

# Our Toxic Times

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## Litigating Chemically Induced Cancer Cases Years Later

by Richard Alexander, Esq.

In October 1996, CNN reported on prime news that the US Environmental Protection Agency (EPA) had conducted a test of herbicides and found that the level of contamination found inside homes after outdoor spraying was 10 to 100 times stronger than what was found outside. Brought in on shoes and by pets, the floor and carpet concentrations were astronomical and readily picked up by children from direct dermal contact as well as orally. In fact, the video portion of the story showed four babies crawling on the floor and mouthing every toy, thoroughly.

The EPA report is indeed sobering in light of the routine chronic exposures suffered by home gardeners, landscapers, and maintenance employees in the regular application of weed killers.

The daily absorption of herbicides by their clothing and the "bandage" or "poultice" effect of clothing as a toxic delivery system to these people is equally significant as the EPA's testing of home carpeting concentrations.

The tragedy is that many of these chemicals that cause leukemia, lymphoma, Non-Hodgkin's lymphoma, and soft-tissue sarcomas have latency periods of 20+ years and today's treating physician rarely inquires concerning potential causation when the immediate need is to provide care.

Long latency periods are a significant, but not insurmountable, challenge in proving toxic chemical exposure cases.

In 1995, The Alexander Law Firm in San José, CA, represented Joe Pickering's family after he died from soft tissue sarcoma - very rare in a 40 year old - as a result of being exposed to dioxin laden Weed B Gon manufactured by Chevron under its Ortho line of products.

Pickering was exposed to silvex during the early 1970s when he worked on a bottling line in Martinez, CA. During that time, silvex (2,4,5-TP) was the prime component of Weed B Gon and although the case was litigated in 1994-95, the firm located and tested cans of Weed B Gon found in garages in Santa Clara County where they had been sitting for 20 years. The firm was able to date the products based on Chevron's label numbers. The Weed B Gon had been bottled in 1972-74 and contained 2,4-D and 2,4,5-TP (silvex) that were loaded with dioxins. Because of that testing, the legal claim was successfully concluded for Pickering's family.

This is not the first case in which "archive" samples of chemical carcinogens sitting on garage shelves have been found useful in litigation. The same law firm successfully followed the same protocol in a leukemia cluster in Northern California where it proved that dioxin laced pentachlorophenol was the cause of four leukemias in employees of a small lumber mill operated by the Simpson Lumber Company in Arcata, CA. In that case, the offending product was Woodlife which contained pentachlorophenol heavily contami-

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nated with dioxins and furans. In fact, a 20 year-old bucket of Woodlife found in a former employee's garage, when subjected to mass spectroscopy, showed a pattern of dioxins that correlated with the pattern of dioxin found in the client's body fat. The match was not perfect, but after 20 years the correlation factor was 80% and ended any doubt as to the validity of the claim that exposure to Woodlife was the cause of these leukemias.

Today the Weed B Gon that is sold is a much different formulation than what was sold in the past, but the untold story is that Weed B Gon using silvex was sold across the US through 1980 and it was heavily contaminated with Dioxins and furans.

Home gardeners, groundskeepers, landscapers, and maintenance employees who regularly used Weed B Gon and who suffered a chronic exposure are progressing towards a time when soft tissue sarcoma, leukemia, and Non-Hodgkin's lymphomas, among others, may be presenting. The sad fact is that many who will be diagnosed with these diseases may never learn that they are suffering because of workplace exposures that occurred years earlier.

That silvex is dangerous is confirmed in EPA's regulatory file. EPA's silvex file confirms that after fighting the government's investigation in the late 1970s, the industry gave up, and subsequently EPA banned silvex from public use. Obviously the time and money spent in fighting regulation allowed the industry to clear its shelves of 2,4,5-TP.

Gardeners, landscapers, main-

tenance employees, groundskeepers, their families, lawyers, and unions need to know that those who used Weed B Gon on a regular basis during the 1960s and 1970s who now have been diagnosed with a soft tissue sarcoma, leukemia, or Non-Hodgkin's lymphoma have a substantial basis upon which to take legal action against employers and responsible third parties.

In addition, old stock piles of Weed B Gon may be loaded with dioxins and should be taken to an appropriate hazardous waste disposal facility, preferably one that won't put the toxins back into the air.

The address and telephone number of The Alexander Law Firm is PO Box 1330, San Jose, CA 95109; (408) 289-1776.

## Networking 1 to 1

*Networking 1 to 1 may not be used to sell services or products, rent out property, or for any other type of transactions that would financially benefit the user.*

**Jean Cebasek** is considering relocating to the Pittsburgh area and would like to learn more about the MCS services that are available. If you can help, contact Jean at 8120 Redlands St. #13, Playa Del Rey, CA 80293.

**Wanda Taylor** would like to communicate with anyone who has reacted to a computer but eventually found one that could be tolerated. Wanda may be reached at 452 Buccaneer Dr.,

Hattiesburg, MS 39402; (601) 268-6685.

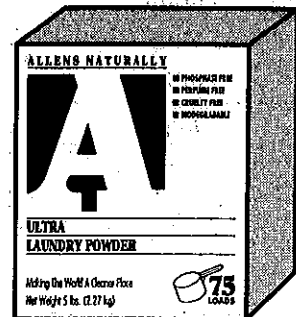
**A.E. Faulkner** is looking for any information on ethylene glycol and/or antifreeze poisoning. A.E. may be contacted at PO Box 10-105, El Nido, CA 95317.

**Kathy West** is looking for a supplier of non-plastic tubing for her oxygen tank. If you can help, contact Kathy at PO Box 1076, Cascade, ID 83611.

**Sue Powell** would like information on living in or near Alamogordo, NM. Sue may be contacted

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