 2, 2000 – it was reported that the city of San Francisco had become the main PRP held liable for the remediation of a watershed it had leased to a gun club. The gun club leased the land from 1939 to 1994. The bankrupt Peninsula Sportsman Club was ordered to remediate the property in 1994, but took no action and was evicted from the property two years later. The soil is contaminated with lead from lead shot and polynuclear aromatics (a substance similar to asbestos from clay shot). The city has already paid \$3.1 million to remove 2,600 tons of contaminated soil. Ultimate cleanup costs could reach \$12 million. *The San Francisco Gate* 3/1/00

February 15, 2000 – residents of Barceloneta, Puerto Rico filed a class action suit against 14 industrial companies and one wastewater treatment plant. The suit seeks \$600 million for allegedly causing bodily injury to residents as a result of the discharge of hazardous substances into the environment. Twelve of the companies are based in the United States. The other two are European companies. The defendants are: Compania de Aguas de Puerto Rico Inc., PS Group of Puerto Rico Inc., Autoridad de Acueductos Y Alcantarillados (PRASA), Barceloneta Wastewater Treatment Corp., Abbott Health Products Inc., Bristol Alpha Corp., Cyanamid Agricultural de Puerto Rico Inc., Merck, Sharp and Dohme Quimica de Puerto Rico Inc., Pfizer Pharmaceuticals Inc., Schering Corp., Upjohn Manufacturing Co., Union Carbide Films Packaging Inc., Nycomed Puerto Rico Inc., Dupont Electronic Materials Inc., Roche Products Inc., Vislase Puerto Rico Corp., OMI Pharmaceuticals Inc., Davis & Geck Ltd., and La Universal Insurance Co. *BNA Toxics Law Daily* 2/22/00

February 14, 2000 – it was reported that Wisconsin Electric would be pursuing coverage from 40 insurers which issued 150 policies from 1960 to 1986 to indemnify the utility for \$110.2 million in cleanup costs. On December 29, 1999, a jury ordered Wisconsin Electric Power Company to pay the city of West Allis, Wisconsin. The utility was sued by the city, which alleged that the company disposed of 26,000 tons of cyanide-laden waste at two sites in the city. A jury awarded \$104.5 million in damages plus \$5.7 million in interest. *The Business Journal* 1/3/00 and *KRTBN/Business* 2/14/00

February 14, 2000 – the Colorado Department of Public Health and Environment (DPH&E) filed a lawsuit against National Hog Farms alleging that the factory farm illegally sprayed hog waste onto fields 42 times between December 1999 and February 2000. The suit also alleges the hog farm failed to provide adequate storage for hog waste, didn't properly remove solids before applying the wastes to fields and didn't submit proper odor management plans and other paperwork. State regulators are seeking \$4.4 million, the maximum fine available. The DPH&E already has the power to levy the fine. The lawsuit is a vehicle to obtain an injunction ordering the hog farm to stop spraying waste onto fields in the winter. *Knight Ridder News* 2/17/00

February 10, 2000 – a Pennsylvania court held that a \$3.2 million civil penalty levied against Westinghouse Electric Corp. by the Pennsylvania Department of Environmental Protection (PDEP) was reasonable despite the fact that the company has already paid millions of dollars in remediation costs. The PDEP fined the company for numerous violations of the state's Clean Streams Law. State regulators alleged that over 1,000 releases of industrial solvents, trichloroethylene and 1,1,1-trichloroethane, at a Westinghouse elevator manufacturing facility occurred from 1968 to 1989. The suit also alleged that the company failed to inform the state of pollution releases for 4,356 days (*Westinghouse Electric Corp. v. PDEP*, No. 1069 CD 1999 Commw CT). *The Digest of Environmental Law* Volume 13 No. 7 and *Andrews Hazardous Waste Litigation Reporter* 3/24/00

February 9, 2000 – it was reported that the Hickson Corporation reached a settlement with the Georgia Environmental Protection Division, agreeing to pay a \$400,000 fine plus cleanup costs for releases of hazardous chemicals at their facility. These releases have resulted in both on-site and groundwater contamination. The company produces copper chromated arsenic used to preserve wooden telephone poles. *excite.news* 2/9/00

January 2000 – Lockheed Martin reached an agreement with the federal government wherein the government will reimburse the company for half of the \$265 million spent between 1992 and 1999 in cleaning up the company's Burbank, California manufacturing site,

Contaminated Sites — North America (cont'd)

reducing Lockheed's cleanup costs to \$132.5 million. *Los Angeles Times* 5/5/00

January 17, 2000 – a South Carolina appellate court ruled that Safety Kleen (formerly known as Laidlaw Environmental) put \$133 million into a fund to pay for potential contamination at its hazardous waste landfill in South Carolina. The company had already paid \$14 million into a fund for potential cleanup costs. The appellate court apparently took the company's history of violating hazardous waste laws into account. *KRTBN/Business* 1/18/00

January 17, 2000 – it was reported that Georgia's Department of Natural Resources ordered the University of Georgia to begin remediation of an old landfill on campus property. The landfill, which was closed in 1980, allegedly contains leaking containers of chemicals and animal carcasses and is leaching into a nearby stream. Elevated levels of solvents, chloroform and other chemicals have been found in the stream. The material was dumped into the landfill's 18 unlined trenches for decades and concerns about groundwater contamination surfaced about 20 years ago. The cleanup, which will entail hauling 10,000 truckloads of contaminated soil for off-site disposal, is expected to cost over \$20 million. *Wall Street Journal* 1/17/00

Contaminated Sites — International

June 28, 2000 – it was reported that an Irish mining company has been ordered by the Irish Department of Marine and Natural Resources to remediate an old tailings pond site and a schoolyard both contaminated with high levels of lead. Mogul Ireland, a subsidiary of Ennex International operated a zinc mine in County Tipperary from 1968 to 1982 and created a tailings pond two miles from the mine. Governmental agencies are also recommending annual blood lead-level testing for all children in the area. *The Irish Times* 6/28/00

April 23, 2000 – the United Nations published a new assessment of the 1986 Russian Chernobyl nuclear reactor accident. The new assessment states that 3 million children require radiation treatments and may prematurely die. In all, up to 7.7 million people may be affected, although the total number of those injured may not be known until 2016 due to the long latency period involved with radiation exposure. The Chernobyl accident released 100 times more radiation than was released by both atomic bombs dropped on Japan in World War II. The three countries most affected by radiation from the accident are Russia, Belarus and Ukraine. *Dow Vision International News* 4/25/00

April 27, 2000 – it was reported that three of Britain's nuclear weapons manufacturing facilities are more contaminated by both radioactive and hazardous wastes

than previously thought. Inventories of wastes stored at these sites are incomplete, records of waste are rife with errors and some low-level radioactive waste has disappeared. *The Mirror* 4/27/00 and *New Scientist* 4/27/00

March 2, 2000 – it was reported that the Russian war in Chechnya may have caused the spilling of an estimated 588 million gallons of oil onto soil and into waterways. Chechnya's Terek River, the province's largest river, is covered in oil a few inches thick. The estimated spillage in Chechnya is more than twice the 240 million gallons spilled from Kuwait's Sea Island Terminal during the war in Kuwait. *Oil Spill Intelligence Report* 3/2/00

March 1, 2000 – it was reported that the 120 square kilometer contaminated nuclear test site at Maralinga, South Australia has been fully remediated at a total cost of AU\$108 million. Seven major nuclear blasts took place at the site between 1955 and 1963 and several hundred minor nuclear trials were also conducted at the site. The British government, which conducted the nuclear tests, agreed to pay half of the costs.

Spill & Releases

Spill & Releases — North America

June 16, 2000 – the Regional Water Quality Control Board of San Diego, California has proposed fining the city of San Diego \$3.47 million for a 34 million gallon raw sewage spill. A pipeline leak spilled sewage into a creek that flowed into the San Diego River and into the Pacific Ocean. The spill commenced on 2/16/00 and went undetected until 2/28/00. *BNA Environment Report* 6/23/00

June 16, 2000 – it was reported that an Ontario Superior Court held that the injured party in a pollution cleanup case is entitled to insist that its land be remediated to a pristine condition rather than according to a more lenient cleanup standard set by Canada's Ministry of Environment. The court also held that even after the cleanup was completed the value of the land would be diminished due to stigma caused by the contamination (*Tridan Developments Ltd. v. Shell Canada Products Ltd*, 2007-036, 20pp.). This ruling is believed to be the first Canadian court decision on these issues. The case involved gasoline contamination from a leaking underground storage tank at a Shell gas station that migrated onto adjacent property. The court ordered Shell Canada Products to pay Tridan Developments (CA)\$945,000, including (CA)\$350,000 (approximately 13% of the value of the third party property) for stigma damages. *The Lawyers Weekly* 6/16/00

June 14, 2000 – the Delaware Department of Natural Resources and Environmental Control (DNREC) announced a settlement with Connectiv, the parent company of Delmarva Power & Light Co. with regard to air permit violations and oil contamination emanating

from its Indian River facility. Approximately 600,000 gallons of oil leaked from a pipeline connected to an AST at the facility over the past 8 to 12 years. The leak was discovered after oil had entered the Indian River. In addition to cleanup costs in excess of \$1.2 million, the utility will also pay \$350,000 in fines and \$11,559 reimbursement of costs to the DNRECC. Air permit violations at the same facility will add another \$100,000 to fines the utility will pay. This settlement does not relieve the utility from any liability for natural resource damages claims, which are still being assessed.

BNA Environment Report 6/23/00

June 8, 2000 – a tugboat collided with a tanker rupturing its hull and spilling 59,400 gallons of oil into Chelsea Creek, a narrow inlet of Boston Harbor. The tugboat, the Alex C, is owned and operated by Bay State Towing. The Panamanian registered tanker, Posa Vina, was leaving its dock at the Tosco Marine Terminal when the accident occurred. *Reuters 6/8/00* and *Oil Spill Intelligence Report 6/15/00*

June 8, 2000 – it was reported that Union Pacific Railroad will settle Clean Water Act violations by paying an \$800,000 fine. The violations resulted from seven train derailments which spilled a total of 14,000 gallons of oil, 5,000 tons of taconite and 800,000 pounds of sulfuric acid into Colorado and Utah waterways between 1992 and 1998. The railroad had already paid for emergency cleanup operations after each spill. The settlement also requires the railroad to implement a series of specific preventative actions to reduce the risk of future spills. *PR News Wire 6/8/00*

June 8, 2000 – it was reported that the city of Anderson, Indiana will file suit against the automotive parts manufacturer Guide Corp. and Crown Environmental Group, an environmental consultant hired by Guide to manage its wastewater treatment facility, following the release of contaminants into the White River in December 1999, which resulted in a massive fish kill. The city's suit mirrors suits already filed against the two firms by the state and federal government. The release of chemicals from the facility killed more than 117 tons of fish. The city's expenses have reached nearly \$300,000. *Knight Ridder/Tribune News Business 6/8/00*

June 7, 2000 – a 16-inch gasoline pipeline owned by Wolverine Pipe Line Co., running from Joliet, Illinois to Detroit, Michigan, released more than 75,000 gallons of gasoline into ecological sensitive waterways and marshes 70 miles west of Detroit. The leak was discovered immediately and the line was shut down. Two thousand people from 600 homes had to be evacuated. By June 19, the basements of all the homes had been pumped out and all but three homes had been cleared for benzene. Some gasoline flowed into the Grand River. As of June 22, 50 cleanup personnel were still on-site. *Oil Spill Intelligence Report 6/22/00*

June 7, 2000 – the EPA ordered AK Steel Corp. to begin providing over 4,400 residents of Zelienople, PA with bottled water after excessive nitrate discharges from its steel mill have repeatedly contaminated the Connoquenessing Creek used for drinking water by the community. The federal safety standard for nitrates in drinking water is 10 parts per million (ppm). Discharges from AK Steel's facility have raised the nitrate level in the creek to as high as 175 ppm. The emergency order also requires AK Steel to reduce the amount of nitrates being discharged. In 1997, the facility released 29 million pounds of nitrates, a by-product of the pickling process used in the manufacture of stainless steel. In 1998, the facility released 31.7 million pounds.

Post-Gazette 6/7/00

May 27, 2000 – a Union Pacific Railroad train hauling hazardous substances derailed causing an explosion and fire. Almost 4,100 people living within a 2 1/2 mile radius were evacuated. The fire burned for four days. Thirty-four of the railcars carrying hazardous materials overturned. Four days later, it was discovered that one of the overturned railcars had been leaking toluene disocyanate, a toxic and flammable substance. It was another five days before residents were allowed to return home. *foxnews.com 5/31/00*

May 15, 2000 – it was reported that a plume of leaking gasoline had migrated from a convenience store's leaking underground storage tanks and contaminated two residential drinking water wells and the drinking water wells of an elementary school. The wells of 35 other homes are being tested for contamination. The elementary school has switched to bottled water. The USTs were discovered to be leaking in the early 1990s. Cleanup will reportedly take several years to complete. *Detroit News 5/15/00*

May 4, 2000 – the Williams Wastewater Treatment Plant in Mobile, Alabama spilled 1 million gallons of raw sewage into a creek and one-quarter acre of wetlands. An 18-inch trunk line was clogged backing up the sewage through a manhole. *Mobile Register 5/8/00*

May 9, 2000 – runoff from a fire at a Wild Turkey Distillery warehouse resulted in natural resource damages, killing aquatic life along an eight-mile stretch of the Kentucky River. Officials described the fish kill as "massive." *San Jose Mercury News 5/16/00*

May 9, 2000 – it was reported that a gold mine tailings pond at the Hecla Mining Company's Grouse Creek Mine in Idaho is leaching cyanide into Jordan Creek. Jordan Creek is a habitat for endangered species. To date, the federal EPA and Hecla have not been able to reach an agreement on the best way to drain the containment pond. *The Spokesman Review 5/9/00*

May 2, 2000 – the State of Connecticut filed suit against Wal-Mart Stores alleging that run-off of pesticides and

Spill & Releases — North America (cont'd)

fertilizers from 11 stores in the state was contaminating rivers and streams in violation of environmental laws. The suit was filed after inspections by state regulators found several violations regarding the handling of contaminated storm water. *Hartford Courant* 5/3/00

May 1, 2000 – it was reported that a plume of contamination 1,000 feet by 600 feet emanating from a Hughes Aircraft facility in Fullerton, California had migrated to the edge of a freshwater aquifer. The plume contains 1,1,1, -trichlorethane, copper and zinc. Raytheon, which merged with Hughes in 1997, will perform the cleanup. *Los Angeles Times* 5/1/00

April 28, 2000 – the federal government and the State of Indiana filed suit against Crown Environmental Group and Guide Corp. seeking tens of millions of dollars for natural resource damages. Federal and state regulators allege that in December 1999, the two companies discharged ammonia and other toxins into a local wastewater treatment plant which contaminated 50 miles of the White River. Over 117 tons of dead fish were collected after the release and the ecosystem is allegedly severely damaged. The White River is a major drinking water source for Indiana residents. Guide Corp. is one of the largest manufacturers of automotive lighting. Crown Environmental was hired by Guide to operate the facility's wastewater treatment plant. *Lycos Environmental News Service* 5/1/00

