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UPDATED: Gulf Oil Disaster Recovery Group

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On May 3, 2010 noted environmental attorney Stuart H. Smith of Smith Stag, LLC, a law firm in New Orleans, Louisiana, enlisted the expertise of the law firm Sacks & Weston, located in Pennsylvania, to assist with litigation concerning the devastating oil spill in the Gulf of Mexico. Sacks & Weston has extensive practice in personal injury, environmental/N.O.R.M. litigation, class actions and maritime matters. Sacks & Weston was **co-lead counsel with Smith Stag, LLC in the *Grefer v. Exxon* litigation wherein a judgment of \$1.043 billion was entered against Exxon for oilfield radiation contamination. Mr. Smith and Sacks & Weston have successfully litigated cases against every major oil company in the world.**

Andrew Sacks and John Weston have practiced law together since 1984. Sacks & Weston have devoted much of their practice to environmental litigation. Working in Texas, Kentucky, Louisiana, Mississippi, Alabama and Florida, Sacks & Weston have represented landowners for land contamination, and individual claimants who have been exposed to radioactive oil field contamination.

Sacks & Weston today focuses its practice almost entirely on complex civil litigation. The firm is active in national class actions and international class and mass actions in which the firm represents individuals injured by mislabeled or defective pharmaceuticals and defective medical devices.

In addition to trial activities, the firm has an extensive appellate practice in state and federal courts across the country, including the United States Supreme Court.

Last week, the United Commercial Fishermen's Association and the Louisiana Environmental Action Network filed a claim seeking a declaratory judgment and injunctive relief in the U.S. District Court, Eastern District of Louisiana, against British Petroleum, Halliburton, Transocean, Anadarko Petroleum, MOEX Offshore, Cameron International, and their subsidiaries regarding on-going damages these corporations' actions are causing to the wetlands, waters, commercial fisheries and wildlife of Louisiana.

According to the suit, the following is being sought from the Defendants:

- a) Declaratory judgment that Defendants are responsible for all damage to Louisiana's wetland areas and waters caused by Defendants' negligence;
- b) An injunction requiring removal of all oil from, and restoration of, Louisiana's wetland areas and waters resulting from Defendants' negligence;
- c) An injunction requiring comprehensive monitoring and testing of the waters of Louisiana that were impacted by oil as a result of Defendants' negligence;
- d) An injunction requiring a long term abatement strategy and implementation to

- ensure recovery of Louisiana's wetland areas and waters that were impacted by oil as a result of Defendants' negligence; and
- e) An injunction requiring re-seeding of all oyster habitats in Plaquemines Parish and St. Bernard Parish which were impacted by oil as a result of Defendants' negligence.

Attorneys Stuart Smith, Val Exnicious, and Gladstone Jones are leading a legal team with vast experience in these types of cases. The 12 involved law firms prosecuting claims for those impacted are from Texas, Louisiana, Mississippi, Alabama, Florida and Pennsylvania.

"The suit does not make any financial claims at this time," said Attorney Stuart Smith. The named plaintiffs are Ray Vath, a Louisiana oysterman representing the United Commercial Fishermen's Association, and Mary Lee Orr, Director, Louisiana Environmental Action Network Inc.

"We believe this event has the potential to be the largest environmental disaster in the history of America. Without any hesitation I can report that the lawyers from Louisiana, Texas, Mississippi, Alabama, Florida and Pennsylvania who have joined together are ready to protect the interests of all those who have suffered and will continue to suffer as a result of this most unfortunate event, and like all Americans, we hope BP stops the leak soon," said Smith.

The fisherman contend that 71 percent of all oysters consumed in the U.S. come from Louisiana oyster beds in the areas impacted by the oil spill caused by BP and its partners.

Early this week Mr. Smith cited new research that points to significant health impacts by those responding to the initial spill. Smith amended his initial statements and demanded that appropriate personal protective equipment, including VOC respirators, and training be provided to those volunteers responding to the spill.

"We have been informed that this was not necessarily a step taken in the Exxon Valdez incident and many of the fisherman and volunteer responders became ill. As a result, the Gulf Oil Disaster Recovery Group will be amending our injunctive relief claims to require the provisioning of personal protective equipment and training to all those responding to the spill, and requiring immediate monitoring of the air discharges. We will also seek to enjoin any efforts by BP to require fishermen to sign release forms in order to work on the clean-up."

"According to expert toxicologist Dr. William Sawyer, there are three primary human risks associated with exposure to Louisiana crude oil (detailed following release), including direct contact, direct inhalation of volatile hydrocarbons and ozone hazard."

"Back of the envelope calculations today indicate that in excess of 100,000 tons of volatile organic compounds could easily enter the atmosphere from the BP spill in the Gulf, and expose those downwind. Oil is composed of numerous hazardous and toxic carcinogens."

"The people of the Gulf Coast, particularly those in Louisiana, have every reason to demand total and complete information about the potentials of this disaster. The people of this region have been put at risk after Katrina when information failed to be provided in a timely and sufficient manner. This cannot be repeated."

For more information, also see <http://www.sackslaw.com>

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The three primary human risks associated with exposure to Louisiana crude oil, according to expert toxicologist Dr. William Sawyer:

1. Direct contact

Volunteers, fishermen, residents or other personnel who directly contact the oil or sludge associated with the BP spill should be appropriately trained with personal protective gear and decontamination procedures since Louisiana crude is known to contain carcinogenic chemicals such as polynuclear aromatic hydrocarbons (PAHs). Repeated contact without proper protection over an extended period poses a substantial health risk of skin cancer and other malignancies. Additionally, the PAH-contaminated oil and tar is readily transmitted from gloves, boots, tools and tracked in soil into the living quarters of residents posing a risk to children who may receive further exposure.

2. Direct inhalation of volatile hydrocarbons

Under certain atmospheric conditions, reports have documented adverse health effects in humans from the inhalation of the volatile fraction emanating from large-scale crude oil releases. The volatile hydrocarbon fraction of crude oil contains aromatic hydrocarbons such as toluene, xylenes and benzene at levels from 0.1 percent to greater than 1 percent. The potential for such health effects are highly dependent on release quantity and atmospheric conditions (wind, atmospheric inversion) and potentially include upper respiratory irritation effects, neurological effects and risk to the developing fetus among pregnant females. This is primarily an issue for those living in close proximity to the shoreline and may include large-scale coastal city populations in the event of complete catastrophic failure/release. Emergency management must anticipate this remote possibility.

3. Ozone hazard

In the event of sustained or catastrophic crude oil releases with specific meteorological conditions present, sufficient volatile hydrocarbons would be present to catalyze the generation of high ozone levels within urban areas such as New Orleans. Ozone is formed in the lower atmosphere regions from the interaction of hydrocarbons and nitrogen dioxide with sunlight. Nitrogen dioxide is already present in urban areas from auto exhaust and other combustion sources. Ozone levels in excess of 40 parts per billion in urban areas are associated with increased morbidity and mortality. Controlled burns would further exacerbate ozone formation.