

COURT ROUNDUP

Bedell orders DuPont to make \$2.8M initial payment

Money to be used for medical monitoring plan as part of class-action lawsuit against chemical company

by Matt Harvey
ASSISTANT MANAGING EDITOR

SPELTER — DuPont will make an initial payment of about \$2.8 million for the medical monitoring plan that's part of a settlement of a Harrison County class-action lawsuit.

That amount was determined by Harrison Circuit Judge Thomas A. Bedell in an order issued recently in the lawsuit that stemmed from pollution from the old Spelter smelter.

Also in the order, Bedell ruled that there won't be any baseline CT scans as part of the program.

The only scans that will be authorized and funded by DuPont are those that a doctor



Bedell

deems necessary, according to Bedell's order.

Also, Bedell ruled those who signed up to participate in medical monitoring can't waive

their right at some point during the 30-year program.

The practical impact: Those who decide to skip testing at some point in the program will be reminded every couple years that they still can be part of the plan. The reminders will come from Claims Administrator Ed Gen-

tle and the Claims Office.

The first round of medical monitoring begins a week from today, according to Gentle. That's the same time testing will begin on soil and homes in the Spelter area. The latter is part of about \$34 million in property cleanup that's also part of the settlement.

The medical monitoring will be funded periodically as the court deems necessary, with the final amount unknown until the program concludes.

Soil sampling



Staff photo by Matt Harvey

Kyle Baicker-McKee, 23, of Morgantown mixes a soil sample Tuesday as part of the DuPont Spelter smelter property cleanup. Baicker-McKee works for Core Environmental Services Inc. of Morgantown.

Property cleanup begins in Spelter

Medical monitoring also under way as part of DuPont suit settlement

by Matt Harvey
ASSISTANT MANAGING EDITOR

SPELTER — Amid foggy conditions Tuesday morning, Kyle Baicker-McKee ran his gloved hands through dirt from the back yard of Spelter resident Lenora Perrine.

It marked a milestone: the beginning of the property cleanup portion of the Spelter smelter lawsuit against DuPont that's been years in the making.

Both soil sampling and medical monitoring, the other concession DuPont made in the settlement, began Tuesday.

Claims Administrator Ed Gentle said the medical monitoring was conducted at a Shinnston clinic, with negotiations under way to find two or three other local providers.

Medical monitoring for former residents who now live in about 25 other states will be conducted by a national company that has worked in other, similar cases, Gentle said.

The sign-up for medical monitoring is over, and technically, it's done for property cleanup, too. But Gentle said the claims office, located at the Spelter fire hall, would continue to take applications for property remediation.

Baicker-McKee is a field technician for Core Environmental Services Inc. of Morgantown. He said he was sifting five samples into one that then would be sent to a laboratory.

Thomas Rebar, senior project manager for Core, said the samples go to a lab in Greensburg, Pa.

See SPELTER, A9

Wednesday, Nov. 2, 2011 **A9**

SPELTER

(Continued from Page A1)

It takes about 10 days to get the results back, and they're then forwarded to the settlement team, Rebar said.

Core has done dozens of similar projects around the state, often working with the West Virginia Department of Environmental Protection, Rebar said.

John Parrotta of JPEC LLC, another Morgantown firm, was sampling dust inside Spelter homes at the same time.

The experts are looking for traces of toxic chemicals that were known to be released from the former zinc smelter.

The settlement team hopes to clean contaminated properties in the three closest zones to the old smelter, Gentle said. Among other places, that could take cleanup operations halfway into Shinnston and out

toward Lumberport, according to Mike Jacks, executive director of the claims office.

Soil sampling likely won't be done until late winter or early spring, according to Rebar and Gentle. After that, it will be time to find a company or companies to do the reclamation work both inside and outside homes.

All but four residents of the area closest to the plant have signed up, Gentle said. He added that the settlement team will probably ask those four if they want to participate.

The high participation "speaks a lot about the community spirit and people's willingness to work together," Gentle said.