April 21, 2000 – TPI Petroleum Inc. (formerly Total Petroleum Inc.) agreed to pay \$13.9 million to settle federal allegations that during 1999 its Michigan refinery operations violated numerous environmental laws and resulted in contaminating the Pine River and Horse Creek. In addition to releasing contaminated wastewater into these waterways, the government also alleged that the company failed to properly handle, store and dispose of hazardous waste and failed to properly monitor wastewater and report violations of environmental laws. The agreement calls for the company to pay \$9 million to remediate the two waterways, \$4 million in fines and contribute \$900,000 for a brownfield project in Michigan. Ultramar Diamond Shamrock bought TPI in 1997. *Reuters* 4/24/00

April 14, 2000 – it was reported that pipeline accidents occurring throughout the U.S. during 1999 caused nearly \$100 million of property damage. Texas had more pipeline accidents than any other state. Pipeline spills over the past decade have released an average of 6 million gallons of materials annually. *Austin-American Statesman* 4/17/00

April 9, 2000 – a 51-mile, 12-inch pipeline owned by the Potomac Electric Power Company (PEPCO) ruptured, releasing 110,000 gallons of oil into Swanson's Creek, 45 acres of marshland and the Patuxent River. The oil has

impacted land in both Calvert and Prince George counties in Maryland. The pipeline carries oil to be used for electrical generation. By April 15, 2000 only 22,063 gallons of oil had been recovered. Approximately 500 cleanup personnel are on-site and to date they have removed nearly 738,000 pounds of oiled debris. *Washington Post* 4/10/00 & *Dow Vision PR Newswire* 4/14/00 & 4/15/00

March 15, 2000 – Alyeska Pipeline Service Co. agreed to pay state regulators a \$310,000 fine to settle violations stemming from a 1996 pipeline leak. The leak occurred in a buried section of the pipeline releasing 38,750 gallons of oil into the soil. Alyeska Pipeline had already conducted a cleanup of the site. *Reuters* 3/17/00

March 13, 2000 – Alcoa Inc. agreed to pay \$8.8 million to settle allegations of Clean Water Act and Clean Air Act violations at its Evansville, Indiana facility. The federal government alleged that the facility discharged inadequately treated waste into the Ohio river from 1994 to 1999 and exceeded opacity limits for stack emissions. The \$8.8 million settlement includes a \$2.4 million fine, with the remaining \$6.4 million to be spent on hazardous waste and air emissions reduction. *Seattle Post-Intelligencer* 3/14/00 & *excite.com* 3/14/00

March 10, 2000 – it was reported that the federal government fined AT&T and two contractors, A&L Underground and BioImpact, \$1.8 million for releasing large amounts of drilling fluids into the Caribbean Sea during operations to lay fiber optic cable from St. Croix to North America, South America and Europe. AT&T began cleanup operations of the area in 1997. *Lycos Environmental News Service* 3/1

March 10, 2000 – a pipeline ruptured outside of Dallas, Texas releasing approximately 500,000 gallons of gasoline into East Caddo Creek which flows into Lake Tawakoni. The lake supplies about 30% of Dallas' drinking water. The spill also spread onto adjacent cattle farms and fields. Two days later, the gasoline had migrated eight miles downstream and the EPA had erected three temporary dams to contain the spill. The operator of the 1,400-mile long pipeline, Explorer Pipeline Company, has accepted responsibility for the spill and cleanup costs. *Lycos Environmental News*

March 1, 2000 – Koch Petroleum Group was ordered to pay \$8 million for negligently releasing between 200,000 and 600,000 gallons of aviation fuel into a wetland. A U.S. District Court in Minnesota ordered the company to pay \$2 million in remediation costs and a \$6 million fine. The company reportedly admitted that it knew about the leak from one of its above-ground storage tanks in 1993, but did not try to recover or remediate the fuel until 1997. *Oil Spill Intelligence Report* 3/9/00

February 28, 2000 – a tanker truck, belonging to R.P.

Cummings Inc., plunged off a mountain road releasing 4,000 gallons of oil into Santa Paula Creek and Santa Clara River in California. The oil formed a slick 18 miles long which is headed for an estuary on Ventura's coast. These waterways are home to several endangered species. *Los Angeles Times* 3/1/00

February 5, 2000 – an underground 24-inch pipeline that runs from an oil terminal to a tank farm at a Sunoco refinery leaked approximately 191,000 gallons of oil and 28,000 gallons of water mixed with oil beneath the ice covering a pond at the John Heinz National Wildlife Refuge in Pennsylvania. The pipeline was 50 years old. Several threatened and endangered species inhabit the refuge. This was the 12th spill from Sunoco pipelines in the Philadelphia region since 1986. *excite.com/news* & *The Inquirer* 3/2/00

January 27, 2000 – a Kansas City Southern Railway train derailed in Arkansas spilling 9,000 gallons of lubricating oil from one derailed tank car and releasing ethylene glycol from another. The railroad is reported to have a record of five to ten derailments annually. *Arkansas Online* 1/31/00

January 24, 2000 – several environmental groups filed suit against Tosco Corporation alleging that the company's refinery near Martinez, California violated dioxin air emissions permits over 2,000 times since 1993. The suit alleges that dioxin emanating from the refinery is contaminating the soil and waters flowing into San Francisco Bay. *San Francisco Gate* 1/25/00

January 23, 2000 – an underwater pipeline belonging to Equilon Pipeline Company ruptured after an eight-ton anchor was dropped onto it from an oil drilling rig releasing 94,000 gallons of oil into the Gulf of Mexico. *New York Times* 1/23/00

January 13, 2000 – Koch Industries settled a lawsuit filed by the federal government by agreeing to pay \$35 million in fines and penalties. The suit alleged that the company had over 300 pipeline leaks and ruptures over a nine-year period, releasing 3 million gallons of oil which contaminated lakes and streams in six states (Texas, Oklahoma, Kansas, Alabama, Louisiana and Missouri). *CBS News Radio* 1/13/99

Spill & Releases — International

June 29, 2000 – it was reported that Northern European coastal communities have collectively spent about \$2 billion annually over the past two years to remediate oil spills and clean up garbage released into the marine environment. The countries involved in the study included Denmark, Sweden, Norway, the Republic of Ireland and northern coastal areas of the United Kingdom. *Oil Spill Intelligence Report* 6/29/00

June 26, 2000 – as the tanker Makisig was unloading oil

at the Caltex Philippines fuel depot on the island of Mindanao a band of suspected Muslim rebels cut the fuel line spilling 4,755 gallons of oil into Illana Bay on the Celebes Sea. *Oil Spill Intelligence Report* 7/6/00

June 24, 2000 – the ship *Treasure*, owned by the Panamanian company *Dernier* and managed by the Greek company *Good Faith*, sank off South Africa releasing 400 tons of oil (117,600 gallons) into the Atlantic Ocean and onto the mainland and shoreline of an ecologically sensitive island off the South African coast. This island is inhabited by several endangered species. The ship went down with nearly 1,400 tons of oil on board. *CNN.com* 6/28/00

June 15, 2000 – it was reported that according to French officials, the cleanup and economic damages caused by the December 1999 oil spill from the tanker *Erika* will cost more than the \$1.1 billion that the International Oil Pollution Compensation Fund has promised to pay. Thirty-one French mayors have filed suit against *Totalfina* to recoup cleanup expenses. Although the tanker was transporting the oil for *Totalfina*, the world's fourth largest oil and gas company, *Totalfina* has denied legal responsibility for the spill. In January 2000, it was reported that *Totalfina* pledged \$107 million for the cleanup and natural resource restoration. *The Christian Science Monitor* 6/15/00 and *Oil Spill Intelligence Report*

June 14, 2000 – 330 pounds of mercury spilled from a *Ransa Comercial* truck in the town of *Choropampa*, Peru, sending 8 people to the hospital. *Ransa Comercial* is a contractor hired by *Newmont Mining Corp.* to transport mercury, a by-product from its gold mining operation. *Newmont Mining* is reportedly performing cleanup operations in the town and has recovered about 55 pounds of the mercury. *Knight Ridder Tribune News/Business*

June 8, 2000 – it was reported that the Bulgarian government has banned fishing in the *Timok River* after four consecutive days of heavy pollution believed to be emanating from a Yugoslavian copper and uranium mine and a leather factory located up-river. The river, which flows into the *Danube*, is emitting a strong ammonia odor and the contamination has resulted in a fish kill. The Bulgarian government has stated that pollution coming from these facilities has rendered about 300 hectares of farmland adjacent to the *Timok River* unusable. *Dow Jones International News* 6/8/00

June 6, 2000 – another toxic cloud emanating from a Romanian chemical plant drifted over the Bulgarian town of *Nikopol*. Ammonia levels in the air over *Nikopol* were reported to be 6.5 times the maximum allowable level. The Romanian government has yet to shut down the chemical facility because of the potential impact of job losses. *Dow Jones International News Service* 6/6/00

Spill & Releases — International (cont'd)

June 4, 2000 – vandals, possibly attempting to steal oil from the docked oil tanker, NJ Shekhon, spilled 92,192 gallons of oil at India's Kandla port. *Oil Spill Intelligence Report* 6/8/00

May 22, 2000 – it was reported that the Romanian government would temporarily close a chemical plant after another ammonia release drifted across the Danube River and over the Bulgarian town of Nikopol. On May 18th and 19th, ammonia levels in the air in Nikopol were five times permitted levels. In November 1999, ammonia released from the chemical facility resulted in ammonia levels in the air in Nikopol at 20 times permitted levels. *Dow Jones News Service* 5/22/00

May 10, 2000 – the oil tanker, Stolt Botan, spilled 7,938 gallons of oil off the coast of Singapore. The spill was caused by a small hole in the two year old ship's hull. The tanker is owned by Stolt Parcel Tankers, Inc. which is a division of Stolt Nilsen Transportation Group of Greenwich, CT, USA. *Oil Spill Intelligence Report* 5/11/00

May 10, 2000 – a natural gas processing facility, in Tokyo, Japan, released nearly five and a half tons of concentrated sulfuric acid into the sea adjacent to a beach. Government officials looking into the incident determined that the acid probably overflowed from an above-ground storage tank at the facility. *Discovery.com News* 5/11/00

May 8, 2000 – a Syrian ship released 165 tons of nitric acid into the Mediterranean Sea. The leak was discovered six hours after the ship departed an Egyptian port. The vessel subsequently sank. The Egyptian Environment Ministry will evaluate the impact of the spill. *Discovery.com News* 5/9/00

May 5, 2000 – a new spill from a Romanian mine was reported. The new spill reportedly involved the leaching of both chemical and biological pollutants from a 250-acre waste storage pond in the Romanian city of Abrud. The release contaminated groundwater and the Aries River. *Los Angeles Times* 5/5/00

May 4, 2000 – a flood caused the collapse of a waste containment pond at an Indonesian copper and gold mine. The flood also caused an adjacent wastewater basin to overflow. Pollutants including copper ore, were washed from the Grasberg Mine into the Wanagon River. The mine is owned and operated by the U.S. company Freeport-McMoran Copper & Gold Inc. Indonesian officials are taking samples from the river to measure the environmental impact of the spill. Indonesian environmental groups have pointed out that similar incidents have occurred twice before from the mine. *Dow Vision Wall Street Journal* 5/6/00

May 2, 2000 – a fire at a South African steel processing facility resulted in chemical pollutants being released into

two rivers. The fire caused the roof to collapse, which crushed a large above-ground storage tank. The contaminants were released into the Ngagane River and the Buffalo River. The steel company warned residents not to use the water within 31 miles of the facility for at least several days. *Discovery.com News* 5/8/00

April 27, 2000 – the Norwegian tanker, OGC America, spilled 9 tons of oil off the coast of Odessa, Ukraine, creating a 3 kilometer-long oil slick. Cleanup costs are expected to approximate \$3.5 million. *BBC Summary of World Broadcasts* 4/28/00

March 31, 2000 – a Chinese court ruled that the China Ship Fuel Company must reimburse government agencies and other companies \$36 million (300 million yuan) in cleanup costs for a 44 million gallon oil spill. The spill occurred in March 1999, when one of the company's tankers collided with a cargo ship in the Pearl River Delta. *Oil Spill Intelligence Report* 4/6/00

March 30, 2000 – it was reported that European Union environmental experts estimated that it would cost \$20 billion to repair the damage caused by several recent mining spills in Romania and prevent future accidents. It is unclear how much of the \$20 billion would go to pollution prevention as opposed to actually repairing damage caused by the spills. *United Press International* 3/30/00

March 30, 2000 – it was reported that the Hungarian government will file a suit in Australia against the Australian mining company, Esmarelda Exploration, over a January 30 spill from a Romanian gold mine that released cyanide, contaminated water into waterways and allegedly resulted in a massive fish kill in the Tisza River. *BBC Summary of World Broadcasts* 3/30/00

March 23, 2000 – it was reported that 2,000 pounds of cyanide pellets accidentally dropped from a helicopter into rugged terrain as it was being transported to a gold mine in Papua New Guinea. The Australian mining company Dome Resources has taken responsibility for the spill. Local villagers have been warned not to drink from nearby waterways. The company has been forced to mount a search for the cyanide. *Sydney Morning Herald* 3/23/00

March 17, 2000 – a Shell Oil pipeline ruptured spilling 34,650 gallons of oil into Nigeria's Niger Delta. Shell suspects sabotage as the cause of the pipeline rupture. *Oil Spill Intelligence Report* 2/23/00

March 10, 2000 – a containment pond dam at the state-owned Biai Borsa mine in Romania collapsed under melting snow and heavy rain releasing 20,000 tons (40 million pounds) of lead, zinc, copper and other heavy metals into the Vassar River. The 50-kilometer slick of heavy metal sludge spread to the Viseu and Tisza Rivers and has contaminated waterways in Hungary and

Slovakia. Hungary has banned the use of water from the Tisza River. This spill comes just a few weeks after the failure of a containment pond at the Baia-Mare gold mine in Romania spilled 3.5 million cubic meters of cyanide contaminated water into rivers flowing through Romania, Hungary and Yugoslavia. The Baia-Mare gold mine is a 50/50 joint venture between the Romanian company, Aurul SA, and the Australian company, Esmarelda Exploration. *New York Times & Los Angeles Times* 3/12/00, *D.V. Int'l News* 3/14/00, *The Detroit News* 2/14/00, *The Sydney Morning Herald* 2/12/00 & 2/14/00 and *The Washington Post* 2/15/00

February 21, 2000 – the Croydon Crown Court in London fined Thames Water £250,000 (approximately U.S.\$412,500) for the release of wastes into water supplies in November 1988. Pump failures were said to be the cause of the release. The company has also reportedly paid £2.5 million (approximately U.S.\$4.125 million) in compensation to local residents, including purchasing some of the affected properties.

ic24net 2/23/00

February 21, 2000 – Colombia's state run oil company, Ecopetrol, is blaming sabotage for a 105,000 gallon oil spill from a damaged valve on its Transandino Pipeline. The pipeline is the country's fourth largest oil export pipeline which pumps oil from Ecuador and Southern Colombia to the Pacific Coast. *Oil Spill Intelligence Report* 2/24/00

February 17, 2000 – it was reported that Switzerland's environmental agency would attempt to strengthen European environmental and civil liability laws following a large cyanide spill from a gold mine containment pond in Romania. The spill contaminated several rivers which flow through Romania, Hungary and Yugoslavia. The Swiss will try to strengthen the Convention on Transboundary Effects of Industrial Accidents and the Convention on the Protection and Use of Transfrontier Watercourses and International Lakes, both of which were finalized through the UN Economic Commission for Europe in 1992. According to the Swiss, these laws may currently only hold a polluter liable for contamination in the country where the accident originated. Damage to downstream countries may have no right to compensation. International environmental groups are joining the push to hold polluters fully liable for the total cleanup of pollution incidents. *Environmental News Service*.Lycos 2/17/00

