

REGION

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Waste trial jury hears closing arguments

By William F. Doherty
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During closing arguments yesterday in the Woburn toxic waste trial, the lawyer for the families of six people who died of leukemia allegedly caused by well water polluted by two companies said the firms represented "the worst of the corporate community."

But lawyers for the defendants - W.R. Grace Co. and Beatrice Foods Co. - said there was no evidence their clients were negligent or that contaminants flowed from their clients' properties into wells serving the Woburn residents.

Jurors in the five-month trial heard closing arguments by attorneys Jan Richard Schlichtmann, representing the families of the victims; Jerome P. Facher, representing Beatrice; and Michael B. Keating, representing Grace.

The US District Court jury will start deliberating today to determine whether Beatrice and W.R. Grace are legally responsible for polluting two Woburn municipal wells that allegedly caused at least six leukemia deaths.

Grace's Cryovac packaging machinery division is located about a half-mile northeast of the two wells. Beatrice once owned a nearby tannery, John J. Riley Co., 600 yards southwest of the wells.

The suit, filed by the families of five children and an adult who died of leukemia, claims that industrial solvents dumped on the Grace and Beatrice properties seeped into the groundwater in the 1960s and 1970s and entered the wells which supplied drinking water until they were closed in 1979.

Schlichtmann told the jury that Beatrice and Grace "didn't care about the health of the community," and allowed their properties to be used as toxic waste dumps.

In an emotional argument that lasted almost two hours, Schlichtmann, Page 21

Final arguments offered to jury in waste trial

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mann said the two conglomerates represented the "worst of the corporate community."

But the two defense attorneys said there was no evidence their clients were negligent. Facher and Keating argued that it was unreasonable to expect Grace and Beatrice to foresee that chemicals on their property could travel through the groundwater into the wells.

"How can you hold Riley [the tannery] responsible for deaths or injuries when they could not have possibly foreseen there was a risk?" Facher asked.

Keating argued that Grace could not be expected to anticipate the risk when city and state officials did not.

Judge Walter Jay Skinner, who will charge the jury this morning, has divided the case into three potential phases.

First, the jurors will decide whether the defendants are legally responsible for polluting the wells. If the jury finds they are, it will then return to the courtroom to determine whether the poisoned wells caused the leukemia deaths. This second phase of the trial is expected to last several months.

If the plaintiffs prevail in phase two, the jurors will hear more evidence and determine damages in phase three of the case.

Yesterday, the defense attorneys said there was no evidence that pollutants traveled from their clients' properties into the wells. Facher pointed out that the Aberjona River runs between the Beatrice property and the wells.

But Schlichtmann dismissed the claim by Beatrice and Grace that other industries upstream on the Aberjona River may have been responsible for polluting the wells.

"They do not have the right to point elsewhere until they point at each other and at themselves," he said of Grace and Beatrice.

Schlichtmann said trichloroethylene, the principal chemical involved in the suit, was found "all over" the Grace property.

Schlichtmann has claimed that trichloroethylene and other chemicals found on the two properties are suspected cancer-causing agents.

"I hope you don't do the expedient thing and end this trial. You must have the courage and strength to see this thing through to the end," Schlichtmann said.