

West Coast US cities sue Monsanto over toxic chemicals

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Last week, Seattle, Washington became the latest addition to the list of cities filing lawsuits against multinational corporation Monsanto, joining San Diego, San Jose, Oakland and Berkeley in California, along with Spokane, Washington. These efforts, led by San Diego-based law firm Gomez Trial Attorneys, aim to extract tens of millions of dollars from the agrochemical company for knowingly promoting the severely hazardous line of polychlorinated biphenyls, more commonly known as PCBs.

The Seattle lawsuit holds the corporation responsible for PCB contamination that finds its way into the city's stormwater that flows into the Lower Duwamish River, designated a federal Superfund site because of its high levels of pollution and the high cost of cleanup.

These lawsuits are based on a precedent set last year in a California case against lead paint manufacturers in which the prosecution, after a 12-year legal battle, won a \$1.15 billion judgment using a new application of California's "public nuisance" law. Under the ruling, liability was imposed against the defendant companies because they had actively sold and promoted lead paint with actual or constructive knowledge about its health hazards. Through this same framework it has become possible to build a case against Monsanto for actions taken over 50 years ago.

In previous legal suits, (namely in Alabama, where the company had a chemical production plant), evidence was produced from internal Monsanto reports dating to the 1960s and 1970s. The reports confirmed the company's knowledge that PCBs were causing health problems in its workforce and becoming an environmental contaminant. The company, however, continued to produce the profitable compounds.

Monsanto has faced numerous attacks over the past few decades for its alleged disregard for society and the

environment. The company, along with Dow Chemical, was known for its production of Agent Orange during the Vietnam war as well as its role in the development of nuclear weapons under the Manhattan Project.

In an effort to create a better public image and avoid liabilities from its industrial chemical business, Monsanto spun off its industrial chemical and fiber divisions into a company called Solutia in 1997. For their part, officials from Monsanto claim that the company has been exclusively focused on agriculture over the past decade and has no responsibility in the current lawsuit for the chemicals produced and sold by the company that was initially formed in 1901.

Manufacturing of PCBs began in 1929. The chemicals were largely produced in the post-war period as wartime chemical companies refocused their attention on domestic uses. In the next four decades, close to 600,000 tons of the toxins were produced in the United States almost exclusively by Monsanto, until their ultimate prohibition by US Congress in 1979. Production of PCBs continued by other companies in various parts of the world until the 1990s. These chemicals were used in hundreds of industrial and commercial applications, including transformers, paints, caulk, flame retardants and pesticides, just to name a few.

As a result of their tendency to spread quickly and easily through air, water, river sediments, and animal ingestion, the contaminants have been found in virtually every corner of the world, including the Arctic, where the polar bear population was affected.

In areas with high concentrations of PCBs, which include but are not limited to the major cities involved in the lawsuits, overwhelming populations of fish, birds and mammals were found to have levels of "chronic toxicity." This condition has resulted in developmental

complications, reproductive failure and mass death rates, causing major disruptions in many ecosystems, most notably in San Francisco Bay.

The unique set of properties of PCBs, namely their non-flammability, chemical and thermal stability and high boiling point, means they do not readily break down once released into the environment. These chemicals tend to build up in animal fat, with increasing density going up the food chain, often ending in human consumption. The Environmental Protection Agency has acknowledged that ingestion of products with high levels of PCBs, in addition to causing cancer, also have been proven to cause neurological disorders, and toxic effects on the human immune system, reproductive system, nervous system and endocrine system.

It should be noted however that the lawsuits will not demand any reparations for the people affected by these toxins, but instead will be limited to monetary compensation exclusively for local governments to use in a limited cleanup of environmental damage.

Outrage at the irresponsible, criminal behavior of companies such as Monsanto is a healthy and understandable reaction to such events. However, the ongoing legal efforts are not likely to spring from such motivations and will in any case prove completely unable to redress the problem.

Even a victory in these cases will primarily serve to line the pockets of Gomez Trial Attorneys and the corrupt local city governments that are in fact routinely complicit in similar crimes, so blatantly exposed currently in the ongoing Flint water crisis. Any money won through this lawsuit, assuming it is used appropriately, will not even come close to repairing the vast social and environmental damages caused by Monsanto and similar corporations over the past century.

Predictably, these legal proceedings are being hailed as a victory by various corporate media. In a *San Diego Union Tribune* article absurdly titled “Monsanto lawsuits unnerve corporate America,” the author, Joshua Smith, writes, “In a move that might give corporate America chills, a San Diego-led legal team is testing a strategy aimed at expanding companies’ liability for cleaning up pollutants.”

In reality, even if the San Diego law firm is successful in securing damages from this particular

firm, corporate America, far from being unnerved or wracked with “chills,” will emerge virtually unscathed by these legal proceedings. The capitalist system’s drive for profit, which led Monsanto to essentially poison the environment and society in the first place, will continue unabated. The crises created by capitalism, environmental and otherwise, cannot be solved through the legal avenues provided by the same system which creates these problems.

This situation, like that of Flint Michigan, the 2014 nuclear reactor explosions in Japan, the historic oil spills of 2010, the ongoing global warming crisis, and the many other environmental catastrophes experienced over the last century, expose again and again the much larger systemic problem characterized by today’s irrational organization of society.

The critical environmental issues facing humanity today cannot be solved by corporate lawsuits, moral appeals to the uninterested political establishment, or through any charade of multi-national collaborative “efforts,” but instead can only be addressed on the basis of a rationally organized socialist society.



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