January 30, 2000 – a 94-hectare mine tailings pond dam was breached at the Baia-Mare gold mine, spilling up to 3.5 million cubic meters of cyanide-contaminated water into streams and rivers flowing through Romania, Hungary and Yugoslavia. The gold mine, located in Romania, is a 50/50 joint venture between the Romanian company, Aurul SA (of which the Romanian company Remin owns 45%), and the Australian company, Esmarelda Exploration. Estimates

are that 80% of the aquatic life, including approximately 150 tons of fish, in the Tisa River (Hungary's second largest river) has died, allegedly as a result of the spill. The river is also the source of drinking water for 2 million Hungarians. Both the Hungarian and Serbian governments have indicated that they expect the polluter to pay for damages. The same mining operation reportedly had another smaller release from another nearby containment pond on February 6, 2000. *The Detroit News* 2/14/00, *The Sydney Morning Herald* 2/12/00 and 2/14/00 and *The Washington Post* 2/15/00

January 30, 2000 – a flash flood ruptured Bolivia's main oil export pipeline spilling hundreds of thousands of gallons into the Desaguadero River which flows into Lake Poopo, one of Bolivia's largest lakes. Preliminary estimates of the amount of oil spilled is 210,000 gallons, but the actual amount is unknown. The spill went undetected for 24 hours. Transredes is owned by Enron (a U.S. energy conglomerate) and Shell. The Governor of Bolivia's Oruro Region has asked Transredes to post indemnity of \$184 million. *Oil Spill Intelligence Report* 2/10/00

January 24, 2000 – the Honduran registered oil tanker, Al Jazya, sank off the coast of the United Arab Emirate of Abu Dhabi releasing between 102,900 and 132,000 gallons of oil into the Persian Gulf. Oil has washed ashore on Sadaayat Island. *Oil Spill Intelligence Report* 2/10/00

January 18, 2000 – an underwater pipeline running from a Petrobras refinery to an offshore tanking station ruptured releasing between 343,200 and 1,000,000 gallons off the shores of Rio de Janeiro. The spill caused a 25 square mile oil slick and has washed ashore covering beaches and mangrove swamps. Petrobras is the state oil company. The Brazilian federal government has fined the company \$28.6 million. The fine was subsequently reduced to \$20 million. Brazil's National Petroleum Agency assessed an additional fine of \$1.1 million. Petrobras has estimated that in addition to the paid fines, it will spend an additional \$62.3 million in cleanup costs. Local fisherman have also filed a suit seeking \$67 million for property damage and lost earnings over the next four years. *ABC News* 1/20/00, *New York Times* 1/24/00, *cnews* 2/3/00 and *Oil Spill Intelligence Report* 2/10/00

Toxic Torts

Toxic Torts — North America

June 28, 2000 – it was reported that over 100 former Elk Hills oil field workers or their families have filed a toxic tort class action against Bechtel, Chevron USA and Williams Brothers seeking compensation for various illnesses allegedly caused by occupational exposure to toxic substances during the 1980s and early 1990s. The plaintiffs allege that the site contained an illegal dump where toxic substances were disposed of and the vapors

Toxic Torts — North America (cont'd)

and dust coming from the dump caused their illnesses. *Knight Ridder Tribune News/Business* 6/28/00

June 27, 2000 – a Nebraska appellate court affirmed a lower court ruling ordering the city of Bridgeport to pay \$346,621 in damages to a child injured after being exposed to the pesticide malathion used by the city to control mosquitoes (*Amateis v. City of Bridgeport*, No. A-98-1270). A city truck engaged in spraying operations passed by the boy's home twice while the child was playing in his front yard. The boy suffered a full-body seizure and was hospitalized. *Mealey's Emerging Toxic Torts* 7/21/00

June 26, 2000 – the California Supreme Court held that trial court judges cannot weigh the merits of a case when deciding whether to certify a class action suit (*Linder v. Thrifty Oil Co.*, 00 C.D.O.S. 5613). Plaintiffs' attorneys have stated that the ruling underscores the importance of class action suits as a way of deterring corporate wrongdoing.

June 16, 2000 – the Alabama Supreme Court refused to allow a group of nine landowners to block a proposed \$43 million settlement of a toxic tort class action suit between other landowners and Solutia Inc. (formerly Monsanto Co.). The suit alleged that Monsanto was responsible for widespread PCB contamination of the surface and groundwater in Anniston, Alabama. The settlement will allow the company to spend an additional \$21 million on remediation projects (on top of the \$32 million already spent by the company) and divides the remaining \$22 million between the 4,600 residents in the class. The nine other residents may now file a separate suit against Solutia. *The Birmingham News* 6/19/00

June 15, 2000 – the Court of Appeals for the District of Columbia reinstated a \$948,000 award to six EPA employees who had alleged that they suffered various illnesses as a result of contaminated indoor air at the EPA's headquarters (*Bahura v. S.E.W. Investors*, D.C., Nos. 96-CV-418, 96-CV-490, 96-CV-513, 96-CV-1142, 96-CV-1143). Major renovation work occurred at the headquarters between 1986 and 1989. During that time over 225 employees sought medical treatment for a variety of symptoms all allegedly caused by exposure to air contaminants during the renovation. The trial court had set aside the jury award stating that the plaintiffs' symptoms were "neither serious nor verifiable." The appellate court disagreed and reinstated the award. *BNA Daily Environment Report* 6/23/00

June 15, 2000 – 26 landowners have filed a class action suit under the Clean Water Act against Guide Corp. and its environmental consultant, Crown Environmental Group over a December 1999 spill from Guide's wastewater treatment plant into the White River that killed

117 tons of fish. Landowners allege that due to the spill they are afraid to come into contact with the water and are thus unable to use or enjoy their waterfront properties. Suits seeking damages for the spill have already been filed against the two companies by federal, state and municipal governments. *Knight Ridder Tribune News/Business* 6/19/00

June 9, 2000 – it was reported that a Crow, Oregon family living adjacent to a vineyard filed a toxic tort lawsuit against LaVille Vineyards of Elmira seeking \$2.9 million in damages (*Purdy v. LaVille Vineyards of Elmira*). The suit alleges that pesticide sprayed on the vines have drifted onto their property and caused a variety of health ailments and diminution of property values, including damage to their farm. Spraying allegedly took place as close as 20 feet from the plaintiff's house. *Knight Ridder/Tribune News/Business* 6/9/00

June 8, 2000 – 26 residents living in close proximity to a Pacific Coast Materials facility in California have filed a toxic tort class action suit against the firm alleging that emissions emanating from the facility has caused various adverse health effects, property diminution and environmental damage. The firm's parent company, Texas Industries, and a trucking firm, Shag Hagler Trucking Co., have also been named as defendants. The suit contends that the facility, which takes clay, mixes it with diesel fuel and heats the mixture in cement kilns, has released benzene, cadmium, diesel exhaust, formaldehyde, lead, naphthalene and polycyclic aromatic hydrocarbons into the environment without warning the community. The suit also alleges that the company has been burying hazardous waste at its facility. State regulators have cited the company six times in the past 10 years for emissions violations. *Los Angeles Times* 6/12/00

June 6, 2000 – it was reported that the U.S. Supreme Court will not review an appellate court decision holding that 1,990 out of 2,000 personal injury lawsuits filed as a result of a 1979 radiation leak at 3 Mile Island nuclear facility in Pennsylvania will be heard in court. The plaintiffs are alleging that various adverse effects, including birth defects and cancers, were caused by exposure to the radiation. In 1979, over 140,000 local residents were evacuated because of the leak. *Lycos Environmental News Service* 6/6/00

June 2, 2000 – it was reported that last month a California jury awarded the family of a deceased smoker \$1,048,100 in damages after the plaintiff died of mesothelioma allegedly caused by exposure to asbestos contained in the Micronite filters in Kent cigarettes. The deceased plaintiff smoked Kents from 1953 to 1956. *Mealey's Emerging Toxic Torts* 6/2/00

May 31, 2000 – a New York jury ordered a cruise line to pay passengers who contracted Legionnaires' disease

from a defective spa filter aboard one of their cruise ships \$4.2 million in punitive damages and also ordered the filter manufacturer to pay the cruise line \$2.8 million in punitive damages (Re Horizon Cruise Litigation, S.D.N.Y., No. 96 Civ. 2135). About 25 passengers filed suit against Celebrity Cruises and Fantassia Cruising Inc. after contracting Legionnaires' disease on a Horizon Cruises ship. The cruise line filed suit against Esfef Corp., Pac-Fab Inc., and Structural Europe N.W., the manufacturer and distributors of the filter used in the cruise ship's spa. Litigation over compensatory damages for individual plaintiffs still need to be tried. *BNA Toxic Law Reporter*

May 25, 2000 – a class action suit was filed in Superior Court in Walkerton, Canada on behalf of residents and businesses affected by the E. coli outbreak which began on May 12, 2000. Defendants in the suit include Walkerton, the town of Brockton, the public utilities commission, Bruce-Grey Owen Sound Public Health and the province for failure to maintain, inspect and monitor the drinking water supply and failure to warn residents of the contamination. This is the first of several lawsuits expected to be filed due to the E. coli outbreak. Seven people died during the outbreak. *Miami Herald* 5/28/00

May 18, 2000 – a class action suit was filed against Ciba Specialty Chemicals Corp., formerly Ciba-Geigy Corp., on behalf of 35,000 residents allegedly exposed to carcinogens in their drinking water. The suit was filed after federal investigators concluded that residents of Toms River, New Jersey might have been exposed to carcinogens that seeped from a Ciba-Geigy facility and Reich Farm in the mid 1960s, both now Superfund sites, into three municipal drinking water wells. The class action includes residents who have not yet developed cancer who are seeking damages and medical monitoring for the class. The medical monitoring alone could cost millions of dollars. A separate class action was filed on behalf of those residents with cancer who believe the contaminated drinking water was the cause of their cancer. Reich Farm contained a landfill where chemicals from Union Carbide were dumped. *New York Times* 5/20/00

May 15, 2000 – it was reported that the first of two toxic tort suits filed against the Southern California Gas Company alleging injuries caused by fumes from their 50 year old storage facility will go to trial this summer. The 460 acre storage facility stores gas piped from out of state into caverns more than a half-mile below ground in a former oil field. An affluent residential community sits in the bluffs above the facility. So far, one current resident and one former resident has filed suit alleging various injuries. *Los Angeles Times* 5/15/00

May 5, 2000 – according to a new report released by the Harvard School of Public Health, air pollution emanating from Pacific Gas & Electric's coal burning

plants in Somerset and Salem, Massachusetts can be linked to more than 43,000 asthma attacks and 159 premature deaths annually. A class action suit was filed last month over pollution emanating from these facilities. The company also faces a class action suit filed in California over chromium contamination of groundwater. *Discovery.com News* 5/8/00

May 5, 2000 – it was reported that the Cook County, Illinois court has accepted the settlements of two toxic tort suits filed against BP Amoco by former employees of the company's Naperville research facility. The two settlements were \$2.2 million and \$2.7 million. Twenty-five plaintiffs are involved in litigation surrounding a cancer cluster among those who worked at the facility. *Mealey's Emerging Toxic Torts* 5/5/00

May 5, 2000 – it was reported that a Texas jury ordered DuPont to pay \$69 million in damages to three farmers whose crops were damaged by use of DuPont's fungicide, Benlate. The farmers had alleged that DuPont knew that Benlate 50 DF was contaminated with more than 10 herbicides. Over the past 10 years, DuPont has paid over \$1 billion in defense costs and indemnification as the result of hundreds of suits alleging damages caused by Benlate 50 DF, which was taken off the market in 1991. *Mealeys.com* 5/5/00

May, 2, 2000 – the Automobile Insurance Company of Hartford reportedly settled a suit filed by Florida homeowners alleging that the pesticide malathion, sprayed over the community by helicopter and airplanes in 1997, as part of Florida's campaign against the medfly, contaminated their property. The monetary settlement, the terms of which remain confidential, came after a chemical survey of the plaintiffs' properties found malathion in 26 of 40 samples taken, and a toxicologist, an immunologist and a medical toxicologist all recommended that they move out of their homes. *Dow Vision Business Wire* 5/2/00

May 3, 2000 – it was reported that 13 employees of Burlington Community College in New Jersey filed suit against Armstrong World Industries and Monsanto Co. alleging that they contracted cancer after they were exposed to PCBs due to a fire which occurred in 1995. Armstrong World Industries manufactured and distributed ceiling tiles coated with a substance containing PCBs. Monsanto manufactured the chemical coating containing the PCBs. The case has survived a motion for summary judgment brought by the chemical manufacturers. The chemical manufacturers had argued that the case should be dismissed since the suits were not filed for two years after the college employees were diagnosed with cancer. The district court sided with the plaintiffs (*Maartin v. Armstrong World Industries*) *BNA Toxics Law Daily* 5/18/00

April 26, 2000 – the federal EPA joined a suit already

Toxic Torts — North America (cont'd)

filed by a citizens action group against hog producer, Premium Standard Farms. The suit alleges that the farm violated clean air and clean water laws. The EPA alleged that Premium Standard allowed numerous discharges of animal waste, causing damage to third party properties; failed to report discharges of animal wastes; failed to detect and correct malfunctions in equipment before over-application of wastes occurred; failed to maintain proper lagoon levels; discharged pollutants from a meat packing plant and failed to install and maintain required containment structures under lagoons and barns. The EPA also alleged that seven out of 15 large animal feedlots are in violation of Clean Air Act laws. In July 1990 the company paid a \$1 million fine for similar violations. *BNA Toxics Law Daily* 5/4/00

April 25, 2000 – it was reported that three class action suits have been filed against Potomac Electric Power Company (PEPCO) after one of their pipelines leaked 111,000 gallons of oil into wetlands and waterways. The suits were filed on behalf of property owners, restaurant owners and seafood dealers, distributors and processors. Plaintiffs are expected to number in the hundreds. *The Washington Post* 4/25/00

April 24, 2000 – residents of Vashon and Maury Islands, Washington filed a class action toxic tort suit against Mexico's Grupo Mexico, S.A. de C.V. seeking medical monitoring and damages for property diminution after high levels of lead and arsenic were discovered in residential soil. Grupo Mexico, the world's largest copper producer, bought a smelter from American Smelting and Refining Co. (Asarco) in October 1999. The smelter, which ceased operations 15 years ago, has been determined to be the cause of lead levels over five times higher than the state allows and arsenic levels up to 23 times higher than allowable. *Seattle Post-Intelligencer* 4/25/00

April 24, 2000 – a class action suit was filed by Seattle, Washington residents alleging that Asarco's smelting operations contaminated their properties with lead and arsenic. The plaintiffs' are seeking certification for two subclasses: 1) for property owners within a certain area whose properties were contaminated, and 2) a medical monitoring subclass for all individuals living within a certain area living on or adjacent to contaminated properties (*Gagner et al., v Asarco Inc.* W.D. Wash.). Asarco operated a smelter in Washington for nearly a century. *Mealey's Emerging Toxic Torts* 5/5/00

