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news Freport-McMoRan Sued Over Oklahoma Smelter Waste (Update2)

By Margaret Cronin Fisk

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April 14 (Bloomberg) -- [Freport-McMoRan Copper & Gold Inc.](#), predecessor companies polluted an Oklahoma town with millions of pounds of hazardous waste from a zinc smelter, residents said in a lawsuit.

Cyprus Amax Minerals Co. and Phelps Dodge Corp. exposed the town of Blackwell to toxic levels of lead, zinc, arsenic and cadmium for decades, according to the complaint filed today in state court. Plaintiffs Bob Coffey, Loretta Corn, Larry Jones and Mary Ellen Jones seek class-action status, allowing them to sue on behalf of all Blackwell residents and property owners.

Pollution from the smelter has endangered lives and diminished property values, and left one-third of Blackwell's children with lead levels in their blood high enough to cause brain damage, the residents said. They're seeking cleanup of the site, medical monitoring for current and former residents and unspecified damages.

The smelter was closed in 1974, "leaving behind an environmental nightmare that still haunts the residents, both past and present, of Blackwell," according to the complaint. The plaintiffs seek to represent more than 10,000 current and former residents and more than 2,500 property owners.

Phelps Dodge did not create this soil issue but we are fixing it anyway," company spokesman [Steve Lewis](#) said in a telephone interview. "Phelps Dodge has been working with the community for almost 10 years to clean it up."

Phoenix-based [Freport](#) became the world's largest publicly traded copper producer last year when it acquired Phelps Dodge for \$26 billion.

Cover Up

Phelps Dodge previously bought Cyprus Amax, the owner of the Blackwell smelter's operator. Phelps Dodge and Cyprus Amax failed to live up to promises to remediate the site and covered up their failure, the residents said.

The residents also sued [Burlington Northern Santa Fe Corp.](#), the second-largest U.S. railroad, claiming it was negligent in handling waste products from the smelter. The Blackwell Industrial Authority, a state public trust which was deeded the smelter site after the plant closed, was accused in the suit of failing to clean it up.

"The contamination of Blackwell represents a public health crisis," Nelson Roach, an attorney for the residents, said in a statement. "The children of this community are going to continue to be at risk until these companies are forced to remove this contamination properly."

Oklahoma's state health department has been testing lead levels in Blackwell's children for 14 years, Phelps Dodge's Lewis said.

"The blood lead levels are consistent with the national average," he said.

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[Freeport](#) fell 82 cents, or 0.8 percent, to \$105.39 at 4 p.m. in New York Stock Exchange composite trading. The shares have risen 48 percent in the past year.

The lawsuit is Coffey v. Freeport-McMoRan Copper & Gold, CJ-2008-68, District Court, Kay County, Oklahoma (Newkirk).

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