

# Tenn. suit may affect Woburn case

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A \$12.7 million environmental class-action award returned in a federal court in Tennessee is being reviewed closely by lawyers involved in the Woburn leukemia lawsuit for the precedents it may have set.

Perhaps most significant, lawyers say, is that the verdict held damages should be paid for harm to the plaintiffs' immune systems, which many scientists consider the critical line of defense against illness, including viruses and some cancers.

Most personal injury verdicts involving exposure to toxic chemicals in recent years have sidestepped this issue, trial lawyers say.

A key part of the Woburn case, however, rests on allegations that chemicals that seeped into municipal drinking water led to immune-system damage, and that this in turn reduced the reputed

victims' resistance to leukemias and nervous and cardiac disorders.

The Woburn lawsuit, ongoing in US District Court in Boston, was filed by the families of eight victims of leukemia — six of them now dead — who lived near the polluted city wells in the northern suburb.

In the first of what could be four key rulings in the case, a jury of three men and three women decided last month that a conglomerate, W.R. Grace & Co., could be held liable for health problems the families can show occurred after 1973.

That was the first year that testimony established the wells were evidently polluted with industrial solvents dumped on nearby Grace company property. A second nearby company, a tannery, was absolved of any responsibility in the matter.

The Woburn pollution was dis-

covered and the wells closed in 1979.

The trial, which is scheduled to resume Sept. 15, is expected to last into next spring.

The Tennessee case involved pollution of private wells from a 242-acre chemical waste burial site operated by the Velsicol Chemical Corp. near Toone, Tenn.

Although the case was argued in 1982, Judge Odell Horton's verdict was not returned until Aug. 1. Velsicol, a major pesticide manufacturer, has appealed.

In addition to the \$12.7 million in personal injury awards, the judge ordered Velsicol to pay \$7.5 million in punitive damages for deliberate concealment of the nature of its pollution.

The largest single award, \$2.5 million, was to a boy who medical witnesses said has a substantial chance of developing cancer later in life because of chemical exposure. All five plaintiffs received awards for various health problems, including kidney cancer, nervous afflictions, partial blindness related to optic-nerve dam-

age, prolonged headaches and dizziness, coughing spells and extended periods of fatigue.

Because the lawsuit was a class action, the verdict has opened the way for 95 other individuals who lived in the vicinity of the dump to begin their own legal actions against Velsicol.

Velsicol acknowledged during the trial that it had buried more than 300,000 drums of chemicals at the dump between late 1964 and mid-1973, when the state ordered the dump closed.

The plaintiffs stated that as early as 1965 they noticed foul, chemical-like odors from their faucets and shower heads — odors so strong that bathing became impossible.

A government survey in 1967 showed ground water was being polluted by the dump. But Velsicol ignored this, Horton wrote in his 500-page opinion. He found that the company had failed to change operations at the landfill and had concealed its disposal of chloroform and carbon tetrachloride, both identified as potent carcinogens.