

Contractor says

Cryovac manager requested barrel disposal

By DAN KENNEDY

BOSTON — The deceased manager of the Cryovac manufacturing plant in East Woburn asked a contractor in 1974 to dig a pit so the contents of about six barrels could be dumped, jurors in the Woburn leukemia trial were told Thursday.

That testimony by Donald Manzelli contradicted a 1985 deposition by the late Vincent Forte, who ran the 369 Washington St. facility from the early 1960s to 1984.

The plaintiffs, eight East Woburn families, contend that chemical wastes dumped at the Cryovac plant, owned by W.R. Grace & Co., and at the Riley Leather Co. tannery, 228 Salem St., formerly owned by Beatrice Foods Co., contaminated their water supply.

The families say that chemicals in municipal wells G and H, which were closed in 1979 after 15 years of use, caused the leukemia deaths of five children and one adult and the illnesses of two others.

Grace and Beatrice argue that they did not contaminate the wells, and that even if they did, the chemicals cited in the lawsuit do not cause leukemia.

In March 1985, several months before his sudden death, Forte told lawyers in the case that he knew nothing about chemical use or disposal at the plant, leaving those matters to subordinates.

But on Thursday in U.S. District Court, Manzelli, whose construction firm was hired to build an addition to the rear of the Cryovac plant in 1974, said Forte spoke to him about waste disposal.

Manzelli said Forte showed him "about half a dozen" 55-gallon barrels behind the building and asked him to excavate a pit so the contents could be dumped.

Manzelli said he agreed because he wanted the empty barrels for his own use. He told plaintiffs' attorney Jan Schlichtmann the barrels did not have lids, and contained metal fragments and what ap-

peared to be water.

Manzelli also told Grace attorney Michael Keating that the water had "a slight odor of machine oil" but no chemical smell.

Manzelli said it was his understanding that one of his employees excavated a pit and that the barrel contents were dumped into it, although he added he did not personally observe the operation.

On April 16, Victor Sergi, an employee of Mansco Inc., as Manzelli Construction Co. is now called, testified that he used a backhoe in 1974 to dig a hole into which Cryovac employees poured the contents of barrels.

He said the barrels came from a different location than that identified Thursday by Manzelli. He said he used the

backhoe to move the barrels to the edge of the pit, and that several of the barrels fell into the pit.

Following Manzelli's testimony Thursday, Kevin Conway, a lawyer for the plaintiffs, told the Daily Times Chronicle that he believes the barrels Sergi moved were different from the ones Manzelli said Forte wanted to dispose of — and that the barrels which were actually emptied into the pit contained chemical solvents.

Conway said Manzelli's testimony proved that the top management of the Cryovac plant was aware of chemical dumping, and that Forte may have misrepresented to Manzelli what he intended to do with the pit.

Manzelli also testified that

Forte contacted him in the early 1980s about an investigation the U.S. Environmental Protection Agency was conducting of the Cryovac site.

But when Schlichtmann asked Manzelli if Forte questioned him about the barrels, Manzelli replied, "He knew I wasn't there when they were disposed of."

The EPA found six barrels buried behind the Cryovac plant during a 1983 investigation.

Thursday was the final day of testimony for the plaintiffs. After a day off today, the trial will resume Monday with the plaintiffs attempting to read into the record laws and regulations they say the defendants should have been aware of. The jury will not attend Monday's session.

After that, defense lawyers

say they will ask Judge Walter Jay Skinner to hand down a directed verdict of nonliability. Assuming Skinner rejects that motion, as appears likely, the defense will open its case Tuesday, with Beatrice going first.

On Wednesday, John Drobinski, a geologist hired by the plaintiffs to investigate contamination at the defendants' properties, testified about his work at the Cryovac site.

On Thursday, Keating cross examined Drobinski, bringing into question the accuracy, thoroughness and fairness of his investigation.

Keating criticized Drobinski's use of so-called "maximum contaminant levels" in maps and diagrams prepared for the jury. Keating said those levels were obtained from tests conducted

by different labs over a three-year period, and that Drobinski made no attempt to put those readings in context.

If "external quality control" procedures had been used, Keating said, several anomalously high contaminant readings would have been discarded. Several of those readings had already been discarded by the EPA, Keating said.

Keating and Beatrice attorney Jerome Facher also criticized errors and omissions Drobinski made on the exhibits.

Drobinski conceded that he made several errors, but said he corrected them as soon as he found out about them. The errors, he added, did not affect the conclusions he had drawn from his investigation.