Perrine is signed up for medical monitoring as well as property cleanup. She will go for her checkup this week.

"I'm happy it's almost over," said Perrine, who was the original complainant against DuPont.



Monday
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The Exponent Telegram

TODAY'S WEATHER



A thunderstorm
in the area/81
See Page A10

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Spelter area residents beginning 30 years of medical monitoring as part of settlement

by Leslie Moses
STAFF WRITER

CLARKSBURG — Spelter resident Lenora Perrine, 79, can see the site of the old zinc smelting plant from her kitchen window. She's lived in "Zone 1" — the area closest to the former plant — since she was age 10.

Perrine has seen quite a progression.

First, there was the "filthy"

zinc plant with fire coming out. Then there was "this big hill of black stuff" outside, she said, recalling the view about 10 years ago. Now, there is just a field.

The latest development is off-site in area doctors' offices, where Perrine and other locals are tested for health problems caused by exposure to the plant's chemicals.

About 6,000 people registered

for medical monitoring following a lawsuit against DuPont over the Spelter plant, according to Ed Gentle, a settlement administrator representing the court.

Some residents checked the "yes" box, indicating they wanted medical monitoring; others checked the "no" box and got cash instead, according to Gentle.

Gentle is mum on many of

the details of the settlement.

He emphasizes his neutrality in the case and, instead, refers to a website full of documents that, however detailed, aren't scannable through the typical word-search method.

Residents who opted for medical monitoring are on the cusp of a 30-year checkup period.

Here's a little of what's involved.

A fund is set up for medical monitoring; guidelines are set; and health-care providers are contracted for the testing, according to United Hospital Center's Bruce Carter.

Clinics in the area will do some of the testing; there are other clinics for people who live out of state, Gentle said.

A UHC primary care doctor in Shinnston is one provider. The doctor attended meetings

on how to perform the screenings and what issues to look for, according to Carter.

MedExpress Urgent Care is another provider.

The monitoring looks for conditions that can arise from exposure to three chemicals — cadmium, arsenic and lead, said Dr. Kelly Nelson, medical director of MedExpress.

See SPELTER, A9

SPELTER

(Continued from Page A1)

Among the concerns are kidney problems and lung, skin and colon cancer, according to Nelson.

The time to qualify for the medical monitoring program was March-August 2011, Gentle said.

The 30-year testing period — for current and past residents of the Spelter area — began in November, according to Gentle.

The area is mapped in three zones under the settlement.

The first zone, where Perrine lives, includes those who live closest to the former plant; it includes those who lived there one year during the span from 1966 to the end of August 2011.

Zone 2 is for those farther away who lived there three years.

Zone 3 is for those in the area still farther from the former zinc plant who lived there five years, according to Gentle.

Testing varies by age, and includes blood, urine and stool

tests, according to Gentle and Nelson.

CT scans are also including in the testing, but doctors need a specific finding first, according to Gentle.

UHC is one provider of diagnostic testing like CT scans, but "we just do the testing," Carter said. UHC doesn't make final decisions on whether findings are related to the zinc plant, according to Carter.

After running tests, providers review results, patient history and symptoms, according to Nelson. A physical is also performed, and providers determine if further

testing is needed, he said.

About 100 people have been to MedExpress for medical monitoring since testing began there in January, according to Nelson.

So far, Nelson can't say they've found anything definite linked to the zinc plant.

But it's a long testing period, and Nelson said, "It really hasn't surprised us that we really haven't uncovered anything yet."

There have been probably fewer than 10 people at UHC for diagnostic testing, according to Carter, who estimates the hospital began the tests for

the Spelter settlement in January.

Perrine was one of the first to be tested, she said. She saw a Shinnston doctor and is now waiting on an appointment with a kidney doctor in Buckhannon.

Perrine's doctor didn't think there was any danger and said it was up to her if she wanted further tests.

She did.

Perrine remembers when youth played on the site, riding bikes by the big hill of black factory discharge.

"I want it checked out to make sure," she said.