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Chemical Firms Blamed for City's Contamination

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HAMMOND, Ind. (CN) — A class action filed on behalf of more than 1,000 Indiana residents, including nearly 700 children, claims DuPont and Atlantic Richfield Company caused lead and arsenic poisoning that forced them to move.

Lerithea Rolan and Lamottca Brooks sued Atlantic Richfield, E.I. du Pont de Nemours and Company and the Chemours Company in Northern Indiana federal court on Thursday, alleging they inundated East Chicago, Ind., properties and neighborhoods with massive levels of hazardous lead and arsenic generated by their manufacturing plants, forcing residents to relocate at their own personal expense.

This summer, the mayor of East Chicago called for residents to quickly relocate from their homes for their own health and safety, according to the lawsuit.

His call for relocation was supported by the U.S. Environmental Protection Agency, which saw the threat to residents as so severe that it warned them to avoid outdoor activities to prevent exposure to lead in soil that is "hundreds of times greater than safe residential levels," the complaint states.

For many years, Atlantic Richfield owned and operated a lead and zinc manufacturing refinery in the area, where it allegedly generated and dumped lead and arsenic into nearby residential areas. The problem was compounded by the fact that DuPont also dumped similar chemicals from its nearby plant, which was a pesticide lead arsenate production facility, the residents say.

Unbeknownst to the plaintiffs, they say they were constantly exposed to the chemicals through ingestion, inhalation and skin exposure in their underrepresented minority community in a low-income area.

At the end of 2014, the EPA — which has classified East Chicago as an "environmental justice community" particularly susceptible to contamination due to economic circumstances — sampled soil for lead and arsenic in the residents' yards.

It was not until July of this year that the EPA informed residents that their homes were highly contaminated, Thursday's lawsuit states.

This was of particular concern to Rolan and Brooks, who each have children living with them. According to the EPA's website, lead is highly toxic and lead exposure in children can cause "irreversible behavioral problems, learning disabilities and impaired growth."

High levels of lead exposure also contribute to "severe neurological problems such as comas, convulsions and death," according to the government site.

In addition, the EPA says arsenic exposure can result in gastrointestinal, skin, brain and nervous system disorders, as arsenic is a human carcinogen.

The EPA's information was important for Rolan and Brooks, but it left them in an impossible situation, they claim, since the agency also recommended that all affected residents keep their windows closed and children inside at all times to "greatly curtail their normal activities to avoid being poisoned."

Children were told to refrain from playing in dirt or mulch and needed to have their hands and toys washed constantly after playing outside. All residents were supposed to remove their shoes before walking in their homes and avoid digging in their own gardens or yards, the complaint states.

The restraints have thrown their lives into disarray, according to the lawsuit, as the 680 children in the proposed class were stuck inside their homes this summer while residents scrambled to find alternative temporary housing.

The entire neighborhood, including previously active playgrounds, "now resembles a ghost town," and an elementary school located within the contamination area was shuttered in August, the plaintiffs say.

The threat of poisoning was so severe that East Chicago Mayor Anthony Copeland reportedly sent letters to more than 1,000 residents in July telling them to abandon their homes for their own safety.

In addition, the West Calumet Housing Complex, where many class members live, recently sent letters to all of its residents saying they are required to vacate their homes by the end of November, as the complex is set for demolition due to contamination.

The news caused "widespread panic ... requiring many to spend substantial time and resources searching for a new place to live," according to the complaint.

Rolan and Brooks' lawsuit is not the first of its kind for Atlantic Richfield or its parent company, BP. Atlantic Richfield was bought by BP America in 2000, although BP is not named as a defendant in Thursday's class action.


In 2009, the EPA found dangerous levels of uranium and arsenic in the wells of residents in Yerington, Nev., who lived near one of the company's mines. BP later agreed to settle a class action filed by 700 residents for \$19.5 million.

Rolan and Brooks have requested class certification based on the number of residents affected. They seek compensation for the costs of investigation and contamination of their homes, as well as temporary housing and relocation costs under the Comprehensive Environmental Response Compensation and Liability Act.

The plaintiffs are represented by James Brusslan of Levenfeld Pearlstein and Thomas Zimmerman of Zimmerman Law, both located in Chicago.

BP, Atlantic Richfield's parent company, did not immediately return a message requesting comment Friday morning.

Dan Turner of DuPont said Friday that DuPont has not yet been served with the lawsuit, but that defendant Chemours Company, which was spun off from DuPont in July 2015, has assumed responsibility for liabilities related to the contamination site.

A message left with Chemours early Friday afternoon was not immediately returned. 

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