Monsanto Settlement with Residents Approved

WINFIELD, W.Va. (AP) — A judge gave final approval Friday to a settlement between chemical manufacturer Monsanto Co. and thousands of West Virginia residents over pollution claims.

Circuit Judge Derek Swope in Putnam County approved the settlement in a 385-page order.

A $93 million settlement was reached last February with residents who said Monsanto polluted their community by burning waste from production of the defoliant Agent Orange.

St. Louis-based Monsanto had agreed to pay up to $84 million for medical monitoring and $9 million to clean up 4,500 homes. Monsanto also agreed to pay legal fees.

The litigation began with a lawsuit by plant workers in the mid-1980s. Cases involving current and former residents were consolidated into a class-action lawsuit in 2008.

Swope dismissed objections to the settlement, calling it an "all or nothing" approval. Some class members had argued the settlement wasn't fair and reasonable.

"Any objection that asserts that the settlements could have been better must be rejected because the question is not whether the actual settlements could have been better, but whether the actual settlements are fair, adequate, and reasonable," Swope wrote.

The Monsanto plant in Nitro produced herbicides, rubber products and other chemicals. The plant's production of the defoliant Agent Orange created dioxin as a toxic chemical byproduct.

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 Nitro plant closed in 2004.

Swope, a Mercer County circuit judge, was appointed by the state Supreme Court to preside in the case when Putnam County Circuit Judge O.C. Spaulding stepped aside after being diagnosed with ALS, or Lou Gehrig's disease.

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