

DuPont says 3,500 enrolled in Spelter monitoring plan

by Vicki Smith
THE ASSOCIATED PRESS

MORGANTOWN — DuPont says some 3,500 West Virginians who believe long-term exposure to a former zinc smelter has increased their risk of illness are currently enrolled in a medical monitoring program set to begin Nov. 1.

The 30-year program, consisting largely of blood and urine tests, may help people who lived near the Spelter smelter in Harrison County to detect and treat disease early.

Some 6,700 people submitted claim forms, and some of those have yet to be reviewed by the claims administrator, DuPont spokesman Dan Turner said Monday. Others have opted out.

People were paid \$400 to complete the form and help create a data base for the program.

"Apparently," Turner said, "many people are submitting the forms but declining the medical monitoring."

The smelter in North Central West Virginia produced more than 4 billion pounds of slab zinc and 400 million pounds of zinc dust for use in

rustproofing products, paint pigments and battery anodes. By 1971, a toxic waste pile stood 100 feet tall and covered nearly half of the 112 acres.

The plant closed in 2001, and DuPont worked with state regulators to demolish buildings and cap the site.

But four years ago, a jury ruled DuPont was negligent in creating the waste pile and that it had deliberately lied to its neighbors and downplayed possible health threats. The jury awarded \$380 million in punitive damages — an amount the state Supreme Court later cut to \$196 million.

The high court affirmed that thousands of residents were entitled to a 40-year medical monitoring program and a cleanup fund for private properties. But those verdicts were later wiped out when DuPont dropped its appeal and offered a \$70 million settlement that included \$4 million to be set aside for cash payments to people who are eligible for medical monitoring.

The cost for the 30-year medical monitoring program is unclear, Turner said, because it depends on the final number of participants,

the amount providers charge for the tests and other factors.

"DuPont is simply committed to paying the bill for the testing as agreed upon," he wrote in an email, "so long as the testing is related to the alleged heavy metal exposure and does not expand to full service health screening for diseases caused by smoking and other factors."

The testing is set to begin Nov. 1 and will be repeated every two years.

Blood and urine tests can help determine whether a person has any detectable level of the relevant heavy metals. The program will last for 30 years because some diseases, including skin, liver, bladder and lung cancers, can take decades to manifest.

Turner said that if a doctor needs to do a CT scan to rule a suspected disease in or out, DuPont will pay for that, too. CT scans, however, are not a routine part of the program.

The claims administrator is working with 11 health care providers — six physician clinics, four hospitals and one laboratory — to make sure all participants have convenient access to care.

1,000 apply so far for medical monitoring

DuPont claims office holds 20 town hall meetings in 2 weeks

by Matt Harvey
ASSISTANT MANAGING EDITOR

SPELTER — More than 1,000 people have signed up for the medical monitoring program as part of a class-action settlement with DuPont over pollution from the Spelter smelter.

That's according to Ed Gentle, the claims administrator for the case. He spoke Friday afternoon after the claims office had concluded its 20th town hall-style meeting over a two-week period.

The process will continue with registration available week-days at the claims office through Aug. 31. The number of people signing up is likely to grow

because of the approximately 1,000 additional forms handed out for distribution during the town hall meetings, Gentle said.

The amount signed up so far is "a good showing," Gentle said.

Perry Jones, one of the lawyers who represented the class action, thought the number of people signing up "probably would have been a little bit more than that at this point."

"I don't know that I'm disappointed," Jones said. "A couple hundred — I'd have been disappointed. Over 1,000 — that's a



Gentle

pretty good start. I hope people take advantage of this program."

Gentle wouldn't divulge how many of those who signed up for medical monitoring actually will go ahead with testing. It was necessary to register for the program to be eligible to receive a one-time payment from the settlement, but it wasn't a requirement that those signing up follow through with actual monitoring.

The town hall participants offered plenty of good suggestions for the property cleanup part of the settlement, Gentle said.

While medical monitoring is to be paid for by DuPont on an as-needed basis, there is \$34 million available to clean homes and soil in the Spelter area.

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But class-action expert Dr. Kirk Brown previously opined it would cost about \$57 million to complete the cleanup.

Harrison Circuit Judge Thomas A. Bedell will have the final say on the structure of the cleanup.

But Gentle promises class action members will have plenty of input, likely to include a

chance to vote via a mailed questionnaire. They also probably will get a chance to address the court at a "fairness hearing," according to Gentle.

One of the issues is whether testing should be mandatory or optional. Also: Whether to use Brown's test results to structure a cleanup plan, or whether to do new testing, Gentle said.

Those with questions or comments can contact the claims office by calling (304) 622-7443 or (800) 345-0837; or by e-mailing perrinedupont@gtanslaw.com