

B The Ledger
 Sunday, July 26, 1998

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NICK RUSCONI/The Ledger

A trickling filter system blamed for the odor

Suits Claim Land Risks

Two phosphate companies are the targets of litigation.

By NICK RUSCONI
 The Ledger

BARTOW — Three Polk County homeowners are suing two phosphate companies, claiming the land on which their homes were built wasn't properly reclaimed and contains hazardous radioactive materials.

Two couples living in Floral Lakes in Bartow have filed suit in Circuit Court in Bartow. Floral Lakes is a manufactured home community for seniors overlooking a filled phosphate pit in southwest Bartow. The development borders the administrative offices of the Polk County School Board.

The other homeowner who has filed suit lives in the Executive Estates subdivision in the Christina area of South Lakeland.

Each of the three plaintiffs asks for damages in excess of \$75,000 for what the suits describe as a health hazard that diminishes the value of their property and which needs to be properly cleaned up.

The three lawsuits have been filed by the Fort Lauderdale firm of Krupnick, Campbell, Malone, Roselli, Buser, Slama and Hancock. Law firms from New Orleans and Philadelphia also represent the plaintiffs.

A main defendant in the Bartow cases is International Minerals & Chemicals, now known as IMC Agrico. In the Lakeland case, W.R. Grace & Co., which no longer has offices in Polk, is a main defendant. The Florida Phosphate Council, a seven-member phosphate industry trade association, is listed as a defendant in each case.

Robert Erben, one of the Fort Lauderdale lawyers who filed the suits, said unsafe levels of radon, radium, uranium and other metals have been measured with a Geiger counter at both the Bartow and Lakeland sites.

In both Polk lawsuit locations, Erben said, "the land was improperly reclaimed if reclaimed at all."

Diana Youmans, an IMC public affairs manager, said company officials "haven't seen these lawsuits, and we feel it's inappropriate to comment at this time."

The suits blame the Florida Phosphate Council for telling the public that reclaimed phosphate property was safe, while knowing that information "was false or misleading."

David Ratt, the Florida Phosphate Council's president, also declined to comment.

In Bartow, one of the couples who filed suit, William and Cecelia Aumann, could not be reached to comment. The other couple, Joseph and Helga

Foul Problem

is and spits out water onto a grate, micro-ry at the waste-ater is pumped iling tank and icals, where it o the McIntosh

jective was to cut down on what was becoming an uncontrollable odor wafting through the air from the then-named Glendale Plant.

"In 1985, we had terrible odor problems," said City Manager Gene Strickland. "It was embar-

Lawsuits

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Polakiewicz, declined to comment. Janis L. Morgan, who filed the Lakeland suit, also could not be reached.

Floral Lakes is mostly deserted in mid-summer, but one woman who lives there and didn't want to divulge her name said there seem to be no health hazards in the air or dirt there.

"I'm not concerned, I feel just fine," she said. A while back there were some lawyers who met with Floral Lakes residents about some health issues, she said, "but not too many people were interested."

Andy Scrocca, a Mulberry city commissioner who lives in Angler's Green off State Road 37, said he spoke with residents there a year or so ago who told

him they wondered why out-of-state lawyers were asking questions about radon. Scrocca said he believes the Polk lawsuits are a result of lawyers soliciting clients rather than clients soliciting lawyers.

Why, Scrocca asked, "would people here contact someone in New Orleans," Philadelphia or Fort Lauderdale?

Andrew Sacks, a partner in the Philadelphia and New Orleans firms that filed the Polk lawsuits, said he was told of a radiation problem in Florida by a Texas

law firm that represented numerous mobile home owners with severely leaking plumbing.

The firm had mailed a questionnaire to its Florida clients, and several said they were concerned about radiation, Sacks said.

Sacks said his Pennsylvania firm of Sacks and Smith is now involved in naturally occurring radioactive material suits in Alabama, Mississippi, Louisiana, Arkansas, Texas.

Sacks said he expects the Polk County cases to evolve into a

mass action, which differs from class action. He said class action suits generally have one person representing the interests of numerous plaintiffs, while a mass action allows groups of related cases against the same defendants.

The Fort Lauderdale firm was brought in, Sacks said, because of its experience with mass action suits.

While the firm is in Fort Lauderdale, Erben said it has established a local office in Lakeland. The phone number is 603-0060.

Polk a Hot Spot in Debate on Radon Exposure

By TOM PALMER
The Ledger

LAKELAND — At the heart of a lawsuit filed by five residents is the danger to radiation exposure on former mined land.

Polk County has been in the middle of the debate because thousands of acres in the western part of the county where phosphate ore once was mined were later reclaimed and turned into residential subdivisions.

Uranium and radium, two radioactive elements, exist in phosphate ore formations. The breakdown of uranium and radium leads to the formation of a colorless, odorless radioactive gas called radon.

According to a 1987 state government study, western Polk

County is one of the state's hot spots for radon exposure.

"I have no doubt we'll be watching this suit," said Sue Darden, spokeswoman for the Polk County Builders Association, none of whose members was named as a defendant.

Radon has been a touchy issue for the development community.

Florida builders have opposed some of the tougher radon standards, such as mandatory testing of new buildings, and local officials have opposed publishing of maps showing areas of the state where highest radon levels exist.

Instead, since 1989 homebuyers all over the state have been given a disclosure form regarding the possible presence of radon and directed to check with local health officials or to have their home tested if they have concerns.

The concern is based on the claim by the U.S. Environmental Protection Agency that radon exposure is second-leading cause of lung cancer in the United

States. EPA bases its estimates on health studies of uranium miners.

EPA's standard for indoor radon exposure is 4 picocuries/liter/year.

A picocurie is a trillionth of a curie, a standard measurement of radiation.

Those standards have been criticized, however.

Research in Europe has concluded that low-level radon exposure is not the health threat that EPA claims and many U.S. scientists have voiced skepticism of the radon levels EPA considers dangerous.

However, some environmental groups, such as the Palmetto-based Manasota 88, contend that there is no safe level of exposure to radioactivity.

Only indoor exposure has been cited as a problem. Outdoor exposure has not.

Indoor radon exposure can be reduced by simple measures such as opening windows and sealing cracks in floors or foundations.

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PCC Gr. Program To Help Student

A version of this article appeared in some editions of **THE LEDGER** by **WILLIAM M. MARTNET**

WINTER HAVEN — Community College is embarking on an ambitious plan to help low-income high school graduates get a college education.

Most of the funding for the new program, called Search, will come from a \$190,000 grant from the Department of Education. The program will be renewed in amount annually for five years. Sonja Peters, PCC writer, said the Search program is for students in grades nine through 12 who are from low-income families.

To help the student get a college education, they will receive services such as test preparation and help finding schools and financial aid.

Peters said each student will receive an initial assessment to determine their skills. The next step will be testing, including entrance exams for students to identify their strengths and weaknesses.

The program's first participants will be selected under the federal guidelines, applicants with low income status and neither of their parents are college graduates. Participants also must w...