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Hanford likely caused cancer downwind, jury decides

By **Warren Cornwall**
Seattle Times staff reporter

A federal jury yesterday found that the Hanford factories that produced plutonium for the nation's nuclear arsenal probably caused cancer in two people living in nearby towns.

The decision by the jury in Spokane is a historic first for those who have accused the federal government and contractors of sickening people by secretly releasing radiation — affirming the claims of at least some "downwinders." A jury has never before said a U.S. nuclear-bomb plant sickened citizens living downwind.

The 12-member jury found that thyroid cancer suffered by two plaintiffs more likely than not came from radiation that Hanford released, exposing them as children in the 1940s and early '50s.

But the jury rejected the claims of three others who suffered noncancerous



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The jury awarded \$227,508 for economic losses and pain and suffering to Walla Walla resident Steve Stanton.

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thyroid diseases. And it deadlocked on the case of a woman with thyroid cancer who received a lower radiation dose than the other two plaintiffs with cancer.

The jury awarded one of the cancer victims, Steve Stanton of Walla Walla, \$227,508 for economic losses and pain and suffering. The other, Gloria Wise of Kennewick, was awarded \$317,251.

While the verdicts may bolster the cases of other downwinders with cancer and high radiation exposures, they also suggest those who don't have cancer — many of the more than 2,300 plaintiffs in pending lawsuits — may have a hard time convincing a jury that Hanford is to blame for their illnesses.

The trial pitted former Hanford neighbors against DuPont and General Electric, the companies that ran the Hanford site for the federal government. While the government wasn't a defendant, it's paying the bill for the defense — at least \$50 million so far — and would have to pay any awards or settlements because it indemnified the contractors for their work there.

The two sides yesterday offered vastly different interpretations of what the verdict meant. Each declared victory in the cases, which are supposed to provide a precedent for any settlement talks involving the remaining plaintiffs.

While losing three of the cases was a disappointment, winning the two cancer cases against a government-funded defense team representing two powerful companies should force settlement talks, said Louise Roselle, lead counsel for the downwinders.

"The government and these defendants have an obligation to this community and it's time that they honor it. And that's what this jury is saying," Roselle said. "The implication is that the defendant and the government should sit down and talk settlement. We've shown them that we can win cases."

But Kevin Van Wart, the lead defense attorney, said the rejection of the

What's next

- U.S. District Court Judge William Fremming Nielsen urged both sides — former Hanford neighbors sued DuPont and General Electric — to attempt mediation over remaining cases, which include more than 2,300 plaintiffs.
- Both sides have said they may appeal rulings by the judge that could have influenced the outcome of yesterday's trial.



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noncancer cases and the size of the judgments posed major problems for the plaintiffs' attorneys. Thyroid-cancer claims make up around 250 of the 2,300 downwinder cases; most of the remaining cases involve noncancer thyroid disease or other types of cancer, he said.

"These are very small awards. And the cost of litigating these claims for the plaintiffs far exceeded the recoveries," Van Wart said. "At the end of the day it's unclear if they will recover a nickel even if these verdicts are upheld, just because of the expense of putting on this case."

Roselle, however, said yesterday's verdict doesn't erase the chances of people with noncancerous thyroid diseases.

"Just because we lost those cases with this jury doesn't say anything about what would happen with another jury," she said.

Meetings will be scheduled soon to determine what to do about the hung jury in the case of Shannon Rhodes, and how to deal with the others who have filed claims, U.S. District Judge William Fremming Nielsen said. Yesterday's decisions also could be appealed.

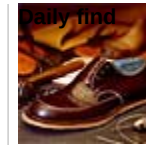
"I hope at this stage the parties give a good-faith effort to mediation," Nielsen said.

The Department of Energy, the federal agency that oversees Hanford, had little to say. The agency "was not party to the proceedings that have taken place and therefore it would be inappropriate for me to comment," a spokesman said.

The lawsuits stem from decades of operations at factories that were both the centerpiece of the nation's nuclear-weapons program and a source of radiation that spread across Eastern Washington.

Beginning in 1944, Hanford converted uranium into plutonium for the core of nuclear bombs. First built as part of the World War II-era Manhattan Project, it produced the plutonium for the first nuclear explosion during the Trinity test in New Mexico, and for the bomb dropped on the Japanese city of Nagasaki.

The factories also spewed radioactivity into the air and water. That included radioactive iodine, I-131, which is linked to increased risks of thyroid disease and thyroid cancer. The six cases before the jury involved people suffering thyroid problems who were children during the height of the iodine releases



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in the 1940s and early 1950s.

Hanford's plutonium-processing work stopped in the 1990s.

Stanton, a 60-year-old engineer, welcomed the verdict as a vindication of what he has believed all along — that the thyroid cancer discovered in 1996 stemmed from radiation he absorbed growing up in Walla Walla. He said the jury award was fine.

"Money is an issue. But I think the principle of the thing is probably more important: that government and big business need to be more careful what they put out in the atmosphere that could hurt people," he said.

His case and the others, however, could continue to wend their way through the courts. Both sides have said they are considering appealing rulings by the judge that may have influenced the outcome.

Plaintiffs' attorneys said they are considering whether to seek a new trial for Rhodes, the woman with thyroid cancer whose case the jury couldn't agree on.

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The Associated Press contributed to this report.

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