April 18, 2000 – Eighteen residents living in close proximity to a Fairfield, Maine landfill filed a lawsuit against the operator of the site seeking compensatory and punitive damages. Plaintiffs are alleging that the Central Maine Disposal Corp. disposed of toxic chemicals at the landfill in violation of their permit granted by the Maine Department of Environmental Protection. They allege

that these chemicals, which include 1,1,1-trichloroethane, arsenic, acetone, barium, chlorobenzene, chromium, lead, mercury, cadmium and other toxic substances contaminated the air, soil and groundwater causing various serious illnesses. The chemicals were allegedly disposed of between 1976 and 1986. *BNA Toxics Law Daily* 6/1/00

April 18, 2000 – the Conservation Law Foundation filed a lawsuit against Pacific Gas & Electric (PG&E) alleging that two of the utility's power generating facilities, in Salem and Somerset, Massachusetts are contaminating groundwater "with a laundry list of dangerous toxins." Just last month, it was reported that PG&E faced another class action suit over its practice of disposing of hexavalent chromium, or chromium 6, into unlined pits. The class currently has about 1,500 California plaintiffs alleging bodily injuries caused by exposure to chromium 6 in water used for drinking, bathing and sprayed onto crops. The trial is scheduled to begin in November 2000. The electric utility settled a similar class action in July 1996, when it agreed to pay 600 plaintiffs \$333 million. *The Boston Globe* 4/19/00

April 12, 2000 – another class action suit was filed against the manufacturers of the gasoline additive Methyl Tertiary Butyl Ether (MTBE). The most recent class action was filed on behalf of five Madison County, Illinois residents and seeks to certify a class representing well owners in 16 states. The suit is seeking payment for testing of wells for MTBE contamination and either installation of filtering systems or connection to alternative water supplies as well as the payment for bottled water if this is necessary. Defendants in the case are: Atlantic Richfield Co.; BP Amoco; Amoco; Citgo; Chevron; Exxon; Mobil; Equilon Enterprises; Phillips Petroleum; Shell Oil and Texaco. It was also reported that some water suppliers, including the city of Santa Monica, California, have filed individual suits against the MTBE manufacturers. *KRTBN Business* 4/16/00

April 7, 2000 – a federal appellate court reinstated a citizen's suit against Crown Petroleum Corp. for violating the Clean Air Act at its refinery in Pasadena, Texas. The suit was filed by environmental groups and the Trial Lawyers for Public Justice which allege that the facility exceeded federal air pollution limits for sulfur dioxide and hydrogen sulfide for over 15,000 hours between May 1992 and March 1999, releasing more than 1,000 tons of excess sulfur dioxide into the surrounding community. The suit alleges that these emissions posed a health hazard to local residents. Crown Petroleum was fined by the Texas Natural Resources Conservation Commission in 1998 for violating permit limits for these emissions. A lower court dismissed the citizen's suit stating that it duplicated the state administrative order. The appellate court reversed the lower court ruling and will allow the suit to go forward. *PR News Wire* 4/7/2000

April 7, 2000 – a Florida jury awarded the first three plaintiffs of a class action suit filed against tobacco manufacturers on behalf of Florida smokers \$12.7 million in damages. This opens up the possibility of the jury coming back with a huge lump sum punitive damages award for the entire class. *WCBS News* 4/7/00

April 6, 2000 – the U.S. Court of Appeals for the Ninth Circuit allowed a putative class action suit filed against Northwest Airlines by some non-smoking flight attendants to go forward (*Duncan v. Northwest Airlines*). The flight attendants are alleging bodily injuries caused by exposure to secondhand tobacco smoke on Northwest's international flights. After the appeal was filed, Northwest banned smoking on all international flights. *BNA Toxics Law Daily* 4/21/00

April 4, 2000 – a class action suit was filed against airbag manufacturer TRW Vehicle Safety Systems Inc. alleging that air emissions from the company's Mesa, Arizona facility caused various bodily injuries and property damage to the citizens of Mesa. The suit alleges that the air emissions emanating from the facility between 1991 and 1999 included sodium azide, a highly toxic substance that can cause injuries if ingested, inhaled or absorbed through the skin. Some of these emissions were caused by fires and explosions at the facility. Arizona's 1997 Toxic Release Inventory listed TRW as the seventh largest emitter of toxic substances in the state.

Dow Vision Business Wire 4/4/00

April 1, 2000 – it was reported that a second class action suit had been filed against Brush Wellman, the nation's largest beryllium producer. The class action suit was filed on behalf of thousands of current and former employees, and customers of Brush Wellman. The suit seeks a medical monitoring fund for the class and alleges that the company failed to adequately warn customers and their employees of the adverse health affects of beryllium exposure. On February 14, 2000, a class action suit was filed against the company on behalf of 7,000 Toledo, Ohio-area construction workers who may have been exposed to beryllium dust. This suit also seeks medical testing for the class. *Toledo Blade* 4/1/00

March 28, 2000 – it was reported that Pacific Gas & Electric Co. faces another class action suit over its practice of disposing of chromium 6 into unlined pits. The class currently has about 1,500 California plaintiffs alleging bodily injuries caused by exposure to chromium 6 in water used for drinking, bathing and sprayed onto crops. The trial is scheduled to begin in November 2000. The electric utility settled a similar class action in July 1996, when it agreed to pay 600 plaintiffs \$333 million. The company agreed to settle the first class action after the first 39 plaintiffs were awarded \$131 million. *Courttv.com* 3/28/00

March 27, 2000 – a California jury awarded a dying ex-smoker \$20 million in punitive damages on top of the \$1.7 million in compensatory damages awarded the plaintiff on March 20, 2000 (*Whiteley v. Philip Morris Cos. et al.*). The jury found that Philip Morris and R.J. Reynolds Tobacco had acted with malice and misrepresented the adverse health effects of smoking. This is believed to be the first award to a plaintiff who began smoking after cigarette manufacturers began putting warning labels onto cigarette packages. *Wall Street Journal* 3/12/00 & *excite.news* 3/27/00

March 14, 2000 – BP Amoco announced that five of the six lawsuits filed against the company on behalf of former employees with brain tumors have been settled. All five former employees worked for long terms at the company's Naperville, Illinois facility. The amount of each settlement remains confidential. BP Amoco still faces several suits filed by former employees of their Naperville facility, which allege that various types of tumors contracted by the plaintiffs were caused by occupational exposures to hazardous substances at the Naperville facility. BP Amoco has reportedly spent millions of dollars researching the incidents of cancer at the facility. *KRTBN/Business* 3/15/00

March 10, 2000 – Amerada Hess agreed to pay \$6 million to settle a class action suit filed by thousands of Corpus Christi residents alleging that emissions emanating from one of the company's refineries caused property damage. Earlier, the company settled with another group of plaintiffs for \$2.2 million. Other corporate defendants have also settled with the class including: Southwestern Refining Co. (owned by Kerr-McGee) for \$6.9 million; Citgo Refining and Chemicals for \$5 million; Champlin for \$1.6 million; American Chrome and Chemical for \$1.1 million; Koch Industries for \$1.2 million; and Oxychem for \$575,000. Plaintiffs have secured a total of \$24.6 million in these settlements. *BNA Toxics Law Daily* 3/13/00

March 8, 2000 – it was reported that Exide Corp. noted in its most recent quarterly report that it has been named as a defendant in numerous lawsuits alleging both personal injuries and property damage caused by releases of hazardous substances from its facilities. These suits include 25 actions filed in South Carolina and Pennsylvania. The company is also reportedly a PRP at 75 federal Superfund and state priority sites. *Mealey's Litigation Report Lead* 3/8/00

March 6, 2000 – it was reported that King County, Washington has agreed to settle a class action suit filed by nearly 4,000 residents over odors, noise and vibrations emanating from the municipality's 900 acre Cedar Hills Regional Landfill. The settlement, if approved, would be divided among residents living within a 2.4 mile radius of the landfill. Another defendant in the case, Cedar Grove Composting, a private firm adjacent

Toxic Torts — North America (cont'd)

to the landfill, had already settled its liability by agreeing to pay \$500,000 and assigning \$14 million in insurance claims to the plaintiffs. To date, the plaintiffs have recovered \$3.6 million from Cedar Grove's insurers. *Seattle Post-Intelligencer* 3/6/00

March 1, 2000 – a toxic tort class action suit was filed against Aerojet General on behalf of 58 residents of Chino and Chino Hills, California. The suit alleges that 5,000 pounds of toxins leached from an Aerojet facility annually and contaminated the air, groundwater and surface water. The plaintiffs seek compensation for bodily injuries, including seven wrongful deaths, property diminution, medical expenses, lost wages and legal expenses. The 800-acre facility was operational for nearly 40 years and was closed in 1995. In 1997, perchlorate was found in all nine drinking water wells supplying these communities. Depleted uranium and explosive chemicals have also been discovered in the groundwater. Cleanup of the facility has been underway since 1995 and, to date, more than 364 tons of contaminated soil have been removed. *Los Angeles Weekly News* 5/4/00

February 23, 2000 – twenty-six residents of North Little Rock, Arkansas filed a class action suit against Koppers Industries alleging that creosote used to treat telephone poles and railroad ties at one company facility has caused air, surface water and groundwater pollution, resulting in adverse health effects and diminished property values. The operation uses about 3 million gallons of creosote annually. Local water wells were shut down in 1990 after chemicals found in creosote seeped into water supplies. *Arkansas Online* 2/24/00

February 22, 2000 – three class action suits were filed against asbestos manufacturer W.R. Grace. One was filed on behalf of homeowners nationwide who have Zonolite insulation, containing asbestos in their attics. The suit seeks compensatory and punitive damages and seeks to have the company pay for the removal of the insulation. The other two suits were filed by residents of Missoula, Montana alleging BI and PD caused by exposure to asbestos emanating from a vermiculite mine and mill operated by the company until 1990. Grace has reportedly already paid \$1 billion in asbestos claims and expects to pay another \$1 billion. *The Boston Globe* 2/23/00

February 18, 2000 – a California Appellate Court overturned both the \$7.7 million in compensatory damages and \$7.5 million in punitive damages awarded to 27 of the plaintiffs in a toxic tort class action suit filed against E.I. DuPont, Exxon, Ashland Chemical, Shell Oil and Unocal 14 years ago (*Arnold v. Ashland Chemical Co.*, Cal. Ct App., 2nd App. Dist., No. B121434). The class, representing 627 current and former employees of Lockheed, alleges that the five petrochemical companies failed to

warn users of the toxic effects of solvents sold to Lockheed by the companies. Plaintiffs allege a variety of ailments, from rashes to cancer. To date, the five petrochemical company defendants in the case have judgments against them totaling over \$430 million — and only 100 plaintiffs' cases have been adjudicated. Lockheed settled its liability with the class for \$33 million in 1992. *BNA Toxics Law Daily* 2/24/00

January 13, 2000 – a proposed class action suit was filed against several petroleum companies because of groundwater contamination caused by methyl tertiary-butyl ether (MTBE). The suit was filed in New York on behalf of all people who rely on well water for drinking, household and commercial uses (*Berisha v. Amerada Hess Corp. et al.*, No. n/a N.Y. Sup N.Y. Co). The class seeks damages for property diminution, stigma, periodic testing of water and cleanup of contaminated groundwater. People alleging bodily injuries caused by exposure to MTBE are excluded from the class. Defendant companies are: Amerada Hess Corp., BP Amoco Corp., Chevron Corp., Citgo Petroleum Corp., Exxon Corp., Getty Petroleum Corp., Gulf Oil Ltd. Partnership., Mobil Oil Corp., Shell Oil Products Co., Sunoco Inc., Texaco, Inc., and Tosco Corp. *Mealey's Emerging Toxic Torts* 1/31/00

Toxic Torts — International

June 24, 2000 – a Nigerian court ordered the oil company, Royal Dutch Shell, to pay the Ejaama Ebu community \$40 million in compensation for a 1970 pipeline rupture resulting in an oil spill. The suit was filed nine years ago. Shell intends to appeal the ruling. *Lycos Environmental News Service* 6/27/00

June 12, 2000 – it was reported that 500 clans containing 25,000 people living along Papua New Guinea's Fly and Ok Tedi Rivers have filed a toxic tort class action suit against the Australian mining and resource company Broken Hill Proprietary Co. (BHP) over contamination caused by copper mine tailings allegedly being dumped into the rivers. The suit contends that the tailings emanate from the company's Ok Tedi mine. *Sydney Morning Herald* 6/12/00

May 16, 2000 – it was reported that attorneys in China have opened "The Center for Legal Assistance to Pollution Victims," a legal aid center to assist residents in filing suit against polluters. The Center has been receiving more than 100 calls per month. This comes at a time when the Chinese Environmental Protection Administration has increased the number of inspectors to 30,000 nationwide and plans to increase the number of inspectors to 40,000 to 50,000 by 2002. In 1998, the Chinese EPA took 621 pollution cases to court and obtained 579 convictions. That said, it should be noted that flagrant violations of existing environmental laws regularly take place in China with no subsequent

investigation or prosecution. *New York Times* 5/16/00

May 5, 2000 – it was reported that a toxic tort class action suit has been filed against the city of Melbourne, Australia, after at least 76 people contracted Legionnaires' disease in the city's new aquarium. Two of the victims have died and eight others are in critical condition. The outbreak has been traced back to the aquarium's air conditioning system. At least half of the victims have joined the class which was filed in the Victoria State Supreme Court. The suit seeks compensatory damages, including damages for pain and suffering and medical expenses. *Dow Vision International News* 5/5/00

April 11, 2000 – it was reported that a group of Papua New Guinea landowners have filed a lawsuit in Australia's Victorian Supreme Court seeking to force Broken Hill Proprietary (BHP) to abide by a settlement the mining and petroleum company entered into with the landowners in 1996. In the settlement, BHP agreed to pay \$150 million in compensation to the landowners and also to stop mine tailings from polluting the Ok Tedi and Fly Rivers. The new suit alleges that BHP's copper mining operations are still dumping up to 90,000 tons of mining waste into the river system daily. *Australian Broadcasting Corp.* 4/11/00

April 24, 2000 – residents of Vashon and Maury Islands, Washington filed a class action toxic tort suit against Mexico's Grupo Mexico, S.A. de C.V. seeking medical monitoring and damages for property diminution after high levels of lead and arsenic were discovered in residential soil. Grupo Mexico, the world's largest copper producer bought a smelter from American Smelting and Refining Co. (Asarco) in October 1999. The smelter, which ceased operations 15 years ago, has been determined to be the cause of lead levels over five times higher than the state allows and arsenic levels up to 23 times higher than allowable. *Seattle Post-Intelligencer*

March 1, 2000 – over 600 residents who have lived within a five kilometer radius of two Pasminco facilities in South Australia have signed onto a class-action suit alleging that emissions emanating from two of the company's zinc smelters caused various bodily injuries and diminution of property values. The class may ultimately include thousands of current and former residents. According to the company's own records, in 1998 alone the two facilities released 49 tons of lead and 60,756 tons of sulphur dioxide into the atmosphere. At least one of the smelters has been operating for 100 years. *Sydney Morning Herald* 3/1/00

