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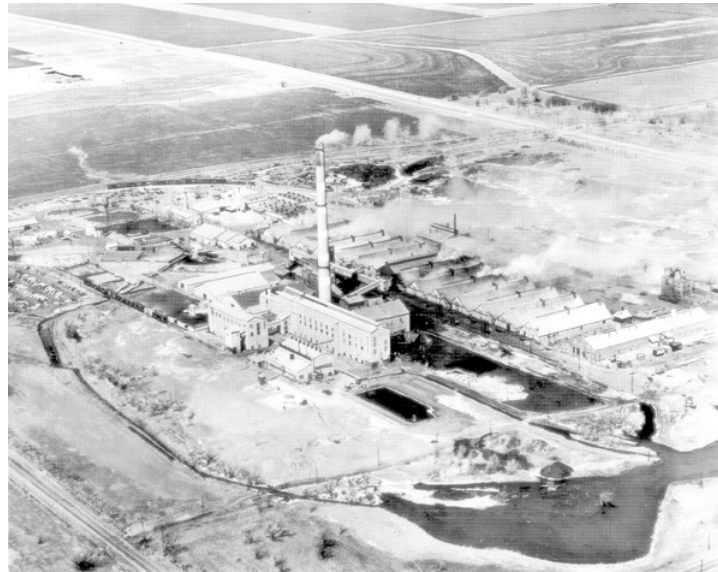
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Smelter contamination charged in lawsuit



Blackwell Zinc ceased operations in 1974 following several lawsuits filed by local landowners. An anticipated lawsuit against Phelps Dodge Corporation was filed Monday at the Kay County Courthouse by a law firm in Dangerfield, Texas.

The 40-page lawsuit names Freeport-McMoran Copper and Gold, Inc, Phelps Dodge, Cyprus Amax Minerals, Amax, Blackwell Zinc Company, Blackwell Industrial Authority, Burlington Northern railroad and Santa Fe railroad as defendants.

In a prepared news release, the law firm of Nix, Patterson and Roach says the suit was filed on behalf of "roughly 7,000 residents of the town of Blackwell," although only four names, Bob Coffey, Loretta Corn and Larry and Mary Ellen Jones are the only individuals listed as plaintiffs.

Their claims, according to the suit, "are typical of the claims of the members of the Class as all members of the class are similarly affected," by contaminated land.

The attorneys are claiming those affected include anyone who lives within the city limits or within a five-mile radius of the smelter site as well as any one in Oklahoma who has lived in Blackwell and the five-mile circle since Jan. 1, 1916.

The suit accuses Phelps and Freeport-McMoran of, "failing to properly address lead, arsenic, and cadmium contamination in the Blackwell area.

Reached by telephone, the firm said the suit is being filed to pay for "ongoing medical treatment and monitoring."

The suit is also seeking judgement against the defendants and seeking compensatory and punitive damages, "to be determined at trial," as well as "proper and permanent abatement and/or remediation of all contaminated properties in Blackwell."

According to Nelson Roach, one of the partners in the firm, "the contamination of Blackwell represents a public health crisis. Past and current attempts to remediate this town haven't cleaned up the problem, they've covered up the problem."

Steve Lewis, a Tulsa-based spokesman for Phelps Dodge, which acquired the Blackwell site in 1999, said the company has worked with local residents and the state Department of Environmental Quality to clean up some of the pollution left from the smelter.

"Phelps Dodge has been doing the right thing for the people of Blackwell. They've been working with the community and civic leaders for almost 10 years now to find any soil that has a problem and clean it up," Lewis said. "Phelps Dodge did not create this soil issue, but we're fixing it anyway under standards set by state officials in Oklahoma."

The Oklahoma Department of Environmental Quality, which oversees the cleanup, has been involved with the smelter site beginning with testing that began in 1992, said Scott Thompson, director of the department's land protection division.

Since then, contaminated soil has been removed from residential yards and placed with other contaminants on the former smelter location and a system has been put in place to treat polluted

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County Profile groundwater, Thompson said. At the root of the issue is contaminated soil from Blackwell Zinc operations that spanned nearly 60 years.

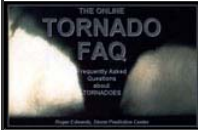
Sports

Football The smelter began operations in 1916 and closed in 1974.

Baseball The site of the smelter operations is now part of the Blackwell Industrial park.

Basketball

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