

Dodge case details health risks of toxic materials

By B.J. Plasket
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CANON CITY -- While radiation releases have been targeted by many of those who have sued the Cotter Corporation over the years, some of those same people have claimed heavy metals such as molybdenum and lead have also taken their toll.

Arthritis, brittle bones, developmental disabilities and worn-down teeth -- as well as lung-cancer deaths among non-smokers -- have been blamed on air, land and water allegedly fouled by the mill.

Last year a jury awarded \$16 million - a figure that is up over \$43.5 million with interest -- to a group of Canon City residents who claimed their families' lives were destroyed by Cotter pollution. The list of ailments blamed on the mill is lengthy and both a doctor and a scientist agreed with the jury's determination that the injuries stemmed from the mill.

Prior to what is now known as the Dodge case, Cotter had been held responsible by the courts for polluting the land, water and air, but not for physical injuries suffered by those who lived near the 52-year-old uranium processing mill.

As part of the Dodge suit - currently being appealed by Cotter - a doctor and a biochemist hired by the plaintiffs' lawyers said there was little doubt about the connection between Cotter and health problems.

Molybdenum has been among the chief culprits, they said.

"I have discovered that here are at least 23 plaintiffs with chronic pains throughout their body and at least four who have been diagnosed with gout," University of California biochemist Martyn T. Smith said in a report referring to some of the more than 500 people who have sued Cotter.

"Complaints of these plaintiffs are remarkably consistent and the symptoms described are extremely similar to those observed in people with molybdenum poisoning," he said.

While some of arthritis/gout sufferers were middle-aged or older, some were not.

"The fact that aches and pains are being produced in relatively young people and whole families living in Lincoln Park is highly indicative of a case of environmental heavy-metal poisoning," Smith wrote.

The Dodge family - former owners of the Ponderosa-look-alike Dal DeWeese property on Elm Avenue - are perhaps the best examples of that argument. Joseph and Thelma

Deyon Boughton sits on the front steps of her home on Cedar Avenue. Scientists who tested the home and land found metal and radiation levels high enough to warn the Boughtons to sell their cattle and quit using the land for agriculture. Boughton said molybdenum was found in the turnips growing in their garden. Daily Record/Tamara McCumber

Jean Dodge, who bought the property in 1972 and raised four children there, have seen those symptoms in all their children. The family raised most of its own food - including produce, meat, milk and eggs - on the land.

Joe Dodge also watched his wife die of leukemia in 1992 after years of eating meat, produce and dairy products grown at their home. Jean Dodge was also diagnosed with gout prior to her death and her retired husband limps on legs marred by bony growths attributed to metal poisoning. During a 1993 interview with plaintiff doctor Edward P. Radford, Dodge reported breaking ribs on three separate, unusual occasions. Dodge reported breaking the ribs during routine activity - once while leaning against a window sill. Radford's report was entered into evidence in the lawsuit.

Dodge daughters Desiree Chrysler, Yvonne Pegararo and Rhonda Butson, also reported arthritis and gout symptoms. So did their son, Patrick Shane Dodge. Desiree Chrysler also reported that her teeth were "wearing down" and that her tooth enamel was chipping off. Her husband, Dan Chrysler, reported similar symptoms and their children reported an abnormal number of cavities.

Radford wrote, "There is evidence, therefore, that in addition to the abnormal bone growth in these families, calcification of bones and teeth is impaired and leads to greater fragility of calcified structures, resulting in a much greater sensitivity to bone fractures or broken teeth," Radford said. "In view of the well-known effects of molybdenum on the process of calcification, these problems are highly likely to be caused by exposures to molybdenum from effluents from Cotter operations."

Radford also questioned the high number of Lincoln Park children with learning disabilities and/or behavior problems. He noted that in one school year, 16 Lincoln Park children were placed in special programs while the area north of the river -- with four times the population as the south side -- had 34 such students.

"This is an important matter because it is now known that in the atomic bomb survivors, even low doses of radiation to fetuses, especially during the first trimester of pregnancy, can interfere with normal development of the nervous system, leading to cognitive and behavioral abnormalities after birth," Radford wrote in his report.

The federal civil jury hearing the case awarded Joseph Dodge \$1.5 million dollars and his adult children won similar judgments. The highest award, however, went to the family of 29-year-old Brett Luna, who was born in 1973 with a severe cleft lip and palate and learning disabilities. After winning a \$2.9 million judgment, Donald Luna said the money will be used to care for his son, who will never be able to care for himself.

"We won't be around forever," said Donald Luna, whose sister also had a child born with some of the same

problems as his son. The Lunas now live in Denver but lived in south Canon City when their children were conceived and born.

According to Dodge, his family lived what they thought was an idyllic, self-sustaining life until the pollution took its toll.

"We grew most of our own food - we had cattle, sheep, pigs, chickens - they ate the grass coming out of that ground," he said. "Sometimes my kids would drink three gallons of milk a day."

But then the animals started dying.

"We had 18 horses and eight of them got cancer," he said. "I'd never seen a horse get cancer."

Tests performed on the Dodge's soil, water and home finally shed some light on the mystery.

"All the places we grew food tested really hot," he said. "Even the area where the wild asparagus grew along the ditch."

Tests on the attic of the home turned up 1,600 parts-per-million of Pb-210, a radioactive lead isotope, he said. "If it's above 400 parts-per-million, you are supposed to tear down the structure and get rid of it. We raised our family there."

In 1992, Thelma Jean Dodge felt ill and Joe took her to a Salida doctor, who immediately checked her into a hospital with leukemia.

"I took her straight to St. Mary Corwin in Pueblo without stopping at home," Dodge said. "She died there 44 days later without ever going home. She had a form of leukemia that is caused by radiation."

Dodge said his grown children have never gotten over their mother's death.

"She was an extraordinary woman," he said. "Cotter destroyed my family."

Dodge said damage from the radiation caused permanent genetic changes that may doom future generations.

"Almost all my grandchildren have birth defects," he said.

Radford's report also attributed the death of Dorothy Platt, a plaintiff who died of lung cancer in 1993 before the case went to trial, to airborne carcinogens.

"Mrs. Platt had never smoked, and thus it was very unlikely for her to develop a bronchial cancer in the absence of exposure to airborne carcinogens such as those discharged by Cotter Corporation," he wrote. "Not only has she been exposed to airborne radioactive dusts, including uranium, thorium and other radioactive elements, but there had also been exposure to arsenic and nickel compounds, which are

known to contribute to increased risk of bronchial cancer."

Smith agreed, saying, "I believe it is more probable than not that Mrs. Platt's lung cancer was caused by the inhalation of contaminants originating from the Cotter site."

Lynn Boughton, the former chief chemist at Cotter who eventually sued the company and who later died of what the coroner called radiation-caused cancer, also grew vegetables at his Cedar Avenue home. Scientists who tested the home and land found metal and radiation levels high enough to warn the Boughtons to sell their cattle and quit using the land for agriculture. Deyon Boughton, Lynn's widow, said molybdenum was found in the turnips growing in their garden.

"Cotter later accused us of injecting the turnips with molybdenum," she said. "I don't know how you would do that."

Cotter has steadfastly denied injuring anyone in its 52-year history. Company president Richard Cherry, in a recent interview, said, "The fact is, there is no contamination," and called stories of mill pollution "another part of ancient history."

Cotter's executive vice president Rich Ziegler said there should be no fear on the part of neighbors.

"I have developers calling me every year wanting to buy property from us," he said.

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