February 15, 2000 – residents of Barceloneta, Puerto Rico filed a class action suit against 14 industrial companies and one waste water treatment plant. The suit seeks \$600 million for allegedly causing bodily injury to residents as a result of the discharge of

hazardous substances into the environment. Twelve of the companies are based in the United States. The other two are European companies. The defendants are: Compania de Aguas de Puerto Rico Inc., PS Group of Puerto Rico Inc., Autoridad de Acueductos Y Alcantarillados (PRASA), Barceloneta Wastewater Treatment Corp., Abbott Health Products Inc., Bristol Alpha Corp., Cyanamid Agricultural de Puerto Rico Inc., Merck, Sharp and Dohme Quimica de Puerto Rico Inc., Pfizer Pharmaceuticals Inc., Schering Corp., Upjohn Manufacturing Co., Union Carbide Films Packaging Inc., Nycomed Puerto Rico Inc., Dupont Electronic Materials Inc., Roche Products Inc., Vislase Puerto Rico Corp., OMI Pharmaceuticals Inc., Davis & Geck Ltd., and La Universal Insurance Co. *BNA Toxics Law Daily* 2/22/00

Asbestos & Lead

Asbestos & Lead — North America

June 30, 2000 – a Maryland court ordered the landlord of two lead-poisoned brothers to pay \$3 million in damages (\$1.8 million and \$1.2 million respectively). The boys were exposed to lead in their rented apartment in 1991. The landlord had been notified of 70 violations for chipping and peeling paint in the building (*Weathers et al., v. ILN Corp.*). *Mealey's Litigation Report Lead* 7/15/00

May 26, 2000 – it was reported that the EPA has ordered W.R. Grace to clean up the site of their former vermiculite mining operations in Libby, Montana. The EPA also reported that it would clean up another Grace mining site just outside of Libby and seek reimbursement from the company afterward. Both sites are contaminated with asbestos. *New York Times* 5/26/00

May, 24 2000 – it was reported that tests from two government labs have concluded that major brands of crayons contain asbestos and that 80% of the crayons that contain asbestos contained more than trace levels. The three brands were Crayola, Prang and Rose Art. The asbestos most likely is a contaminant in the talc used in the manufacturing process. *Seattle Post-Intelligencer* 5/24/00

May 20, 2000 – an Illinois jury ordered Shell Oil to pay a former roofer, diagnosed with mesothelioma, \$34.1 million in damages. The roofer worked for Shell Oil between 1956 and 1966 and alleged his mesothelioma was caused by exposure to asbestos contained in roofing materials. This is believed to be the largest single plaintiff asbestos award to date. *Mealeys.com* 5/22/00

May, 18, 2000 – the U.S. District Court for the Southern District of New York ordered Canadian asbestos manufacturer Atlas Turner to pay the family of a deceased ship worker who died of mesothelioma \$4.28 million in damages. Atlas Turner was the only defendant

Asbestos & Lead — North America (cont'd)

which didn't settle before trial. The deceased plaintiff was a ship worker from 1959 to 1961, where he was exposed to asbestos working as a boiler tender. *BNA Toxics Law Reporter* 6/22/00

May 15, 2000 – the California Supreme Court held that mesothelioma and asbestosis are separate and distinct diseases with different statutes of limitations. The ruling, which overturned the appellate court ruling, supports the trial court ruling which awarded the family of a ship-builder who died due to mesothelioma \$835,119. *Mealey's.com* 5/19/00

May 2, 2000 – the federal EPA proposed fining the Detroit Public School District \$1.4 million for violating asbestos management regulations. The federal government “feared widespread asbestos compliance problems throughout the Detroit School District.” *excite.news* 5/2/00

April 28, 2000 – it was reported that the federal EPA has begun a national investigation to determine whether W.R. Grace has contaminated more than 200 sites nationwide. *The Spokesman Review* 4/28/00

April 24, 2000 – a New York City jury ordered a landlord to pay a lead-poisoned child \$1.1 million (*Rojas v. Anglo Enterprises*). The child has been classified as learning disabled by school authorities and the suit alleged that the child's exposure to lead-based paint was the cause of the injuries. *Mealey's Litigation Report Lead* 5/12/00

April 16, 2000 – asbestos manufacturer Pittsburgh Corning filed for bankruptcy protection as a result of the more than 140,000 asbestos personal injury claims filed against the company. *Mealeys.com* 4/21/00

April 13, 2000 – it was reported that W.R. Grace & Co. has paid \$398 million to settle asbestos claims dating back to the early 1980s and has more than 100,000 asbestos claims still pending. *Wall Street Journal* 4/12/00

April 13, 2000 – it was reported that the list of companies being sued by people alleging injuries caused by asbestos exposure has increased dramatically over the past decade. Virtually any company that made, sold or used products containing asbestos may be targeted by plaintiffs attorneys. In the early 1980s about 300 companies had been named as defendants in asbestos products litigation. That number has increased to over 2,400 companies today. The average settlement demand in asbestos products litigation has doubled and in some cases quadrupled since the 1980s. Some of the companies recently sued because of their manufacture, sale, or use of products containing asbestos include: Allwood Door Co.; Ford Motor Co.; General Motors Corp.; General Electric Co.; Campbell Soup Co.; Colgate-Palmolive Co.; E.J. Gallo Winery; Gerber Products Co. (a subsidiary of Novartis AG); Alcoa Inc.;

DuPont Co.; Lockheed Martin Corp.; AT&T Corp.; and Dow Jones & Co. Hospitals and universities that had asbestos-containing ceiling tiles or insulation have also been named as defendants in asbestos suits, as have banks that financed properties containing asbestos. *Wall Street Journal* 4/12/00

April 12, 2000 – the Washington D.C. Superior Court ordered landlords to pay a 12-year-old lead-poisoned plaintiff \$1.66 million in damages. The plaintiff was diagnosed with lead-poisoning 9 years ago. Interestingly, the plaintiff's final pre-trial demand was \$540,000. The defendants final pre-trial offer was \$175,000 (*Gomez v. Atlantic Realty*). *BNA Toxics Law Daily* 5/19/00

In April 2000 – a St. Louis landlord agreed to a pre-trial settlement with a lead-poisoned child (*Evans v. Quinn*). The settlement has a present day value of \$385,000. The case was scheduled to go to trial in June 2000. *Mealey's Litigation Report Lead* 5/12/00

March 31, 2000 – a California jury awarded \$6,497,159 to a plaintiff who allegedly developed mesothelioma from asbestos dust carried home on her parents' clothes 60 years ago. The plaintiff's parents worked at a USX shipyard in the 1940s. The jury awarded the plaintiff just over \$5.5 million and awarded her husband \$950,000 for loss of consortium. *BNA Toxics Law Daily* 5/1/00

March 26, 2000 – Santa Clara County, California became the first county to file suit against the manufacturers of lead-based paint. The suit against eight manufacturers and the Lead Industries Association alleges that the manufacturers deliberately concealed the health risks associated with lead paint for nearly a century and acted with “callous disregard of the health and welfare of people, especially children.” The State of Rhode Island filed suit in October 1999, and the city of Saint Louis, Missouri filed suit in January 2000. The suit also alleges that the manufacturers of lead paint knew of the adverse health effects of lead-based paint since 1904. The defendants in this suit are: Atlantic Richfield Co. (ARCO); DuPont Co.; Sherwin-Williams Co.; NL Industries Inc.; Glidden Co. (a subsidiary of Imperial Chemical Industries); SCM Chemicals Inc.; and American Cyanamid Co. whose liabilities for lead-based paint have been assumed by Cytec Industries Inc. *San Francisco Gate* 3/27/00

March 24, 2000 – a class action lawsuit was filed against W.R. Grace alleging that the company's asbestos attic insulation product, Zonolite, contaminated thousands of homes in Washington State. The suit seeks to have the company pay to test homes for asbestos contamination and where necessary pay to remove the insulation and also seeks punitive damages based upon allegations that W.R. Grace purposefully misled the public about the potential dangers of Zonolite insulation and failed to place warning labels on the insulation. This is similar to

a suit filed recently in Boston which seeks to have W.R. Grace pay to remove the insulation from all homes nationwide and pay damages for fraud, negligence, breach of warranties, deceptive trade practices and unjust enrichment. *The Spokesman Review* 3/27/00

March 23, 2000 – a New York Supreme Court jury awarded a 14-year-old plaintiff \$6.6 million for injuries caused by lead paint dust he was exposed to when he was three years old. The New York Housing Authority was the landlord/defendant in this case (*Woolfolk v. New York City Housing Authority*). *Mealey's Litigation Report Lead* 3/29/00

March 20, 2000 – a New York federal court ordered Metropolitan Property and Casualty Insurance Co. to pay three lead-poisoned children \$900,000 in damages for injuries caused by exposure to lead-based paint in their rented apartment. Metropolitan P&C issued the landlord three consecutive liability policies from 1992 through 1995 with limits of \$300,000 each. The court stacked the limits available in all three policies (*Campbell v. Metropolitan Property and Casualty Ins. Co.*, No.98-Civ. 5328, S.D.N.Y.). *Mealey's Litigation Report Lead* 3/29/00

March 2, 2000 – it was reported the W.R. Grace has agreed to do “whatever is required” by the EPA to remediate asbestos contamination in the town of Libby, Montana. The company was the last owner of a vermiculite mine, which closed in 1990. Residents have alleged that asbestos fibers from the operation have caused bodily injuries and property damage. The EPA's first extensive testing of the town shows higher than average levels of asbestos contamination. Some areas have levels of asbestos high enough to require immediate cleanup, including the old rail loading site (now the site of a nursery and lots slated for residential development) and the site used to bag vermiculite. Of 73 air samples taken in the town, 23 contained asbestos fibers. *Seattle-Post Intelligencer* 3/2/00

March 2000 – two separate lead poisoning cases resulted in structured settlements in Massachusetts and Washington D.C., each guaranteeing the plaintiffs about \$3.7 million over their lifetimes. The present day value of the Massachusetts settlement is \$800,000 (Boston Housing Court, Name Withheld, No.91-CV-00182). The present day value of the D.C. settlement is about \$550,000 (*Ventura v. Davis et al.*, No. 97 CA 5689, D.C. Super) *Mealey's Litigation Report Lead* 3/29/00.

February 28, 2000 – a Texas jury ordered Pittsburgh Corning to pay the widow of a chemical worker exposed to asbestos \$19.3 million in compensatory and punitive damages (*Durham v. Pittsburgh Corning*, 124th District Court of Texas). The plaintiff's husband died of lung cancer, allegedly caused by his occupational exposure to asbestos. The jury awarded the widow \$4.3

million in compensatory damages and \$15 million in punitive damages after finding that Pittsburgh Corning had acted with malice. Texas law caps punitive damages at \$750,000, dropping the total award to \$5,050,000. *Mealey's Litigation Report Asbestos* 3/3/00

February 22, 2000 – three class action suits were filed against asbestos manufacturer W.R. Grace. One was filed on behalf of homeowners nationwide who have Zonolite insulation containing asbestos in their attics. The suit seeks compensatory and punitive damages and seeks to have the company pay for the removal of the insulation. The other two suits were filed by residents of Missoula, Montana alleging BI and PD caused by exposure to asbestos emanating from a vermiculite mine and mill operated by the company until 1990. Grace has reportedly already paid \$1 billion in asbestos claims and expects to pay another \$1 billion. *The Boston Globe* 2/23/00

February 17, 2000 – a Maryland jury awarded the families of three workers who died as a result of asbestos exposure, and one surviving worker with asbestosis, \$28.75 million. The defendants in this case were ACandaS Inc. and Owens-Illinois Inc. *BNA Toxics Law Daily* 4/7/00

January 23, 2000 – it was reported that about two months earlier, 18 asbestos manufacturers, including Armstrong World Industries, Pfizer, Union Carbide and United States Gypsum, agreed to settle allegations of bodily injury caused by exposure to asbestos with nearly 4,000 plaintiffs from Mississippi, Ohio, Indiana, Pennsylvania and Texas for \$160 million. *New York Times* 1/23/00

Pollution Coverage

Pollution Coverage — North America

June 22, 2000 – the Rhode Island Supreme Court became the latest state high court to find the Sudden & Accidental pollution exclusion ambiguous (*Textron Corp. v. Aetna Cas. & Sur. Co.*, No. 98-357, R.I.). The court held that the exclusion should only bar coverage for “intentional or reckless polluters” and provides coverage for unexpected and unintended releases. *Morrison Mahoney & Miller Coverage Newsletter*

June 8, 2000 – the Ohio Court of Appeals ruled that an absolute pollution exclusion does not preclude coverage for voluntary cleanup costs resulting from an accidental pollution release (*Celina Mutual Ins. Co. v. Marathon Oil Co.*, OH App. 3rd Dist., Lexis 2453). The case involved a Marathon pipeline ruptured by a trenching contractor. Celina, the contractor's insurer, refused to pay cleanup costs incurred based upon the policy's absolute pollution exclusion. The court held that for the exclusion to apply, the loss, cost or expense must have been incurred as the result of a “request,

Pollution Coverage — North America (cont'd)

demand or order" to clean up pollution. According to this court, the plain language of the policy does not exclude all cleanup costs, but only those where a formal "request, demand or order" to clean up was made. *Morrison Mahoney & Miller Insurance Newsletter* 6/23/00

May 19, 2000 – five insurers of SCM Corp. filed suit against Glidden Co., seeking a court declaration that Glidden is not the parent company of SCM or a named insured under SCM policies and therefore there is no coverage for Glidden in underlying lead paint litigation (*American Motorists Ins. Co. et al., v. The Glidden Co.*, No. 00 Civ. 3787, S.D. NY). In the underlying litigation, plaintiffs have filed suit against the paint manufacturer alleging that Glidden knew or should have known by 1904 that lead and lead paint products were sources of childhood lead poisoning. *Mealey's Litigation Reporter Lead* 5/26/00

May 15, 2000 – a California Superior Court ruled against insurers suing INA Holdings over a move by the company's former owner, Cigna Corp., which moved billions of dollars of pollution claims into a separate company in 1996. Insurers were arguing that they were not sufficiently informed about the risks in the event the new entity's \$4.5 billion in funding were insufficient to pay all future pollution claims. The court held that this was a matter for insurance regulators which had already approved of the move. *Dow Vision Business Wire* 5/16/00 and *Wall Street Journal* 5/17/00

May 12, 2000 – it was reported that the South Macomb Disposal Authority, which disposed of waste collected from five cities in Michigan at a landfill, has filed suit against two of its liability insurers, American Special Risk Ins. Co. and International Ins. Co. seeking to recover cleanup costs necessary to remediate the landfill. Cleanup costs are estimated to be \$26 million. The landfill was operational from the early 1960s until 1974. Ten years later, state regulators found toxic substances buried at the landfill had leached into groundwater supplies. *Detroit News* 5/12/00

May 4, 2000 – a federal appellate court held that the appropriate trigger of coverage in environmental or toxic tort coverage disputes is the continuous trigger. This was the second appellate level decision in the past few months, interpreting Ohio law, that adopted the continuous trigger for these types of claims. Ohio is the 11th state to hold the continuous trigger appropriate for pollution or toxic tort claims. *Morrison Mahoney & Miller Insurance Newsletter* 5/12/00

May, 2, 2000 – the Automobile Insurance Company of Hartford reportedly settled a suit filed by Florida homeowners alleging that the pesticide malathion, sprayed over the community by helicopter and airplanes in 1997, as part of Florida's campaign against the medfly,

contaminated their property. The monetary settlement, the terms of which remain confidential, came after a chemical survey of the plaintiffs' properties found malathion in 26 of 40 samples taken, and a toxicologist, an immunologist and a medical toxicologist all recommended that they move out of their homes. *Dow Vision Business Wire* 5/2/00

