

NEWS

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For Immediate Release

County of San Mateo, Nine Cities Sue Monsanto for PCB Pollution Costs

Suit: Company knew of health & environmental threats, knowingly misled public

Redwood City – The County of San Mateo and nine of its cities and towns filed suit Thursday to hold Monsanto Corporation accountable for the massive costs they are incurring to remove polychlorinated biphenyls (PCBs) contamination from their jurisdictions and the San Francisco Bay.

Joining the County are the cities and towns of Atherton, East Palo Alto, Foster City, Menlo Park, Portola Valley, Redwood City, San Carlos, San Mateo and Woodside. All plaintiffs are opting out of a proposed national class action settlement because it would have provided them each with only a small fraction of what they need to spend to comply with regulations to prevent the further spread of PCBs throughout the Bay Area — leaving taxpayers on the hook for almost all of those costs.

PCBs are poisoning fish and wildlife, disrupting businesses and recreation, and threatening the health of residents throughout the county. The suit, which was filed in San Mateo County Superior Court, alleges that Monsanto has known about the public health and environmental threats caused by PCBs for more than 50 years, and deliberately misled the public, regulators, and even its own customers about those threats so that it could continue to reap massive profits from PCB sales.

“The evidence is clear that Monsanto knew – and hid the truth for decades – about the dangers of PCBs,” said San Mateo County Attorney John Nibbelin. “There’s no reason in the world why our taxpayers should have to pay for the hundreds of millions of dollars we need to spend to prevent further PCB pollution and contamination. That’s Monsanto’s responsibility, and that’s why we’re taking them to court.”

The County and cities are represented by their own staff attorneys, with support of outside counsel Sher Edling LLP of San Francisco.

Monsanto produced nearly 99 percent of all PCBs used in the United States beginning in the 1930s and continued until their manufacture was banned by the Toxic Substance

Control Act of 1976. According to Monsanto's own internal documents, company officials knew and were warned about the dangers to human health and the environment from PCBs.

In the 1950s, the U.S. Navy refused to buy one of Monsanto's PCB products, Pydraul 150, for use in its submarines because the Navy's tests showed that it killed 100 percent of the rabbits exposed to its vapors. Yet Monsanto concealed that information from the public and its customers.

PCBs are known or suspected to cause a wide range of cancers including non-Hodgkin's lymphoma, breast cancer, liver cancer, gallbladder cancer, gastrointestinal cancers, pancreatic cancer, and skin cancer. They are also implicated in numerous non-cancer health problems including cardiovascular, endocrine, gastrointestinal, hepatic (liver), immune, neonatal, neurological, ocular, and reproductive harm.

PCB contamination is already widespread across the Bay Area. The San Francisco Bay Regional Water Quality Control Board has identified certain parts of the Bay, including Redwood City Harbor, as "hot spots" where PCB concentrations in sediment are multiple orders of magnitude higher than elsewhere in the bay. PCB contamination in the bay has been so severe that the California Office of Environmental Health Hazard Assessment has advised some people not to eat certain types of fish caught in the bay. For example, children and women aged 18 to 49 are advised not to eat striped bass, sharks, and white sturgeon caught in the bay. Everyone is also advised not to eat the skin and fatty tissue of any fish caught in the bay.

Water and sediment containing PCBs end up in the county's and municipalities' wastewater and stormwater systems, which eventually make their way into San Francisco Bay. In order to comply with stringent regulations to prevent further contamination, the plaintiffs must implement a wide range of actions, including some or all of the following:

- Testing and monitoring;
- The installation of "green infrastructure" to capture PCBs in runoff;
- Measures to control PCB discharges when structures with PCBs are demolished;
- Identification of PCB-contaminated sites and abatement of contamination at those sites;
- More frequent street sweeping;
- Trash capture devices that capture particles carried in runoff; and
- Ongoing operation and maintenance of green infrastructure, capture devices, and other abatement devices.

The complaint includes claims of public nuisance, private nuisance, and trespass.

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