

Class Action Lawsuit Filed Over Behr Toxic Plume



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Press Release Summary: The suit demands that defendants Behr America, Inc., Behr Dayton Thermal Products, LLC and Behr Dayton Thermal Plant LLC, current owners of the facility, and Chrysler, LLC, former owner, make financial restitution for damages to residents caused by toxic underground fumes caused by groundwater contamination caused by the plant.

Press Release Body: Dayton, OH – The Columbus, Ohio law firm of Leeseberg & Valentine, in litigation partnership with Janet, Jenner & Suggs, LLC (Maryland) and German Rubenstein, LLP (New York), have announced the filing of a class action lawsuit on behalf of residents living near the Behr Dayton Thermal Plant.

The suit demands that defendants Behr America, Inc., Behr Dayton Thermal Products, LLC and Behr Dayton Thermal Plant LLC, current owners of the facility, and Chrysler, LLC, former owner, make financial restitution for damages to residents caused by toxic underground fumes caused by groundwater contamination caused by the plant.

The suit was filed Tuesday, September 2, in the Court of Common Pleas, Montgomery, County, OH. The class includes all persons who live in the McCook Field neighborhood and other areas near the plant, located at 1600 Webster Street in Dayton.

"The U.S. Environmental Protection Agency has recognized the damage caused to the McCook neighborhood. Those responsible for the contamination need to be held accountable. Our lawsuit begins the process of holding the wrongdoers responsible for their disregard of the health and safety of these residents," said attorney Anne Valentine.

Exceedingly high levels of toxic gases linked to cancer have been found in many homes in the area, leading the USEPA this year to nominate the site for the national Super Fund list.

The class action lawsuit seeks compensation for diminished property values, establishment of a medical monitoring fund, money to pay for installation and operation of air filtration systems, and punitive damages. Persons who think they may qualify as a member of the class may call toll free 1-800-590-1289 to speak to an attorney, or may find information on the web at www.McCookField-lawsuit.com

The three law firms partnering in the class action bring exceptional experience, expertise and resources to the case. German Rubinstein, LLP, has significant experience in environmental toxic torts and groundwater contamination matters. Janet, Jenner & Suggs and Leeseberg & Valentine are nationally known for expertise in dealing with mass torts.

Background

Census data shows the area includes an estimated 2,100 residents living in 1,100 homes and apartments. Former and current residents and property owners, and any persons who spent significant time in the area, such as employees of local businesses or schools, may have been exposed to harmful levels of chemicals and are included in the class.

At issue is a cloud, or plume, of poisonous gas that is rising from contaminated ground water in the area. The USEPA has pinpointed the source of the contamination as the thermal plant, when it was owned and operated by Chrysler Corp. Groundwater contamination in the area started in at least 1998, according to the EPA.

Chrysler has assumed responsibility for tracking and cleaning up the contamination. However, it is disputing EPA claims that the plume has spread significantly since 2002 and is now putting a greater number of people and properties at risk.

The Behr plume contains high levels of trichloroethylene or TCE, a highly toxic gas linked to cancer. The EPA considers a safe level of TCE for humans to be 0.4 parts per billion. Yet, indoor air concentrations in the community have been detected as high as 260 ppb. Air abatement systems have been installed in at least 185 properties in the area so far. The Ohio Department of Health has found rates of cancer from 1 ½ to nearly nine times the average in residents who live in near the plant.

USEPA released a report Aug. 1, warning that TCE levels in some homes in the area had reached levels "that may pose a long-term health threat." The report said the Behr VOC plume is expected to continue to pose a public health hazard until the ground water is cleaned up. It said indoor air filtration systems proposed for impacted homes are only a temporary solution. One elementary school in the affected area has already been closed.

Chrysler owned and operated the plant from 1937 to 2002, first as Chrysler Corporation and then as the merged company, DaimlerChrysler. The facility, which manufactures vehicle air conditioners and cooling systems, was sold to Behr America in 2002.

Web Site: <http://www.McCookField-lawsuit.com>

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