April 27, 2000 – the Washington Supreme Court held that an absolute pollution exclusion contained in a Commercial Farm Liability policy did not preclude coverage for bodily injuries caused by exposure to a pollutant when there was no environmental damage and when the pollutant was not acting as a "pollutant." The case involved a fuel delivery man who was doused with fuel when a faulty intake valve caused the fuel to backflow over him. The court held that the absolute pollution exclusion only excludes environmental damage, like the "massive environmental cleanups required by CERCLA and similar legislation." The court stated that "this approach is consistent with that of other courts that have found such pollution exclusion clauses do not apply much beyond traditional environmental torts." The court went on stating that the diesel fuel in this case was not a "pollutant." The Washington Supreme Court also seemed to agree with courts that have considered the reasonable expectations of the insured in pollution coverage litigation stating that "our approach is consistent with the understanding of the average purchaser of insurance." (*Kent Farms Inc. v. Zurich Ins. Co.*, Washington Supreme Court, No. 67635-6) 4/27/00

April 21, 2000 – it was reported that Tyler Technologies has filed suit, in Texas, against over 20 of its liability insurers alleging breach of contract due to the insurers' failure to defend and/or indemnify the company in multiple asbestos and silica cases. Tyler Technologies has been named as a defendant by over 300 plaintiffs alleging injuries caused by exposure to asbestos or silica and has spent in excess of \$2 million on defense costs to date. *Mealey's Emerging Toxic Torts* 4/21/00

April 3, 2000 – a California jury ordered Farmers Insurance Group to pay Earnest Ford Inc. \$31 million for failing to defend the auto dealer in a third party pollution suit. The suit, filed by the new owner of the property over petroleum by-products in the soil, was brought in 1991, about five years after Earnest sold the dealership. Farmers argued that the liability policy did not provide coverage for soil contamination and therefore they owed no duty to defend. The jury award includes \$30 million in punitive damages. *Los Angeles Times* 4/5/00

April 2000 – Arizona enacted legislation that will put a voluntary cleanup program into place. This program, effective 12/31/00, will prohibit denial of insurance coverage to an insured for voluntary cleanup costs

incurred under the program. *Morrison, Mahoney & Miller Insurance Newsletter* 4/21/00

February 22, 2000 – dozens of American Cyanamid's general liability insurers agreed to pay "about \$200 million" to help remediate 21 contaminated sites nationwide (including 10 in New Jersey). Cleanup costs at these 21 sites will total at least \$520 million. Cyanamid has already paid \$93 million to clean up its Bound Brook facility in New Jersey. Cyanamid has been named as a PRP at 12 federal Superfund sites in Florida, Massachusetts, New Jersey, Ohio, Rhode Island, and West Virginia and state priority sites in Connecticut and New Hampshire. American Cyanamid, a subsidiary of American Home Products, is the third largest crop protection chemical company in the United States and the eighth largest in the world. *The Bergen Record* 2/22/00, *BN:BestWire* 2/29/00

February 14, 2000 – it was reported that Wisconsin Electric will be pursuing coverage from 40 insurers which issued 150 policies from 1960 to 1986 to indemnify the utility for \$110.2 million in cleanup costs. December 29, 1999, a jury ordered Wisconsin Electric Power Company to pay the city of West Allis, Wisconsin. The utility was sued by the city which alleged that the company disposed of 26,000 tons of cyanide-laden waste at two sites in the city. A jury awarded \$104.5 million in damages plus \$5.7 million in interest. *The Business Journal* 1/3/00 & *KRTBN/Business* 2/14/00

January 24, 2000 – Exxon Mobil Corp. filed a petition with a California appellate court seeking the review of a lower court ruling which held that insurers do not have to indemnify policyholders who voluntarily pay legally required cleanup costs (*Exxon Mobil Corp. et al., v. Superior Court [Century Indemnity Co.,] Real Party In Interest*). Exxon Mobil is seeking coverage for the cleanup of contamination at 5,000 sites in the United States and Canada. *Mealey's Insurance Supplement* 3/1/00

Fines & Penalties

Fines & Penalties — North America

June 28, 2000 – it was reported that a metal plating firm in Denver, Colorado was fined \$230,000 for dumping metal-laden wastewater into the sewer system in 1995 and 1996. A subsequent investigation by the EPA revealed that AAA Plating had been given 56 warnings since 1987 about their practice of discharging contaminated wastewater into the sewer. A vice president of the company was sentenced to a year in prison for Clean Water Act violations. *Denver Rocky Mountain News* 6/28/00

June 16, 2000 – the Regional Water Quality Control Board of San Diego, California has proposed fining the city of San Diego \$3.47 million for a 2/21/00 34-million-gallon raw sewage spill. A pipeline leak spilled

sewage into a creek which flowed into the San Diego River and into the Pacific Ocean. The spill commenced on 2/16/00 and went undetected until 2/28/00. *BNA Environment Report* 6/23/00

June 15, 2000 – Aeroquip Corp. and Aeroquip-Vickers, Inc. settled Clean Air Act violation with the EPA by agreeing to pay a \$400,000 fine. The EPA was alleging that the company failed to use chlorofluorocarbon (CFC) recovery systems, as required under the Clean Air Act, and not using certified technicians when repairing equipment containing CFCs. *Dow Jones Business Wire* 6/15/00

June 9, 2000 – it was reported that two Oregon hazardous waste recyclers were fined by state regulators for violating various environmental laws. Fuel Processors Inc., a used-oil recycler, has been fined \$114,000 after regulators discovered that the company had dumped chemicals down five groundwater monitoring wells on its site. The groundwater monitoring wells were installed to gauge the level of groundwater contamination under the site. The dumping of chemicals has compromised the scientific usefulness of these wells. In 1993, the company was charged with 75 counts of violating state environmental laws. The case settled when the company agreed to follow a management plan and pay a \$133,000 fine. As it turns out, the company has not followed the management plan and still owes a portion of the original fine. The second company, Lighting Recyclers Inc., a fluorescent light recycler, was fined \$62,340 after regulators discovered that the company had improperly stored some 13,000 pounds of mercury contaminated glass and allowed powdered mercury to escape out its front door. The company also failed to train and protect workers handling mercury. One employee handling mercury allegedly did not even know what mercury was. *The Oregonian* 6/9/00

June 8, 2000 – it was reported that Union Pacific Railroad will settle Clean Water Act violations by paying an \$800,000 fine. The violations resulted from seven train derailments which spilled a total of 14,000 gallons of oil, 5,000 tons of taconite and 800,000 pounds of sulfuric acid into Colorado and Utah waterways between 1992 and 1998. The railroad had already paid for emergency cleanup operations after each spill. The settlement also requires the railroad to implement a series of specific preventative actions to reduce the risk of future spills. *PR News Wire* 6/8/00

June 2, 2000 – a U.S. District Court fined a gasoline station's owner \$4.74 million for failing to obey a cleanup order issued by the EPA to remediate 10,000 gallons of gasoline that had leaked out of underground storage tanks into soil and groundwater in Nedrow, New York. The owner of the gas station/convenience store, O.R.'s Gas and Grocery, operated the facility from 1984 to 1993. The leak was discovered and the EPA ordered a cleanup in 1995. *Reuters* 6/5/00

Fines & Penalties — North America (cont'd)

May 15, 2000 – a Florida utility company, Southbay Utilities, admitted to violations of the Clean Water Act and agreed to pay \$1.75 million in fines and restitution. The federal government alleged that the utility installed pipelines from a 300-home development which allowed sewage to flow directly into Dryman Bay which is part of the National Estuary Program. Interestingly, the utility is owned by a real estate developer who built the 300 homes. *BNA Toxics Law Daily* 5/17/00

May 2, 2000 – the federal EPA proposed fining the Detroit Public School District \$1.4 million for violating asbestos management regulations. The federal government “feared widespread asbestos compliance problems throughout the Detroit School District.” *excite.news* 5/2/00

April 26, 2000 – Ford Motor Company agreed to pay a \$1.1 million fine to settle allegations brought by the federal EPA that emissions emanating from three of its Michigan assembly plants violated the Clean Air Act. Ford also agreed to install \$12 million of new pollution control equipment at the facilities. *Dow Vision PR Newswire* 4/26/00

April 5, 2000 – it was reported that Washington State’s Department of Ecology fined Schwerin Concaves Inc. (also known as Schwerin Chrome Plating) \$210,000 for hazardous waste handling violations. The company was also ordered to fund a study to determine the extent of soil and groundwater contamination at the site. *Spokane.net* 4/5/00

March 15, 2000 – Alyeska Pipeline Service Co. agreed to pay state regulators a \$310,000 fine to settle violations stemming from a 1996 pipeline leak. The leak occurred in a buried section of the pipeline releasing 38,750 gallons of oil into the soil. Alyeska Pipeline had already conducted a cleanup of the site. *Reuters* 3/17/00

March 13, 2000 – Alcoa Inc. agreed to pay \$8.8 million to settle allegations of Clean Water Act and Clean Air Act violations at its Evansville, Indiana facility. The federal government alleged that the facility discharged inadequately treated waste into the Ohio River from 1994 to 1999 and exceeded opacity limits for stack emissions. The \$8.8 million settlement includes a \$2.4 million fine with the remaining \$6.4 million to be spent on hazardous waste and air emissions reduction. *Seattle Post-Intelligencer* 3/14/00 & *excite.com* 3/14/00

March 10, 2000 – it was reported that the federal government fined AT&T and two contractors, A&L Underground and BioImpact, \$1.8 million for releasing large amounts of drilling fluids into the Caribbean Sea during operations to lay fiber optic cable from St. Croix to North America, South America and Europe. AT&T began cleanup operations of the area in 1997. *Lycos*

Environmental News Service 3/1/00

March 7, 2000 – Shenango, Inc. agreed to pay the federal EPA and Allegheny County, Pennsylvania \$2.1 million in fines to settle allegations that emissions from its coke facility violated the Clean Air Act on 1,250 days between August 1993 and April 1999. Under the agreement, Shenango must also make extensive improvements to its sulfur control systems. The company reportedly has a history of pollution emanating from the facility and has violated consent decrees requiring the cleanup of its operations. *Post-Gazette* 3/6/00

March 1, 2000 – Koch Petroleum Group was ordered to pay \$8 million for negligently releasing between 200,000 and 600,000 gallons of aviation fuel into a wetland. A U.S. District Court in Minnesota ordered the company to pay \$2 million in remediation costs and a \$6 million fine. The company reportedly admitted that it knew about the leakage in one of its above-ground storage tanks in 1993, but did not try to recover or remediate the fuel until 1997. *Oil Spill Intelligence Report* 3/9/00

March 1, 2000 – Tampa Electric Company agreed to pay the EPA a \$3.5 million fine for violations of the Clean Air Act at two of its facilities. The company also agreed to spend \$10 million on pollution control research and spend \$1 billion to switch one of their plants from coal-fired to natural gas. *New York Times* 3/1/00

February 17, 2000 – the U.S. District Court for the Eastern District of Missouri ordered Heartland Metal Finishing to pay a \$170,400 fine for violations of the Clean Water Act and reimburse the city of Salem, Missouri \$48,404 in costs for disposing of contaminated sludge (*U.S. v. Heartland Metal Finishing Inc.*, E.D. Mo., No. 4:99CR503). The city had alleged that the metal finisher was illegally discharging waste water into the publicly owned water treatment works. *BNA Toxics Law Daily* 2/22/00

February 17, 2000 – Tosco Corp. agreed to pay a \$314,530 fine for air quality violations emanating from two of its Contra Costa County, California facilities. The agreement resolves violations occurring from 1997 to 2000. The company also had to forfeit 37 tons of emissions credits worth an estimated \$270,470. *Environmental News Service. Lycos* 2/17/00

February 10, 2000 – a Pennsylvania court held that a \$3.2 million civil penalty levied against Westinghouse Electric Corp. by the Pennsylvania Department of Environmental Protection (PDEP) was reasonable despite the fact that the company has already paid millions of dollars in remediation costs. The PDEP fined the company for numerous violations of the state’s Clean Streams Law. State regulators alleged that over 1,000 releases of industrial solvents, trichloroethylene and 1,1,1,-

trichloroethane, at a Westinghouse elevator manufacturing facility occurred from 1968 to 1989. The suit also alleged that the company failed to inform the state of pollution releases for 4,356 days (*Westinghouse Electric Corp. v. PDEP*, No. 1069 CD 1999 Commw CT). *The Digest of Environmental Law Volume 13 No. 7 & Andrews Hazardous Waste Litigation Reporter* 3/24/00

February 9, 2000 – it was reported that the Hickson Corporation reached a settlement with the Georgia Environmental Protection Division, agreeing to pay a \$400,000 fine plus cleanup costs for releases of hazardous chemicals at their facility. These releases have resulted in both on-site and groundwater contamination. The company produces copper chromated arsenic used to preserve wooden telephone poles. *excite.news* 2/9/00

January 14, 2000 – Royal Caribbean Cruise Lines agreed to pay the state of Alaska \$3.5 million to settle allegations that the company's cruise ships dumped chemicals and oil off Alaska's shores. Last year, Royal Caribbean Cruise Lines paid \$6.5 million in fines to the federal government over the same allegations. *Dow Vision International News* 1/15/00

January 13, 2000 – Koch Industries settled a lawsuit filed by the federal government by agreeing to pay \$35 million in fines and penalties. The suit alleged that the company had over 300 pipeline leaks and ruptures over a nine year period, releasing three million gallons of oil which contaminated lakes and streams in six states (Texas, Oklahoma, Kansas, Alabama, Louisiana and Missouri). *CBS News Radio* 1/13/99

Fines & Penalties — International

March 17, 2000 – a British Court of Appeal cut the fine levied against the Milford Haven Port Authority for the handling of the 1996 oil spill from the tanker Sea Empress to \$1.18 million from \$6.3 million. The tanker ran aground while approaching the port, releasing 2.1 million gallons of oil which washed ashore fouling wildlife sanctuaries. *Oil Spill Intelligence Report* 3/23/00

February 21, 2000 – the Croydon Crown Court in London fined Thames Water £250,000 (approximately U.S.\$412,500) for the release of wastes into water supplies in November 1988. Pump failures were said to be the cause of the release. The company has also reportedly paid £2.5 million (approximately U.S.\$4,125,000) in compensation to local residents, including purchasing some of the affected properties. *ic24net* 2/23/00

Regulatory Issues

Regulatory Issues — North America

June 8, 2000 – due to new research pointing to adverse health effects in children, the federal EPA banned the

use of the pesticide, Dursban, (also called Lorsban or chlorpyrifos) for all home, lawn and garden use including use by commercial pest control operations. It has also banned its use in schools, day care centers, parks, hospitals, nursing homes and malls by year end. Dow Chemical, the only manufacturer, must immediately halt production of the pesticide for all non-agricultural use. The EPA also ordered restrictions on the pesticide's application on apples and grapes and banned its use on tomatoes. *PR News Wire and CNN.com* 6/8/00

June 4, 2000 – it was reported that a draft EPA study has concluded that use of another organophosphate pesticide commonly used in homes and gardens causes health risks greater than federal safety thresholds. The new draft study examines whether inhalation or absorption of Diazinon through the skin can cause subtle harm to the human nervous system. The study concludes that for some applications risks were “dozens of times higher than the thresholds of concern set by the agency.” The EPA is also concerned that the pesticide has seeped into surface water and aquifers in concentrations deemed hazardous to aquatic life. The federal government banned the use of the pesticide on golf courses and sod farms back in 1988. The pesticide, Diazinon, is manufactured by Novartis Crop Protection, a subsidiary of the Swiss chemical company Novartis AG, and has been used in the U.S. since 1948. Diazinon is sold under many different brand names including Spectracide, Ortho and Real Kill. The new study may lead the EPA to ban or restrict home use of the pesticide. Last week it was reported that another organophosphate pesticide, Dursban, would likely be banned for most home uses. The EPA is expected to announce this decision next week. *Knight Ridder/Tribune Business News* 6/4/00

June 1, 2000 – it was reported that the EPA has discovered that exposure to one of the most commonly used home and garden pesticides is more dangerous to people than previously believed. Dursban, the trade name for the nerve agent chlorpyrifos, is manufactured by Dow Chemical, has been in use for about 30 years and is in over 800 products. Recent tests have led the EPA to believe that the risk of adverse health effects, including potential brain damage to fetuses and small children, associated with exposure to Dursban are too high. The EPA is expected to ban the pesticide in all over-the-counter products and restrict other applications. About 19 million pounds of chlorpyrifos are used annually in the U.S. — three million pounds are applied to homes and gardens, and five million pounds on commercial facilities and the remainder on crops. *Reuters* 6/1/00

May 24, 2000 – it was reported that the state of New Hampshire has adopted the most stringent standard in

Regulatory Issues — North America (cont'd)

the nation for MTBE in drinking water. The new standard allows only 13 parts per billion (ppb), lowered from the previous state standard of 70 ppb. It was also reported that California is scheduled to pass similar standards. *BNA Toxics Law Daily* 5/24/00

May 24, 2000 – the federal government proposed reducing the level of arsenic that can be allowed in public drinking water supplies from 50 parts per billion (ppb) to 5 ppb. Harmful levels of arsenic, a carcinogen, is found in at least one out of 10 community water supplies nationwide. The EPA estimates that 6,600 water utilities, serving some 22 million people, would have to take action to reduce arsenic levels. According to a 1999 study by the National Research Council, people in some communities face a cancer risk of one in 100 from arsenic contaminated water. The new proposal is a compromise between the tighter requirements sought by citizens action groups and the 10 ppb standard recommended by the American Water Works Association. The new EPA standard would pose a cancer risk of one in 10,000. *New York Times* 5/25/00

May 24, 2000 – New York's Governor signed a law banning the use of the gasoline additive MTBE. The law becomes effective in January 2004.

