Judge OKs Settlements in Agent Orange, Monsanto Suit

WINFIELD, W.Va. (AP) — A West Virginia judge approved a settlement Friday in a class-action lawsuit filed by residents who say that chemical manufacturer Monsanto Co. burned dioxin wastes left over from the production of Agent Orange, polluting the area with unsafe levels of the chemical.

Putnam County Circuit Judge Derek Swope acted in the lawsuit filed on behalf of between 5,000 and as many as 80,000 current and former Nitro residents against St. Louis-based Monsanto and several related companies that operated the plant.

The settlement creates an initial $21 million fund, plus up to $63 million more for Nitro residents to have their health monitored over 30 years at a local hospital. It also provides $9 million to pay for professional cleaning of thousands of homes. Monsanto also has agreed to pay the residents' legal fees.

Under the agreement, thousands of people who lived, worked or attended school in the Nitro area will be eligible to apply for benefits.

The plant operated between 1949 and 2004, manufacturing herbicides and other chemicals. Its production of warfare chemical Agent Orange created dioxin as a toxic chemical byproduct, and the lawsuit alleged that blood samples from some residents and dust samples from homes turned up extremely high dioxin concentrations.

"I'm glad it's behind us," Nitro Mayor Rusty Casto said Friday when told of the judge's approval. "I'm glad it won't be on the front page of the papers for the next three months."

The long-running litigation began with a class-action case by plant workers in the 1980s, Casto said, but no one in the community really talks about it anymore.

Still, the prospect of seeing the word "dioxin" linked to "Nitro" more than necessary was an unwelcome prospect, said Castro, who said he doesn't know any of the plaintiffs involved.

Several previous mediation attempts failed, and jury selection was under way this week in the case.

"These settlements ensure that both individual and community concerns are addressed, and services are made available for the people in Nitro," Monsanto vice president Scott Partridge said in a statement Friday.

The residents' lawyer, Stuart Calwell, said the litigation's main goal was to gain long-term health monitoring and cleanup.

"The settlements provide needed medical benefits and remediation services to the people of Nitro and the broader community," Caldwell said in a statement.

Dioxin has been linked to cancer, birth defects, learning disabilities, endometriosis, infertility and suppressed immune functions. It builds up in tissue over time, so even small exposures can accumulate to dangerous levels.

The Charleston Gazette (http://bit.ly/zkIlOA [1]) reports that a June 18 hearing has been set to give those involved a chance to object to the deal before it becomes final.

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