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THE WEEK IN REVIEW-THE WEEKEND AHEAD

## "Poisoning People Is Wrong" "We Can't Stop It Unless You Stand Up"

By ocpostny (<https://ocpostny.com/author/ocpostny/>), June 22, 2018



Photo: Celebrity Hill Harper is not only an acclaimed actor, and star of the hit show "The Good Doctor", he's a Harvard graduate environmental attorney. He spoke to Newburgh residents about the need to stand up for themselves on the water situation."

"POISONING PEOPLE IS WRONG"

"WE CAN'T STOP IT UNLESS YOU STAND UP"

By Edie Johnson

Attorneys from Napoli Shkolnik PLLC came to the City of Newburgh this week and appealed to the public, encouraging them to sign up as part of a Class Action Lawsuit against City of Newburgh and the manufacturers of firefighting foam (the source of toxic PFO's (perfluorooctanes). After drinking water in Washington Lake was found to have high levels of the PFO's in early May of 2016, a State of Emergency was declared in the City, and drinking water supplies were quickly switched from Washington Lake to the NYC Aqueduct. Anyone who's private well was impacted was offered a POET "point of entry" water filter, free bottled water was provided as well as free blood testing services. The free blood testing service has been extended several times, currently until June 30. Charcoal filters are deemed the best protection. Nevertheless, people in the area, extending all the way to Beaver Dam Lake, are concerned of possible latent effects from their exposure. "All three local municipalities are really responsible", a number of residents said, "because they allowed Silver Stream to be classified as a Class D stream." They added, "Officials knew of the problem in 2013 and continued to provide bad water causing residents to be exposed unnecessarily for years." And they argued that the

whole thing was the result of "Greed, greed that officials allowed big companies with a lot of money to be more important than you and me." The attorneys said they are not including the Air Force in this suit, so anyone in the Air Force can join the class action suit. An added concern was that because Newburgh is an enlarged school district, children even from far off neighborhoods as well as visiting sports teams may have been affected. The suit will also seek compensation for loss of value of personal property and personal injury. Residential remedies may be included as well, to protect against future issues. PFO's have been "linked" to numerous kinds of cancer, most often testicular, kidney disease, thyroid cancer, immune disorders and recently added concerns by the CDC of attention deficit disorders, ulcers and preclampsia. But a clear cause and effect has not been determined and its further problematic because levels in the source waters fluctuate.

Several other attorneys were present at the session and urged residents "Sign up with them, or sign up with us or someone else, but for God's sake join the class action lawsuit."

What are they asking for in the suit? They are asking for the continuation of free blood testing for any concerned citizens, along with medical monitoring and coverage of any needed treatments.

Celebrity (and Harvard graduate lawyer and environmental activist), Hill Harper, told the group of mostly Newburgh residents "If you live here, whether by drinking, or showering, if you have cooked with it, brushed your teeth or even being in a room with hot water heat or a humidifier, you have been exposed." He continued saying . You need to have power, passion and knowledge and tell those responsible "Clean water is a right, and if you are going to pollute then we're going to come after you."

Hill said "I guarantee that if 30,000 residents join class action suits no one will ever dare to touch Newburgh again." Their goal is at least 15,000 residents.

The legal group offered membership in the class action suit at no cost. They work, they said, on a "contingency basis"; that is, they take a portion of the proceeds if they win, and that portion is restricted to 33 1/3 % by state law.

Residents downstream in the Beaver Dam Lake area have concerns as well, because high levels of PFO's were found in some sediment at the North end of the lake. Residents are prohibited from swimming, and the favorite pastime of fishing is restricted to "Catch and Release". Plans for safe ways to reconstruct the dam, a potential high-risk failure dam that is in great need of repair, are getting a second look due to concerns of how much of the PFO's might make their way into the Moodna Creek.

### **Devil in the Details**

While the CDC (Center for Disease Control) as upped its studies of the effect of PFO's and warnings of health affects advised, and the culprit foams now on a Hazardous Materials list, there is still no proven direct cause-effect link. Unless a cause-effect science is understood and proven, it may be hard to win legal cases based on it. But circumstantial evidence and numbers that show likely effects are considered, and can be compelling. Further complicating the issue is that as the science based on data grows, there is still a wide difference between states as to what criteria levels are considered dangerous.

Who is to blame is also more than a little bit complicated. Most officials who are in office in the City of Newburgh now were not even in office when these decisions were made. Many of the products causing the problem were developed FOR people's safety (waterproof boots, jackets, gloves, protective uniforms for those at risk medically or in firefighting as well as the protective foam itself). Legislation now in the US Senate would authorize another \$25 million for Stewart cleanup at the source after learning that PFO's are dangerous at far lower levels than the EPA originally thought.

City Manager, Michael Ciaravino and the City of Newburgh have filed notices of legal suits against officials at every level in New York State (Department of Defense and the Air Force among others) all the way up to President Donald Trump for what happened to their water. This week the State of New York, AG Barbara Underwood also filed suit against companies that produced the foam (3M Company, Tyco Fire Products, Chemguard, Buckeye Fire Equipment Company, National Foam, Inc., and Kidde-Fenwal,)

Just yesterday Senator Chuck Schumer spoke out against the Air Force and Department of Defense for holding back records on what happened and what they are doing about it.