May 23, 2000 – it was reported that the EPA has mounted a nationwide search for fertilizers and animal feed contaminated with cadmium. Cadmium may pose health threat to agricultural workers and may find its way into food for human consumption. The contaminated fertilizers and animal feed are the result of unknowingly importing 1.3 million pounds of contaminated zinc sulfate from China. So far, 14 importers have been identified as having received suspect shipments of zinc sulfate from China. One Oregon importer, Ag-Chem Commission Company, has already distributed hundreds of tons to companies in California, Idaho and Washington. *New York Times* 5/23/00

April 3, 2000 – Washington State regulators ordered all sales of four fertilizer products manufactured by RSA MichroTech of Seattle be halted because the fertilizers contained extremely high levels of cadmium. The products were manufactured between November 1999 and March 2000 and contained zinc sulfate imported from China and brokered through an Oregon company which is believed to be the source of the cadmium. *Lycos Environmental News Service* 4/6/00

April 2000 – Arizona enacted legislation that will put a voluntary cleanup program into place. This program, effective 12/31/00, will prohibit denial of insurance coverage to an insured for voluntary cleanup costs incurred under the program. *Morrison Mahoney & Miller Insurance Newsletter* 4/21/00

March 31, 2000 – the Canadian Environmental Protection Act of 1999 (CEPA) became law. Among other things, the Act establishes a civil liability regime to force polluters to pay the costs of restoring the environment and cleaning up spills and releases. The Act also allows regulators to issue compliance orders to stop, prevent or correct CEPA violations and provides for maximum penalties of up to \$1 million per day for violations of environmental laws. Polluters could also be required to forfeit any profits made from polluting practices. The Act also requires the government to evaluate the toxicity of the 23,000 substances on Canada's Domestic Substance List. *Health Canada* 4/3/00

January 12, 2000 – the U.S. Supreme Court upheld portions of the Clean Water Act, Clean Air Act and other federal environmental laws giving private citizens the right to sue companies over pollution and collect fines on behalf of the government for environmental violations (*Friends of the Earth et al. v. Laidlaw Environmental Services*, No. 98-822). This case involved allegations that an incinerator at a Safety Kleen facility had discharged mercury in excess of permissible levels into the North Tyger River 489 times between 1987 and 1995. The High Court decision stated that even lacking substantial environmental harm caused by discharges of pollutants, that "reasonable concerns" about discharges of pollution were enough to go forward with the suit. The court went on to state that fear that the water was polluted "directly affected recreational, aesthetic and economic interests." *New York Times* 1/13/00 & *KRTBN/Business* 1/14/00

Regulatory Issues — International

June 21, 2000 – the French Environment Minister announced an initiative to reduce certain industrial air emissions. The proposal seeks a 50% reduction in heavy metals including lead, cadmium and mercury emanating from steel mills, metalworks, glass factories, municipal waste incinerators and other industrial facilities. The initiative also increases the funding for air quality surveillance programs by \$33.5 million. *BNA International Report* 7/6/00

May 23, 2000 – newly elected Russian President Vladimr Putin abolished Russia's one agency responsible for environmental protection. *Dow Jones International News* 5/23/00

May 2, 2000 – France's National Assembly voted unanimously to create an Environmental Protection Agency. *Environmental News Network* 5/3/00

March 30, 2000 – it was reported that the International Commission for the Protection of the Danube River will draw up a list of facilities that pose a potential pollution threat to the Danube. They hope to have an initial list by this summer. *Agence France Press* 3/30/00

March 21, 2000 – the European Commission approved a proposal to phase out the use of single-hulled tankers in European Union waters by 2015. The commission also proposed banning tankers from European Union waters that have been detained by port authorities more than twice in the prior two years. More importantly, the commission is developing rules which would assign liability to both tanker owners and those who charter the vessels. *Oil Spill Intelligence Report* 3/23/00

February 9, 2000 – the European Commission endorsed a “white paper” outlining an environmental liability regime which will force polluters to pay for natural resource damages. If adopted “as is,” liability for those entities engaged in “hazardous activity” (e.g., production, storage or transport of oil, hazardous chemicals or hazardous wastes) could be held strictly liable for natural resource damages. If the damages were caused by “non-hazardous activity” liability could be allocated based on fault. There is currently no provision for retroactive liability. Citizens public interest groups would be entitled to “step into the shoes” of authorities if the authority refused to enforce the new directive. *desertnews.com* 2/14/00

February 17, 2000 – it was reported that Switzerland’s environmental agency will attempt to strengthen European environmental and civil liability laws following a large cyanide spill from a gold mine containment pond in Romania. The spill contaminated several rivers which flow through Romania, Hungary and Yugoslavia. The Swiss will try to strengthen the Convention on Transboundary Effects of Industrial Accidents and the Convention on the Protection and Use of Transfrontier Watercourses and International Lakes, both of which were finalized through the UN Economic Commission for Europe in 1992. According to the Swiss, these laws may currently only hold a polluter liable for contamination in the country where the accident originated. Damage to downstream countries may have no right to compensation. International environmental groups are joining the push to hold polluters fully liable for the total cleanup of pollution incidents. *Environmental News Service.Lycos* 2/17/00

Bad Actors

Bad Actors — North America

June 23, 2000 – it was reported that the Mayor of Madison, Alabama has ordered an environmental audit of the city government after it was discovered that city employees had been spraying diesel fuel onto playgrounds to kill weeds. This practice has been going on since prior to 1991. Residents have recently complained of diesel fumes and there is also concern that diesel oil may have contaminated surface and groundwater in the area. Two truckloads of diesel

contaminated soil were recently removed from one small park. *Alabama Live* 6/23/00

June 19, 2000 – the Ohio Attorney General filed a motion seeking to seize the assets of Buckeye Egg Farm after the company stated in court that it is financially unable to comply with environmental laws. The next day, a pipe at the Buckeye facility ruptured and released over 1,000 gallons of heating oil into a tributary of the Tymochtee Creek and 200 yards into a wildlife preserve. *The Toledo Blade* 6/21/00

May 2000 – several underground storage tank contracting firms were fined or indicted for falsifying UST test results and conducting faulty cleanups in at least eight states. The four UST contractors are: REA Tech Management, AST, ASTI and AUST. Federal and state regulators discovered dozens of instances in Arkansas, Florida, Georgia, Indiana, North Carolina, Oregon, Tennessee and Texas where these firms falsified UST leak detection test data and left “oil-drenched soil” in place and reported the sites clean. *BNA Toxics Law Daily* 5/8/00 & *The Oregonian* 5/8/00

April 25, 2000 – it was reported that California regulators are investigating whether Atlantic Richfield Co. (ARCO) falsified reports on underground storage tank (UST) compliance. According to the California EPA, many USTs certified by ARCO as being constructed of fiberglass, and as such required no modification to be in compliance with 12/98 UST regulations, are actually bare steel of fiberglass or coated steel, both of which would require upgrading. The EPA has already discovered discrepancies at several ARCO service stations in Sacramento, San Joaquin and Los Angeles. *The Sacramento Bee* 4/25/00

April 22, 2000 – it was reported that New York State’s Attorney General has filed suit against Premier Color of New York Inc., a fabric dying plant, in an attempt to shut the facility down due to violations of state clean air laws. The action came after pollution control recommendations made by the State Department of Environmental Conservation were not fully implemented. *New York Times* 4/22/00

April 11, 2000 – a Kansas court ordered Allied Environmental Services, an environmental consulting firm, and a trucker to pay \$1.27 million in cleanup costs after the President of the consulting firm and the trucker were convicted of conspiring to violate the Safe Drinking Water Act and other hazardous waste laws. The consulting firm was hired to dispose of wastes from old underground storage tanks on military bases. Instead of properly disposing of the petroleum contaminated wastes, the waste was transported to Kansas and illegally deposited into abandoned oil and gas wells. More than 500,000 gallons of waste was allegedly poured down the wells in 1994 and 1995.

Bad Actors – North America (cont'd)

The President of Allied Environmental received a 5-year prison sentence. The trucker received a 7-year sentence.

April 5, 2000 – it was reported that the federal EPA ordered Flura Corporation's chemical synthesizing facility in Newport, Tennessee, to shut down until it comes into compliance with environmental regulations. The EPA had previously ordered the company to take steps to mitigate hazardous waste and chemical storage practices deemed to be an "imminent and substantial endangerment to health and the environment." Several subsequent inspections revealed that Flura had not corrected the violations and was still holding hazardous materials in thousands of rusting, corroded and leaking containers. *Lycos Environmental News Service* 4/6/00

March 1, 2000 – it was reported that the U.S. Attorney for the Northern District of New York was investigating several asbestos abatement contractors and environmental laboratories for widespread violations of the Clean Air Act and other asbestos regulations. Two asbestos abatement companies and twelve individuals have already pleaded guilty to multiple asbestos violations. These violations include the improper removal of asbestos, the improper disposal of asbestos, providing hundreds of false asbestos training certificates and falsifying laboratory air quality reports. The Attorney General has stated that illegal asbestos activities occurred in at least 200 buildings in every major metropolitan area within the northern district of New York and may have occurred in as many as 500 other buildings. *BNA Toxics Law Daily* 3/1/00

February 2, 2000 – a former engineer for Morton International, a chemical manufacturer, admitted to filing up to 50 falsified wastewater reports from 1991 to 1996 to cover up dumping illegal amounts of pollutants into the Escatawpa River. The Mississippi Department of Environmental Quality and the federal EPA are also investigating the company for allegedly dumping chemical waste into a 7,000-foot-deep well in violation of federal and state environmental laws. *Sun Herald* 2/3/00

New Research

New Research — North America

June 28, 2000 – it was reported that a new study funded by automobile manufacturers and the EPA concludes that microscopic particulates from auto exhaust, power plants and other sources are causing measurable increases in the death and hospitalization rate of the elderly. For every seven ten-millionths of an ounce there is a 1% rise in the death rate and a 2% to 4% rise in the hospitalization rate for the elderly. This was described as follows: an ounce of particles added to a five story building that is 950 feet wide would increase the death

rate by 1%. The research concluded the increase in the death rate was twice as high in the New York City area as the average of the other U.S. cities studied. *New York Times* 6/28/00

June 28, 2000 – the EPA issued a risk assessment of a fungicide commonly used on golf courses and cotton crops concluding that the increased cancer risk to the general population may be of concern. The assessment of the fungicide etridiazoloe (brand name Terrazole) indicated that concentrations in surface water from applications to turf may increase the risk of cancer in humans. Natural resource damages are also a concern with the risks to mammals, birds and fish considered high. *BNA Daily Environment Report* 7/6/00

June 12, 2000 – it was reported that a new federal study concludes that PCB contamination is still increasing in Lake Michigan as a result of land based sources in Chicago, Illinois and Gary, Indiana, despite the fact that PCBs were banned more than 20 years ago. The PCBs are released into the atmosphere and settle into the lake. Suspected sources include old electrical transformers, landfills that were not properly capped, sludge beds and disposal sites for PCB-laced sediment dredged from waterways. The study concluded that the air in Chicago and Gary contained 10 times the amount of PCBs than air in less urban areas 50 miles away from these cities. Studies completed since 1995 have also found high levels of PCBs in the atmosphere near Baltimore, Maryland and Detroit, Michigan. *Los Angeles Times* 6/12/00

June 8, 2000 – due to new research pointing to adverse health effects in children, the federal EPA banned the use of the pesticide, Dursban (also called Lorsban or chlorpyrifos), for all home, lawn and garden use, including use by commercial pest control operations. It has also banned its use in schools, day care centers, parks, hospitals, nursing homes and malls by year end. Dow Chemical, the only manufacturer, must immediately halt production of the pesticide for all non-agricultural use. The EPA also ordered restrictions on the pesticide's application on apples and grapes and banned its use on tomatoes. *PR News Wire* and *CNN.com* 6/8/00

June 4, 2000 – it was reported that a draft EPA study has concluded that use of another organophosphate pesticide commonly used in homes and gardens causes health risks greater than federal safety thresholds. The new draft study examines whether inhalation or absorption of Diazinon through the skin can cause subtle harm to the human nervous system. The study concludes that for some applications risks were "dozens of times higher than the thresholds of concern set by the agency." The EPA is also concerned that the pesticide is seeped into surface water and aquifers in concentrations deemed hazardous to aquatic life. The federal government banned the use of the pesticide on

golf courses and sod farms back in 1988. The pesticide, Diazinon, is manufactured by Novartis Crop Protection, a subsidiary of the Swiss chemical company Novartis AG, and has been used in the U.S since 1948. Diazinon is sold under many different brand names including Spectracide, Ortho and Real Kill. The new study may lead the EPA to ban or restrict home-use of the pesticide. Last week it was reported that another organophosphate pesticide, Dursban, would likely be banned for most home uses. The EPA is expected to announce this decision next week. *Knight Ridder/Tribune Business News* 6/4/00

June 1, 2000 – it was reported that the EPA has discovered that exposure to one of the most commonly used home and garden pesticides is more dangerous to people than previously believed. Dursban, the trade name for the nerve agent chlorpyrifos, is manufactured by Dow Chemical, has been in use for about 30 years and is in over 800 products. Recent tests have led the EPA to believe that the risk of adverse health effects, including potential brain damage to fetuses and small children, associated with exposure to Dursban are too high. The EPA is expected to ban the pesticide in all over-the-counter products and restrict other applications. About 19 million pounds of chlorpyrifos are used annually in the U.S.—three million pounds are applied to homes and gardens, and five million pounds on commercial facilities and the remainder on crops. *Reuters* 6/1/00

