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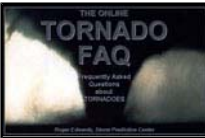
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Smelter contamination: a major concern

By Judy Lambert / Of the J-T Staff



Nelson Walsh, attorney for Nix, Patterson and Roach, addresses a crowd of about 135 people concerning the recent uncovering of severe contamination in Blackwell caused from the Blackwell Zinc Smelter. (J-T Photo by Judy Lambert)

Attorneys representing a group of Blackwell citizens in a fight against Phelps Dodge, the current owners of the Blackwell Zinc Smelter site, had more questions than answers, at a meeting held in the Kay Room of the Kay Electric Building Thursday night.

"We do not claim to have all of the answers," said Nelson Walsh, an attorney with Nix, Patterson and Roach of Daingerfield, Texas. "In fact, what I will tell you is that the information we have discovered so far has indicated to us that there is a whole lot more investigation that needs to take place, and a whole lot more answers that need to be found."

The citizens and lawyers were meeting in an attempt to force Phelps Dodge to clean up the contamination caused from years of pollution from the smelter.

Nix, Patterson and Roach attorneys contend that it has been unknown to the people of Blackwell, including city officials, the seriousness of the lead and arsenic poison that has contaminated the soil in and around Blackwell. Not only through the years of living under a cloud of gasses emitted by the smelter, but the continuing negative effect the residual contamination has had on the health of the people who have lived here all their lives, as well as people who have moved into Blackwell within the past few years.

"What I am saying and suggesting to you is that based upon the preliminary testing we have done and the preliminary information we have looked at," Walsh said, "is what we have identified is what we believe to be a significant, current public health issue in Blackwell, Okla." Due to this knowledge, the offices of Nix, Patterson and Roach has shared vital information with the Oklahoma Department of Health, and the ODH stated that they would share this information with the Oklahoma Department of Environmental Quality.

Walsh informed the public that this past Tuesday they had met with Blackwell's city officials to inform them of the information concerning contamination within the city of Blackwell. They chose to share the information with these public entities because they felt there is a public health risk and needed to inform those people who are responsible for protecting the public health of the citizens of Blackwell.

When this law firm was first contacted, it was due to the issue of the cadmium being detected in the ground water. Some people in Blackwell became concerned and contacted Attorney Ben Barnes, who in turn contacted Attorney Cameron Spradling, who in turn contacted the firm of Nix, Patterson and Roach. "In response we came here and did some investigation," Walsh explained. This was when they came across the public records where stating that the three potential sources of contamination from the zinc smelter were lead, arsenic and cadmium.

Then the question came up as to what would be the sources from which there might be contamination that would raise an issue of public health. The answers they came up with were one - the drinking water, two - the ground water, three - the air, four - house dust, five - soil and then some other miscellaneous sources of contamination.

The firm hired scientists to run tests, and found that there was no evidence that the drinking water in Blackwell was contaminated. These tests were not done from the source, but were done directly from the water hydrants in the homes. Second, they referred to the testing done by Phelps Dodge, which showed that the ground water was contaminated with cadmium. According to Walsh, that can be controlled as long as people in Blackwell and the area don't use well water for any reason. It should not be used in

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watering you garden or especially in any way that would require consumption. That would include irrigation or anything like that. Blackwell is trying to insure that all of the ground water wells are tapped. Whether that is done or not, they advise that you do not drink or use ground water in Blackwell.

There has yet to be any air sampling testing done in Blackwell, however, the soil and house dust has been tested and found to be high in both arsenic and lead contamination. Dr. Rod O'Connor, an environmental chemist and past professor of environmental science, was present at the meeting to speak to the citizens and inform them of the accuracy of the testing done and to what extent they went to gather their information, and the results they came up with.

