

Federal judge dismisses \$600 million lawsuit against paper mill for decades of toxic chemical releases in Kalamazoo, Michigan

Kevin Reed
4 April 2024

On March 15, a federal judge dismissed the class action lawsuit filed on behalf of residents of a neighborhood in Kalamazoo, Michigan, against Graphic Packaging International (GPI) and 21 local, state and federal government agencies and individuals.

The \$600 million lawsuit was filed last June and charged that GPI had discharged airborne chemicals at its paperboard mill in the Northside Kalamazoo community for two decades, causing serious and chronic health problems, including deaths of residents.

The lawsuit also charged that a source of the foul-smelling and toxic hydrogen sulfide is the city's wastewater treatment plant, which is adjacent to the GPI mill, and that government officials and agencies colluded with the company in covering up the nature and extent of the pollution.

In a 63-page ruling, Judge Hala Y. Jarbou, Chief Justice of the United States District Court of the Western District of Michigan, agreed with motions filed by the defendants that argued the lawsuit lacked merit and should be dismissed.

The judge also supported the claims of defendants that the lawsuit should be dismissed because it contained insufficient, improper and false allegations. However, in her ruling, Judge Jarbou did not attempt to refute or show that the evidence of toxic poisoning of the Northside Kalamazoo neighborhood did not exist.

Instead, the judge seized upon several errors of fact in the lawsuit, especially the false assertion that GPI government relations employee Paul McCann is the brother of Michigan State Senator Sean McCann, and there were secret financial transactions between them. In sworn testimony submitted to the court, Senator McCann said he does not have a brother and is not

related to anyone who works at GPI.

Judge Jarbou, who was appointed to the federal bench in 2020 by then-President Donald Trump, also attacked the lawsuit for its accusation of “environmental racism” against GPI and its corporate parent because a majority of Northside Kalamazoo residents are African Americans. The judge wrote that the allegation that the defendants violated the constitutional rights “are conclusory and unsupported.”

The judge ordered John R. Beason III, the lawyer who filed the lawsuit on behalf of current and former Kalamazoo residents, to submit a document to explain why the court should not sanction him for failure to comply with court rules.

Jerry White, the Socialist Equality Party's candidate for Vice President of the United States, issued a statement on the ruling, which declared:

The decision of the Michigan federal court to dismiss the class action lawsuit, even though there is substantial evidence that Graphic Packaging International and the city government have been polluting the Northside Kalamazoo neighborhood with toxic airborne chemicals for years, shows that the judicial system defends the interests of the corporations and the rich.

The attitude of the judge to the health and safety of the community and the workers at the GPI paper mill mirrors the response of the state and federal government to the coronavirus pandemic. When it comes to the well-being of the public, all factions of the government

always side with the corporations and place profits and the wealth of the capitalist class first before the lives of workers and their families.

To defend the right to live in an environment free of toxic pollution, workers and young people in the Northside Kalamazoo neighborhood need to unite with the workers in the paper mill against GPI and the local, state and federal government in a common struggle against the capitalist system.

The Socialist Equality Party calls on workers to form a rank-and-file factory and neighborhood committee that is independent of the Democrats and Republicans and will connect the struggle in Kalamazoo with workers in every industry and community across the state, across the US and around the globe for socialist policies that will place the running of society into the hands of the working class.

While the right-wing judge has let GPI and the government agencies responsible for protecting the public from environmental hazards off the hook, there is no question that residents of the working class Kalamazoo community have been victims of poisoning, and the central demands of the lawsuit are legitimate.

The state of Michigan announced in May 2023 that the odor in Kalamazoo is linked to toxic gas and that the amount of hydrogen sulfide measured in the air around the GPI paper mill and the city wastewater treatment plant is a long-term health hazard. The company has been cited by government agencies for numerous environment violations over the years, including plant emissions and wastewater spills.

Residents have complained for decades about the bad smell. As one community member told the WSWS, “The effect of the pollution in the neighborhood gives people headaches, makes them dizzy. They are sick to their stomach to where they have to go inside and get air from the inside instead of coming outside and get fresh air, because it’s polluted by the company here.”

The pollution not only impacts the 10,000 residents in the neighborhood, the workers at the GPI mill are also exposed. The resident said, “It affects the workers. They have to go in there masked just to be in there. To work on a 12- to 18-hour shift, they have to have a

mask on because of the smell.”

GPI employs 750 workers at the Kalamazoo coated recycled paperboard mill. With the dismissal of the lawsuit, the company has been enabled to gloat and posture as a protector of the environment, asserting that the company takes “our community’s health and safety very seriously” and is “proud of our work and our record in Kalamazoo.”

However, as described by workers at the GPI mill, the reality is not as painted by the company and its PR department. A former worker told the WSWS, “There was so much pollution in the ground. When I started working for a landscaping company, we did all that new landscaping out there, they told us don’t touch the dirt because the ground was contaminated.

“I guess they’re recycling the dirt now, there’s a big mound now. I guess they got fined real big for it. So, they bit the bullet and started taking precautions. I don’t know. They have billions of dollars, so I have no clue if they’re actually cleaning it up. They are there to make money.

“I used to think the smell was from the water plant. Come to find out, it’s the paper plant. What goes into making this stuff? They tell us only so much of what it is. We don’t know what goes into it.

“I hear a lot of stuff. They were fined \$99,000 for a billion-dollar company. That’s a slap in our face. That’s rubbish, you know. They constantly get slaps on the wrist with that kind of money over and over again. They feel they are bringing in and benefiting the city. They’re benefiting themselves.”



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact