

Lawsuit by a father in Indiana targets polluters

March 26 2009, By CHARLES WILSON , Associated Press Writer

(AP) -- Ron Kurth, who grew up in Gary and worked in the steel mills, raised his family in the region near the outskirts of Chicago. He always wondered about the smoke and smog that overcast the Lake Michigan shoreline.

"It's just a horrible atmosphere," he said.

Kurth, who has a 16-year-old daughter attending school in the [Lake County](#) city of Crown Point, decided someone ought to do something about the pollution. On Wednesday, he did.

He filed a lawsuit on behalf of his daughter against 11 northwest Indiana industries, including U.S. Steel and ArcelorMittal, claiming the [air pollution](#) they emit from their smokestacks endangers the long-term health of Lake County children. The lawsuit seeks class action status on behalf of thousands of the county's schoolchildren.

The complaint cites a study that appeared in USA Today earlier this year that reported children in the heavily industrialized county are exposed to higher levels of [airborne toxins](#) than elsewhere in the United States, based on EPA data on air quality outside 127,800 schools nationwide.

Four schools in East Chicago - Abraham Lincoln [Elementary School](#), Benjamin Franklin Elementary School, East Chicago Lighthouse, and Eugene Field Elementary School - ranked in the study's first percentile, among the most polluted air.

The suit contends that children in the region are more likely to develop cancer or other long-term illnesses that can be caused by exposure to cadmium, lead and other airborne toxins found in the area.

"A child, running and playing can take in as much as 50 percent more air through their lungs than an adult doing the same activity," lead attorney Steve Berman of Seattle-based law firm Hagens Berman Sobol Shapiro said in a statement. "We have no way of knowing the long-term effects of these contaminants.

"Air they breathe today could cause asthma or lung cancer 10 years down the line."

The suit seeks unspecified damages and asks the court to order a medical monitoring program to help protect children's health at the defendants' expense.

Attorney Beth A. Fegan said the 11 defendants were selected based on the study by USA Today and three universities and on Environmental Protection Agency reports.

U.S. Steel spokeswoman Erin DiPietro said the company had not been served with any court papers and does not comment on pending litigation. The Associated Press left a phone message seeking comment Wednesday from an ArcelorMittal spokesman.

Kurth, who retired from the Lake County Police Department after 33 years, has two sons and another daughter who attended local schools. He said he grew tired after seeing and reading about pollution for years with no one seeming to do anything.

"You look at all this smoke and smog," he said in a phone interview, "and it could be such a beautiful area and yet we're hampered by this

stuff."

On The Net:

USA Today pollution study:

<http://content.usatoday.com/news/nation/environment/smokestack/index>

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