

The Midland Times

2515 Ashman St., Midland, MI. 48640

Dennis Foley, Editor
Pat Flicek, Advertising Manager

Phone: (517) 839-0350
Phone: (517) 839-0353
Ad Sales

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Mr. Victor Yannacone, Jr.
P.O. Drawer 109
Patchogue, NY 11772

To Mr. Yannacone:

Thank you for your help with my article about your lawsuit involving Dow and other chemical companies. I am enclosing a copy of the story I wrote and a next-day follow-up on Dow's official reaction to the suit.

We hope to provide comprehensive coverage of the suit as it makes its way through the legal system, so please add my name to the mailing list on these matters which you mentioned in our telephone conversation. If available, I'm sure I could also use a copy of the suit itself.

Sincerely,



Jeff Ristine

RISTINE

The **Michigan Times**
2515 Ashmon Sr.,
Midland, MI. 48640

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Patchogue, NY 11772



CENTS

FRIDAY, JANUARY 12, 1979

Dow answers lawsuit: No ill effects from chemical

By JEFF RISTINE

Times Staff Writer

MIDLAND — Scientific and medical research has revealed no harmful effects on human health from normal use of a herbicide that was the subject of a unique lawsuit, the Dow Chemical Company said yesterday.

Dow said its herbicides hold an enviable safety record, "without single documented case of injury from their normal agricultural use.

DOW WAS one of three chemical companies sued this week for its manufacture of herbicides in Agent Orange, a defoliant spread over Vietnam throughout most of the 1960s. The class action suit contends that 4.2 million American servicemen may have been exposed to health hazards, including cancer, from the herbicide. The suit asks the federal court in Manhattan to order Dow, Hercules, Inc., of Wilmington, Del., and Northwest Industries, Inc., of Chicago to begin setting aside a reserve insurance fund to pay future claims from persons who can prove they were hurt by the herbicide.

Dow's two-page reaction to the suit did not comment on attorney Victor Yannacone's request for the special reserve fund or his request for reimbursements to all servicemen and civilians who have been harmed by the herbicide.

"THE CENTRAL issue remains the safety of phenoxy herbicides," the response stated. "They have been in widespread use worldwide since the end of World War II and here has not been one single documented case of human injury resulting from normal and recommended agricultural practices. We intend to continue to defend

this enviable safety record," the company said.

"The charge that exposure to chemical defoliants in Vietnam may have resulted or some day may result in health problems for Vietnam veterans is not a new one," the response said. "It was fully explored by a committee selected by the National Academy of Sciences in 1974.

"The committee report stated that there was no evidence of association between exposure to herbicides and birth defects in humans in South Vietnam and no confirmation of reports of other human health problems," Dow said.

THE RESPONSE continued: "The Veterans Administration has been studying the medical claims of Vietnam veterans for many months. We understand they have not awarded any claims on the basis of exposure to Agent Orange and that their doctors have not found any correlation between alleged exposure to Agent Orange and medical problems observed in veterans who have presented claims."

Yannacone had filed an earlier suit on behalf of Paul Reutershan of Stamford, Conn., a Vietnam veteran who believed his cancer of the colon was caused by Agent Orange. Reutershan died four weeks ago.

Epidemiological studies indicate as many as 42,000 Vietnam veterans could contract cancer from exposure to the dioxin TCDD in Agent Orange, Yannacone said.

MEDICAL EXPERTS say the adverse effects of some chemicals often are not manifested for 10 or 20 years.

Dow says it no longer manufactures Agent Orange, but it does produce the two major constituents of the defoliant: 2,4-D and 2,4,5-T.

Forty thousand scientific papers and technical articles of the past 30 years, Dow's response said, "show the herbicides are not significantly hazardous to human or animal life under normal and recommended conditions of use."

THE RESPONSE continued: "Scientific studies have been conducted to determine possible accumulation of TCDD in the environment due to agricultural uses. Analysis of water, bottom sediment and fish down to ten parts per thousand showed no TCDD present.

"These products have been registered for 30 years initially with the U. S. Department of Agriculture and since 1971 with the Environmental Protection Agency; their hazard has been evaluated by many U. S. government agencies," the response stated. "Recently, the governments of New Zealand, Australia and Great Britain conducted exhaustive studies of 2,4,5-T and approved its continued use.

"Currently registered uses of 2,4,5-T, including utility rights-of-way as singled out in the suit, are effective and safe methods of weed and brush control," the chemical company's response stated.

YANNAZONE SAID this week that an unknown number of American civilians may also have been exposed to harmful effects of the herbicide from its use by utility companies for right-of-way maintenance.

Department of Defense documents show 78 million pounds of the herbicide were used by public utilities between 1961 and 1969.

Times makes the headlines