

# Woburn families, companies set stage for leukemia death trial

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The questions themselves are straightforward: Did nearby industries pollute Woburn's drinking water with industrial cleaning solvents, and did those chemicals lead to that city's rash of childhood leukemia cases?

But the complexity of finding answers became clear yesterday as a jury in a Boston courtroom was presented with the charge by eight families that chemical pollution affected their health and led to at least five leukemia deaths.

Before more than 150 spectators, law-

yers for the families and for the defendants, W.R. Grace & Co. of New York and the Chicago-based Beatrice Foods Co., set the stage for a trial in US District Court that, if completed, could last six months.

In opening arguments, Boston lawyer Jan Richard Schlichtmann asserted that with the help of expert witnesses he will prove that chemicals that "are toxic, that can destroy cells," were knowingly dumped at the companies' properties, within a half-mile of two city wells, and got into Woburn's water.

Schlichtmann, representing the families who claim they suffered other afflic-

tions as well as leukemia, said medical experts will later show the chemicals caused these as well.

But lawyers for the two national corporations told the jury that they would show that, while solvents and cleaning fluids were dumped, it was not done recklessly — and that any chemicals that got into the water could easily have come from many other places in Woburn's "industrial valley."

Moreover, they argued, the plaintiffs' medical contentions are controversial because, by customary scientific standards, no research has ever directly connected

exposure to industrial solvents with the occurrence of leukemia.

Both sides relied heavily on charts, diagrams, maps and aerial photographs to try to explain to the six jurors and six alternates the location of the polluted wells, known as Wells G and H, alongside the Aberjona River in East Woburn.

They also pointed out the locations of the Grace company's Cryovac division packaging machinery plant, northeast of the wells; the John J. Riley Leather Co. tannery, that was owned by the Beatrice company between 1979 and 1983, to the southwest; other possible sources of the

pollution, and the locations of the plaintiffs' homes.

The rush for seats in the 15th floor courtroom in the federal courthouse at Post Office Square at the start of the trial forced Judge Walter Jay Skinner to interrupt his opening instructions to the jury while marshals led out about a dozen persons for whom there were no seats.

The case is being watched closely by legal, scientific and environmental specialists because it is one of the most detailed yet involving the health effects of environmental pollution.

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Most such cases have been thrown out or settled without a verdict because of the scientific difficulty in making such connections. The size of the settlements has often been large, however, reflecting the high stakes involved for both the accused and those who believe they were injured.

In 1984, charges that the Vietnam-era weedkiller Agent Orange affected the health of 7,000 or more veterans were settled for \$180 million but, because there was no trial, there was no finding of wrongdoing or actual illness. The Woburn plaintiffs have not asked for a specific amount of damages.

Thirty-three plaintiffs are involved in the current Woburn trial, all of whom allege that polluted water caused them heart disorders, nervous disfunctions, or reduced immunological response — as well as seven childhood leukemia cases and one adult leukemia in which the victim is near death. Five of the children have died.

However, before the jurors hear medical evidence, Skinner said yesterday in his opening instructions that they must first decide if chemicals from the two properties actually got into the wells and whether company officials could reasonably foresee "that their conduct created a risk of serious injury to the people."

"If the answer is negative, that is the end of the case," Skinner said.

The first to address the jury panel, Schlichtmann argued that

both Grace and Riley executives "knew what they were doing" when they allowed either their employees or outsiders to dump on their land between 1965, when the two wells were first put into operation, and 1979, when they were found polluted and closed.

Schlichtmann also asserted that managers at the Cryovac plant had received periodic warnings from Grace Co. corporate offices about pollution control management during the time that its employees were being directed to dump or bury one of the solvents, trichloroethylene, behind the plant building.

But, representing the Grace company, attorney Michael B. Keating of the Boston law firm of Foley, Hoag and Eliot said testimony by his witnesses would show that the land between the Cryovac plant and the wells lies in such a way that "none of these chemicals that were disposed of on our site could have reached wells G and H while those wells were open."

Beatrice Foods, while it bought the Riley Leather property only months before the wells were closed and sold it in 1983, has absorbed all the company's environmental liability.

Arguing for Beatrice, attorney Jerome Facher of the Boston firm of Hale & Dorr, contended that while chemicals may have been dumped by others on the Riley land, the firm itself was a victim also, with its own well also polluted with solvents. "Woburn had its dumping problems, but Riley wasn't one of them," Facher said.