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## Civil Justice System Provides Environmental Justice

Civil juries are often asked to resolve problems with profound policy implications for this country, including environmental justice. As the following examples show, the civil justice system is sometimes the only means available to correct environmental injustices:

- The residents of Anniston, Alabama recently won a series of lawsuits against Monsanto for years of knowingly polluting this small town with dangerous levels of PCBs. The residents surrounding the Monsanto plant were predominantly minorities.

The first lawsuit, brought in state court, went to trial and the jury found Monsanto guilty of a variety of torts, including negligence, nuisance and trespass.<sup>1</sup> This case was eventually folded into a similar federal case,<sup>2</sup> concluding in a global settlement fining Monsanto \$700 million dollars for its egregious behavior toward the Anniston residents.

- In New Jersey, over 700 members of the Ramapough Indian Tribe are suing Ford Motor Company in state court under state tort law claims, like negligence, for years of dumping of toxic chemicals.<sup>3</sup>

Plaintiffs claim that the contamination has sickened residents and they are asking for medical monitoring, compensatory and punitive damages, and attorney fees.<sup>4</sup> Residents had been fighting Ford to clean up the waste for many years through the Superfund system, yet after five clean-up attempts, contamination was still regularly apparent.<sup>5</sup>

*From: "The Racial Implications of Tort Reform" by Joanne Doroshow and Amy Widman, 25 WASH. U. J.L. & POL'Y 161 (2007), is part of a volume entitled, "ACCESS TO JUSTICE: THE SOCIAL RESPONSIBILITY OF LAWYER." <http://law.wustl.edu/Journal/index.asp?ID=6718>. The full article is here: <http://law.wustl.edu/Journal/25/DoroshowWidman.pdf>*

### NOTES

<sup>1</sup> *Abernathy v. Monsanto*, CV-2001-832, verdict rendered (Ala. Cir. Ct., Etowah County Feb. 22, 2002); see also, Michael Grunwald, "Jury Finds Monsanto Liable for Releasing Tons of PCBs," Washington Post, Feb. 23, 2002.

<sup>2</sup> *Owens v. Monsanto*, 96-CV-440 (N.D. Ala.)(2001).

<sup>3</sup> *Wayne Mann, et. al. v. Ford Motor Co., et. al.*, filed in Superior Court, Passaic County (Jan. 2006), removed to federal court and renamed *Morgan v. Ford Motor Co.*, 06-CV-1080; see also

<sup>4</sup> Mary P. Gallagher, "Plaintiffs Seek \$2 Billion in Massive Toxic Tort Suit Against Ford," *New Jersey Law Journal*, June 1, 2006.

<sup>5</sup> Environmental News Service, "Ramapough Mountain Indians sue Ford Over Toxic Contamination, Passaic, New Jersey, January 21, 2006.