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## Workers' sterility failed to stop Occidental

### Sterility, DBCP ban failed to deter firm

McClatchy News Service

FRESNO — Occidental Petroleum Corp., whose workers at a Central California chemical plant became sterile from exposure to DBCP, quietly considered re-entering the market for the pesticide more than a year after the sterility cases came to light in 1977, according to documents in a Fresno court file.

In their deliberations, company officials weighed the profits they would make from manufacturing and selling the once-popular fumigant against the money they might lose in lawsuits for

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sterility and cancer resulting from exposure to DBCP, or dibromochloropropane, the court documents indicate.

Although DBCP already had been banned by California at the time, officials at Occidental's plant at Lathrop in San Joaquin County apparently believed in mid-1978 that the ban would be lifted before the end of the year.

They also believed that their two biggest competitors — Shell Oil Co. and Dow Chemical Co. — were so bogged down by DBCP-related lawsuits that they would not resume production, the documents indicate.

A memo dated Dec. 11, 1978, outlined a set of criteria for Occidental to use in deciding whether

to re-enter the DBCP business.

In that memo, the company's director of health, safety and environment suggested that Occidental calculate how many people would be exposed to its DBCP, assume that a normal proportion of them would become sterile or get cancer and that half of those would sue, and then figure how much the company would have to pay in judgments, settlements and legal fees.

"Should this product still show an adequate profit meeting corporate investment criteria, the project should be considered further," the memo said.

But the DBCP problem soon widened from a simple question of worker safety to one of ground-water pollution.

Less than six months after that memo was written, traces of DBCP began showing up in tests on water wells in the San Joaquin Valley. On Oct. 29, 1979, citing the well tests, the federal Environmental Protection Agency permanently banned use of DBCP in the U.S. mainland.

California officials decided not to lift the DBCP ban they had instituted Aug. 12, 1977, shortly after sterility began to be diagnosed in the Lathrop workers.

As a result, Occidental's discussions on resuming the production of DBCP came to an abrupt end, according to a brief filed with the Fresno court documents by Occidental's attorney.

The documents are included in court files as possible evidence in a Fresno man's suit of Occidental, Dow, Shell, and two other companies. Christopher Perry says he became sterile from drinking DBCP-polluted water.

All parties to the suit and their

lawyers are prohibited under a gag order from talking to news media about evidence in the case. An Occidental spokeswoman referred questions to a company attorney, who did not return phone calls made to his office.

Until its 1977 state ban, DBCP was used widely on California farms to kill nematodes — tiny parasitic worms that burrow into the roots of plants, stunting or killing them.

Occidental bought DBCP made by Shell and Dow, and processed it at Lathrop for farm use.

Comments written in 1978 to accompany an Occidental slide show called attention to a "demand crisis" for DBCP among growers of tree and vine crops, who faced "heavy economic damage unless they can obtain DBCP within the next year."

The commentary urged that Occidental re-enter the DBCP market and take advantage of

"new federal and California state regulations that greatly reduce the liability risk" to DBCP manufacturers. The commentary noted that federal Occupational Health and Safety Administration regulations on worker exposure had been changed.

Before the change, the maximum legal level of airborne DBCP that workers could face was 10 parts per billion.

After the change, the level was 1 ppb, but it was calculated as an eight-hour average instead of as an absolute maximum. That subtle change, in effect, allowed a company to expose its workers to high levels of DBCP for brief periods, as long as the average exposure was kept low.

In Occidental's case specifically, the company planned to upgrade its Lathrop plant so that most of the time, its production workers would not be exposed to DBCP at all.