O'Connor explained that they chose several different sectors of Blackwell. "We chose 35 different residences to sample," including both older and newer model homes, O'Connor said. "We sampled paint from the homes. We sampled soil, looking particularly at the top part of the soil," he said. They also took samples of the house dust, which could contain contamination brought in from outside or blown in by way of the air. Lead was found in the soil "8.8 percent exceeded the HUD/EPA 2007 standard of 400 ppm (parts per million) for lead contamination." In 31 of the homes tested, 91.1 percent of the homes exceeded the EPA standards for arsenic. In 26 of the homes, 76.4 percent, arsenic was found in house dust that exceeded the EPA standard of 2003. Twenty-six of 34 homes exceeded the EPA standards of contamination by lead and 29 of the 34 exceeded EPA standard of arsenic contamination.

Throughout the two-hour meeting, the topic of contamination was clearly addressed by both Walsh and O'Connor. The issue of lead poisoning among Blackwell's children was addressed once again, as well, with facts and reports that O'Connor personally received from the State Department of Health. The reports gathered from the DOH indicated that between the years of 2000 and 2006, the percentage of children, up to the age of six, tested in Blackwell was about 30, and that about one out of three of the children tested proved to contain high quantities of lead.

Although Phelps Dodge says that the number is too small to really matter, the fact remains that the percentage of children in Blackwell with lead poisoning is higher than any other place in the state of Oklahoma. Phelps Dodge refers to the outcome of the Blackwell data as being "slightly higher" than in the state of Oklahoma.

However, as Walsh pointed out, the Blackwell percentage of children with lead contamination was four times the percentage of the state of Oklahoma, thus much more drastic than "slightly higher."

Walsh went on to say that if there were only a small number of children who could be found to have lead poisoning today in Blackwell, that this DOH data, in and of itself, is enough reason for people to set up and take notice or to be concerned. He stressed that any amount of lead in a child's blood system is dangerous. Even a small amount can cause brain damage.

Dr. O'Connor stated that since they had identified the public health problem, they had a duty to inform the public, the public officials, and a moral duty to inform the people of Blackwell what their recommendations are.

Based upon their testing and research, the conclusions the scientists and law firm have come to are, one – the city water is OK to drink; two – the ground water/well water is not good and any use should be discontinued; three – the have substantial evidence that house dust and soil are contaminated in the city of Blackwell; four – no body has collected data about arsenic and the effect it has on the health of the people in Blackwell, so there needs to be some data done in this area, and five – children are being exposed to high levels of lead that is getting into their blood streams.

Nix, Patterson and Roach recommend that the DOH should do further testing on the children of Blackwell. They believe the solution offered by Phelps Dodge is not effective, and that cleaning only portions of the town will be ineffective due to the spreading of the top soil by the wind and rain.

It is their belief that Phelps Dodge is responsible for finding and providing a good, safe and effective way to clean up the City of Blackwell, and that they should be responsible for paying professionals to get the job done.

At the end of the presentation the floor was open for questions from the citizens. Several Blackwell people lined up to ask questions concerning the information they were presented and some simply wanted to say thank you to the firm and scientists for coming to the rescue. There were still questions about untapped areas coming from the ground water source, and what "we as the people of Blackwell can do about this." In answer, Walsh and O'Connor said that the responsibility of the cleanup should fall in the hands of the owner of the source, which is Phelps Dodge. O'Connor went on to say that one home they had decontaminated in another city was done professionally and correctly, and cost \$15,000. "You should not be the one to clean your homes," Walsh said. He went on to explain that by attempting to do so, you further stir up the house dust that has lay dormant in places for a long time, releasing the toxins into the air and inhaling them in your lungs. "There are professionals who do this and do it correctly."

The DOH then refuted its own evidence when it was published by Nix, Patterson and Roach. Walsh said in reaction to this, "The DOH can do two things. They can step up ...and try to help." Or they can continue on as they are, denying the facts and placing the blame on someone else.

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Member Opinions:

By: [Bucky](#) on 4/13/07

Doesn't the ground and well water in the state of Oklahoma, belong to the people of Oklahoma and if this is so, aren't the previous owners of the smelter obligated to clean up the pollution they have created. Or have they since went belly up and left the hard working people, of the state of Oklahoma holding the bag. I say, the creators of this problem should be held accountable for their actions and made to give restitution to the peoples of Oklahoma, either by payment for clean up, or jail sentence befitting their blatant unconcerned actions in causing this problem. By Bucky Bolton

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