

Beatrice lawyer says geologist lied

By DAN KENNEDY

BOSTON. — The lawyer for one of the two defendants in the Woburn leukemia trial Monday accused a geologist hired by the plaintiffs of lying under oath about his academic credentials.

Attorney Jerome Facher, representing Beatrice Foods Co., said geologist John Drobinski had stated on two occasions that he received his master's degree in geology in 1976, when he in fact received it in 1979.

Drobinski, during his second day of cross-examination in U.S. District Court, did not dispute

the facts as presented by Facher, but denied that he ever lied about his qualifications.

Drobinski has been the plaintiffs' chief witness thus far in presenting their claim that Beatrice Foods is responsible for contaminating municipal drinking water wells G and H, which were closed in 1979.

The case against Beatrice's co-defendant, W.R. Grace & Co., will be presented later in the trial.

In Monday's court proceedings, Facher said that Drobinski had twice misrepresented himself under penalty of

perjury — on May 29, 1978, when he filed an application to become a certified geologist in Oregon, and earlier this year, when he was deposed during preliminary proceedings for the trial.

Drobinski conceded that he did not receive his master's degree in 1976.

He said he completed his work on the degree in 1976 at the University of Queensland in Australia, and was told by the thesis committee of the geology department that the degree would be forthcoming.

Facher then produced Drobinski's application for certification by the state of Oregon, and asked Drobinski whether he had written on the form that he had earned his master's degree in 1976 even though he had not yet received it.

"At that particular time I did not have the piece of paper in hand, that's correct," Drobinski replied.

"You were trying to tell the state of Oregon you already had a master's degree when you didn't — isn't that correct?"

● Degree

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Facher asked, pressing his witness.

"That's not correct, sir," Drobinski replied, explaining he considered himself to have earned his degree after completing the work and meeting with the thesis committee.

"You're saying you had a verbal master's degree in 1976 — you want the jury to believe that?" Facher asked rhetorically.

Facher contended the reason for the three-year delay was that the faculty was "very concerned" whether the quality of Drobinski's thesis merited the awarding of a master's degree. Drobinski replied that was not true.

Facher also said Drobinski told his present employer, Weston Geophysical Corp. of Westborough, that he had earned his master's degree in 1976. Drobinski did not deny that statement.

While the questioning of Drobinski's academic credentials constituted the principal excitement Monday, Facher devoted most of his cross-examination to fleshing out the details of a contention he first offered last Thursday.

That contention is that Drobinski's 1985-86 investigation of a 15-acre parcel that was part of the John J. Riley tannery at 228 Salem St. was conducted with the preconceived goal of finding Beatrice at fault. (Beatrice owned the land from 1978 to 1983 and retains liability.)

Referring to reports by the U.S. Environmental Protection Agency (EPA) and the state Department of Environmental Quality Engineering (DEQE), Facher asked Drobinski if he or any of his employees at Weston Geophysical had investigated offsite sources of pollutants.

Drobinski replied that Weston Geophysical did not investigate any properties other than the 15-acre site, although he added he had read reports of investigations of other sites.

Facher's response was that it was not in keeping with the "reasonable scientific investigation" Drobinski claimed to have conducted to have ignored those other possible sources.

Those sources, Facher said, may have included the former Hemmingway Transportation property north of the 15-acre site and Murphy's Waste Oil, Whitney Barrel Co. and Aberjona Auto Parts to the south.

The lawyer also pointed to the Industri-Plex 128 property, contaminated with chromium, lead and arsenic pits, old hide piles and industrial solvents.

The Industri-Plex property is rated by the EPA as the fifth-worst hazardous waste site in the country.

Even though the site is more than a mile to the north of wells G and H, Facher said contaminants could have flowed underground from Industri-Plex.

(Richard Leighton, Woburn project manager for EPA, has said on several occasions that studies show contaminated groundwater at the Industri-Plex has not yet left the site. Underground bedrock structure would prevent the water from flowing into wells G and H even if it did flow offsite, according to Leighton.)

The city dump was another possible source of contamination,

Facher said.

Facher criticized Drobinski for not investigating a drainage ditch running along the east side of the Boston and Maine railroad tracks from the Wilmington-Woburn line into the 15-acre site.

A 1980 EPA study revealed that the ditch, which runs through the properties of several chemical companies, contains "moderate to high levels" of trichloroethylene (TCE) and 1,1,1-trichloroethane (TCA), two of the five chemicals cited by the plaintiffs, the lawyer said.

Facher pointed out other off-site discoveries of tetrachloroethylene (PCE), another chemical named in the lawsuit, and TCA.

For the first time, the jury learned about a third defendant, who settled out of court with the plaintiffs in state court last year.

Facher told the jury that, in 1985, the plaintiffs reached a settlement in state Superior Court with Unifirst Corp., 15 Olympia Ave. (for a reported \$1.2 million), for allegedly allowing PCE to contaminate wells G and H as far back as 1965.

Yet another possible source of contamination of the Riley site that Facher accused Drobinski of not investigating were two sewer lines running directly under the Riley property.

Facher said numerous companies to the north dump industrial solvents into the sewers, and that chemicals could have jacked up onto the Riley property through two manholes — one of which does not have a cover.

But Facher saved perhaps his greatest emotion for Drobinski's response to a 1980 DEQE report, in which debris, gravel and several oil tanks were found directly between wells G and H on city property.

Drobinski said he had viewed the area but did not undertake a site assessment or take samples of either the soil or the materials found inside the oil tanks.

Facher asked Drobinski whether he would have considered it "significant" if he had found TCE in one of tanks.

Drobinski replied he would have found it "interesting."

Facher, his voice rising, asked, "Is the date of a beer can more significant than a barrel of solid waste found next to a well?" (Last week, Drobinski went into great detail on how he had dated debris piles on the Riley property through the use of beer cans, newspapers and other materials he found.)

Drobinski responded the significance of materials found near wells G and H could not be determined in the absence of other information.

The leukemia trial involves charges by eight East Woburn families that the Riley tannery and W.R. Grace's Cryovac manufacturing plant, located at 169 Washington St., allowed chemicals to be dumped on their properties.

The families claim the chemicals flowed into wells G and H, which were in use from 1964 to 1979, resulting in the leukemia deaths of five children and the illnesses of two children and one adult.

Beatrice and Grace deny that any contaminants on their properties contaminated the wells, and further deny that the chemicals in question cause leukemia.