May 31, 2000 – it was reported that doctors presenting research at a conference of the American Academy of Pediatrics and Pediatric Academic Societies suggested that millions more children than previously thought may be impaired by exposure to lead, and the current standards for “acceptable” amounts of blood-lead levels in children may be “much too high.” The current action level for lead-poisoned children is 10 micrograms per deciliter (mpds) of lead in childrens’ blood. Dr. Bruce Lamphear of Children’s Hospital Medical Center in Cincinnati, Ohio, found cognitive impairment of children with lead levels as low as 2.5 mpds. He estimates that 12.8 million children born between 1972 and 1988 have blood lead levels higher than 2.5 mpds. *The Spokesman Review* 5/31/00

May 24, 2000 – the federal government proposed reducing the level of arsenic that can be allowed in public drinking water supplies from 50 parts per billion (ppb) to 5 ppb. Harmful levels of arsenic, a carcinogen, is found in at least one out of 10 community water supplies nationwide. The EPA estimates that 6,600 water utilities, serving some 22 million people would have to take action to reduce arsenic levels. According to a 1999 study by the National Research Council, people in some communities face a cancer risk of one in 100 from arsenic contaminated water. The new proposal is a compromise between the tighter requirements sought by citizens action groups and the

10 ppb standard recommended by the American Water Works Association. The new EPA standard would pose a cancer risk of one in 10,000. *New York Times* 5/25/00

May 24, 2000 – it was reported that federal water quality data concluded that the drinking water supplied to residents in several cities with populations of over 200,000 contain lead in levels higher than the 15 parts per billion (ppb) allowed by the EPA. These cities included Portland, Maine (with lead levels of 43 ppb); Boston, Massachusetts (with lead levels of 34 ppb) and Seattle, Washington (with lead levels of 19.3 ppb). Federal regulation require municipalities with more than 15 ppb in drinking water to take action to reduce lead levels; however, it could take years for a municipality to correct the problem. *Dow Jones* 5/24/00

May 17, 2000 – it was reported that the EPA has prepared a draft report which states that the risk of developing cancer from dioxin exposure is 10 times as high as previously believed. The draft classifies the most potent form of dioxin (2,3,7,8-tetrachlorodibenzene-p-dioxin) as a human carcinogen and more than 100 other forms of dioxin as likely human carcinogens. Dioxin builds up in the food chain and bioaccumulates over a person’s lifetime. For people with diets heavy in meats and dairy products, the draft report concludes that the odds of developing cancer could be as high as one in 100. Environmental organizations, extrapolating on this, have estimated that 100 of the roughly 1,400 cancer deaths occurring each day in the U.S. can be attributed to dioxin. Sources of dioxins include waste incineration, pulp and paper mills and equipment containing PCBs. *The Washington Post* 5/17/00

May 15, 2000 – Canada’s Sierra Legal Defense Fund released a report, based on figures from the Ontario Ministry of Environment, showing a growing number of Ontario companies dumping toxic industrial waste into the Great Lakes, including mercury, lead, copper and cyanide. The report shows an increasing number of industrial waste water discharge permit violations over the past several years. In 1996, the Environment Ministry recorded 1,000 violations by Ontario companies. In 1997, there were 2,234 and in 1998, 160 firms committed over 3,300 infractions. Seventy percent of the 160 firms were deemed repeat offenders. In a report released last year by the Commission for Environmental Co-operation, which was set up as part of the North American Free Trade Agreement, Ontario industries were ranked second only to Texas companies as North America’s worst polluters. *Reuters* 5/15/00

May 11, 2000 – a report entitled “In Harms Way” published by the Clean Water Fund and Physicians for Social Responsibility links exposure to metals and certain chemicals to developmental, behavioral and learning disabilities in U.S. children. The report states that 17% of the children in the U.S. suffer from one or more learning, developmental or behavioral disabilities. It also notes that the number of children with autism doubled between 1966 and 1997. In California, the number of

New Research — North America (cont'd)

children on the state's autism registry increased by 210% between 1987 and 1998. The report links these adverse health effects to exposure to lead, cadmium, mercury, manganese, pesticides, PCBs, dioxins and solvents. *Dow Vision PR Newswire* 5/11/00 and "In Harms Way"

May 11, 2000 – the EPA was scheduled to release Toxic Release Inventory (TRI) statistics showing that hard rock mining releases more toxic pollutants into the environment than any other industry sector. Of the 7.3 billion pounds of toxic releases reported for 1998 under the TRI, mining released nearly half of the total emissions (3.5 billion pounds). Electric power generation released 1.1 billion pounds in 1998 and chemical manufacturers released 739 million pounds of toxins into the environment. Aluminum smelting and steel manufacturing released 614 million pounds and pulp & paper manufacturing released 230 million pounds of toxins. *Dow Vision Broadtape* 5/11/00

May 9, 2000 – it was reported that researchers at the American Academy of Neurology's annual meeting presented "compelling evidence that environmental toxins can permanently alter nervous system function." Two studies presented at the meeting linked exposure to known toxins to the development of Alzheimer's and Parkinson's disease. A study by Case Western Reserve University and University Hospitals of Cleveland, Ohio has concluded that people with occupations that expose them to high lead levels are 3.4 times more likely to develop Alzheimer's disease. A study by Stanford University School of Medicine concluded that those exposed to in-home use of pesticides were twice as likely to develop Parkinson's disease. Earlier studies have already linked occupational exposure to pesticides with the development of Parkinson's disease. *Lycos Environmental News Service* 4/9/00

May 5, 2000 – according to a new report released by the Harvard School of Public Health, air pollution emanating from Pacific Gas & Electric's coal burning plants in Somerset and Salem, Massachusetts, can be linked to more than 43,000 asthma attacks and 159 premature deaths annually. A class action suit was filed last month over pollution emanating from these facilities. The company also faces a class action suit filed in California over chromium contamination of groundwater. *Discovery.com News* 5/8/00

May 4, 2000 – it was reported that a new Swedish study found an increased risk of brain tumors and cellular telephone use, particularly older analog cellular telephones with greater power output. The study involved 233 brain tumor patients and 466 healthy subjects as controls and was sponsored by the Swedish Medical Research Council and Orebro Cancer Fund. *Dow Vision Business Wire* 5/4/00

May 3, 2000 – a report by the Pesticide Action Network

concluded that pesticide use in California increased by 40% over the past eight years, and that use of pesticides that are known carcinogens more than doubled in that time. *San Francisco Gate* 5/4/00

May 2, 2000 – the federal government's General Accounting Office (GAO) released a report on the nation's ability to assess the effects of chemical substances on human health. Their study reviewed over 1,400 chemicals that pose a threat to human health and found that due to financial constraints, the federal government only tracked 84, or 6% of these substances and only a small number of chemicals that are known or suspected carcinogens, are being tracked. Information on how toxins may affect children was found to be particularly lacking. *Los Angeles Times* 5/4/00

April 2000 – it was reported that a recent study by the University of Washington suggests that 56% of farm workers' children exposed during spraying season to the pesticide azinphos-methyl had pesticide levels in their bodies higher than federal safety standards — even though the children themselves did not work in the fields. Forty-four percent of children living up to a quarter mile away, and whose parents were not farm workers, had levels of the pesticide that might exceed federal safety standards. Azinphos-methyl is used to spray apple orchards. The study will be published in the June edition of *Environmental Health Perspectives* published by the federal government. *Science Daily* 4/25/00

April 17, 2000 – it was reported that the World Wildlife Fund has published a map of Canada showing where there has been a buildup in the environment of persistent organic pollutants, such as PCBs, DDT and toxaphene. *Ottawa Citizen* 4/17/00

April 11, 2000 – the state of New York published a study mapping breast cancer rates by zip code throughout the entire state. Long Island had the highest rates for breast cancer, but other areas in the state also had rates in excess of 100% of expected rates. According to the study there was a strong correlation with elevated risks and known risk factors like having children late in life or having a Jewish heritage; however, there was also a strong correlation with sources of toxic waste, industrial air emissions and contaminated groundwater wells. *New York Times* 4/12/00

April 2000 – the National Wildlife Federation published a report entitled "Pollution Paralysis II: Code Red for Watersheds" which examines how well states are complying with the Clean Water Act requirement to clean up polluted waterways. Twenty states and the District of Columbia received a failing grade. Another 20 states received a "D." No state received an "A." Other items mentioned in the report include:

- Agriculture was the most widespread source of pollution impairing the nation's waterways;

- In 1997, drinking water systems serving over 10 million people violated standards of fecal coliform bacteria;
- An estimated 900,000 people a year get sick from drinking contaminated water; and
- In 1998, 10 states had statewide mercury advisories for inland waters.

March 2, 2000 – the Clean Air Council released a report on the pollution hazards associated with the disposal of ash, slag and scrubber sludge from 600 coal and oil-burning electric power plants. The report states that 76 million tons of this waste, which may contain arsenic, mercury, chromium and cadmium, is currently disposed of in unlined landfills, unlined containment ponds and abandoned strip mines annually. Many of these unlined impoundments are located at the power plant. These unlined impoundments allow contaminants to leach into groundwater. The Clean Air Council cites a 1998 survey by the coal combustion industry which found that 40% of the landfills and 80% of the impoundment ponds used for the disposal of coal wastes were unlined. The Clean Air Council report states that at least 60 power plant disposal sites have allegedly caused surface or groundwater contamination. *“Laid To Waste The Dirty Secret of Combustion Waste from America’s Power Plants”* 3/2/00

New Research — International

May 22, 2000 – the UK Department of the Environment, Transport and the Regions released a report which concluded that global warming could cost England and Wales \$1.81 billion over the next 30 to 50 years. Expenditures would go to water resources, flood protection, building and infrastructure and habitat and species protection. *Environmental News Network* 5/22/00

May 11, 2000 – it was reported that scientists from Denmark and Germany have identified 36 different drugs in waterways and rivers, including rivers used for drinking water, throughout Europe. These drugs include hormones, antidepressants, seizure medications and chemicals used in the treatment of cancer. Scientists are concerned that these drugs may be having serious adverse effects on aquatic life and may be accumulating in some fish. *Discovery.com News* 5/11/00

April 23, 2000 – the United Nations published a new assessment of the 1986 Russian Chernobyl nuclear reactor accident. The new assessment states that 3 million children require radiation treatments and may die prematurely. In all, up to 7.7 million people may be affected, although the total number of those injured may not be known until 2016 due to the long latency period involved with radiation exposure. The Chernobyl accident released 100 times more radiation than released by both atomic bombs dropped on Japan in World War II. The three countries most affected by

radiation from the accident are Russia, Belarus and Ukraine. *Dow Vision International News* 4/25/00

April 1, 2000 – Britain’s Contaminated Land Act became law. The Act, which is part of the Environmental Protection Act of 1990, requires local authorities to identify contaminated land and issue the owner, operator or other “appropriate person” (e.g., the original polluter) orders to remediate any existing contamination. If the responsible party does not take action, the Environment Agency has the ability to perform investigations or remedial actions, and recover the costs from the responsible party. The Act may increase litigation between responsible parties where the original polluter cannot be found. *Newcastle Chronicle & Journal* 3/29/00

Miscellaneous

North America

May 17, 2000 – Minnesota Mining & Manufacturing Co. (3M) announced that it will phase out seven of its Scotchguard products by year end after discovering that one of the product’s ingredients remains in the environment and in the human body for years. The ingredient, perfluorooctanyl, belongs to the fluorocarbon family of chemicals and at least one study, by scientists at Stanford University and commissioned by 3M, associated fluorocarbons with disruption of cellular activity and indicated that it may increase the risk of cancer. The company has stated that the 1997 study had nothing to do with their decision to phase out the products and while new, more sophisticated testing methods has detected perfluorooctanyl in “extremely low levels” in those exposed, they believe studies indicate that it poses no health risk at the levels found in their products. If the company did not act to remove these products from the market, the EPA would have forced the company to do so out of concern over the long-term consequences of exposure. According to the EPA, perfluorooctanyl has been found in tissue and blood in animal and human samples taken around the world. These products generated \$320 million of annual sales. *Knight Ridder/Tribune Business News* 5/17/00 & *Wall Street Journal* 5/17/00

GeneralCologne Re Directory

Financial Centre
695 East Main Street
Stamford, CT 06901, USA
Tel. +1 203 328 5000

Theodor-Heuss-Ring 11
50668 Köln, Germany
Tel. +49 221 9738 0
www.gcre.com

North America

Atlanta
Tel. +1 404 237 2555

Boston
Tel. +1 617 728 3800

Charlotte
Tel. +1 704 556 0910

Chicago
Tel. +1 312 207 5300

Columbus
Tel. +1 614 221 7111

Dallas
Tel. +1 214 691 3000

Hartford
Tel. +1 860 547 0200

Kansas City
Tel. +1 913 345 2011

Los Angeles
Tel. +1 213 630 1900

Montreal
Tel. +1 514 288 9667

New York
Tel. +1 212 341 8000

Orlando
Tel. +1 407 977 0703

Philadelphia
Tel. +1 215 988 7100

San Francisco
Tel. +1 415 781 1700

Seattle
Tel. +1 206 682 7386

St. Paul
Tel. +1 651 293 0075

Toronto
Tel. +1 416 869 0490

Phoenix
Tel. +1 602 992 5849

Central/ South America

Bogotá
Tel. +57 1 612 4818

Buenos Aires
Tel. +54 11 4313 3553

Mexico City
Tel. +52 5 250 8500

São Paulo
Tel. +55 11 5503 9950

Europe/Middle East/North Africa

Beirut
Tel. +961 1 399 000

Copenhagen
Tel. +45 33 33 7878

Dublin
Tel. +353 1 670 2060

London
Tel. +44 (0) 20 7426 6000

Madrid
Tel. +34 91 308 3712

Manchester
Tel. +44 (0) 161 831 7555

Milan
Tel. +39 02 762 1181

Moscow
Tel. +7 095 956 1784

Paris
Tel. +33 1 5367 7676

Riga
Tel. +371 783 0107

Vienna
Tel. +43 1 536 860

Warsaw
Tel. +48 22 630 6848

Africa

Cape Town
Tel. +27 21 419 3773

Durban
Tel. +27 31 305 2764

Johannesburg
Tel. +27 11 482 1490

Australia/ New Zealand

Auckland
Tel. +64 9 309 3638

Brisbane
Tel. +61 7 3221 9611

Melbourne
Tel. +61 3 9628 4000

Perth
Tel. +61 8 9325 7711

Sydney
Tel. +61 2 9336 8100

Asia

Hong Kong
Tel. +852 2598 2288

Kuala Lumpur
Tel. +603 381 8000

Seoul
Tel. +82 2 318 4900

Shanghai
Tel. +86 21 5876 1122

Singapore
Tel. +65 438 7990

Taipei
Tel. +886 2 707 4515

Tokyo
Tel. +81 3 3663 7449

For More Information

If you have any questions about the information presented here, we encourage you to contact your GeneralCologne Re account executive.



© 2000 General Re Corporation, Stamford, CT

This information was compiled by GeneralCologne Re and is intended to provide background information to our professional staff, as well as to our clients. The information may need to be revised and updated from time to time. It is not intended to be legal advice. You should consult with your own legal counsel before relying on it.