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Town lawsuit dismissed

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By Phyllis Booth

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Princeton Town Administrator Nina Nazarian announced at the Jan. 16 selectmen's meeting that the attorney representing the town in the lawsuit against Monsanto, a leading producer of genetically engineered seed and Roundup, a glyphosate-based herbicide, recommended that the town dismiss the case which involves damages relating to "PCBs" (polychlorinated biphenyls) at the Thomas Prince School.

Monsanto began to manufacture and sell PCB mixtures, trademarked as Aroclors, in 1935. Aroclors were a popular plasticizer, an additive used in building materials that later was found to have an environmental impact. Prior to 1970, Monsanto sold PCB-containing Aroclors to formulators of building materials, who then incorporated them into various end products. Many of those companies manufactured end products, such as paint and caulk. Monsanto warned its customers about the environmental hazards of PCBs.

Some of these PCBs were discovered at the Thomas Prince School in April, 2011 during the Green Repair Program when renovations were taking place. They were found in exterior window caulking in the old section of the school. A portion of the school was closed for almost a year and students in grades three, four and five were bused to Rutland for the 2011-2012 school year while work was done to remove PCBs.



In 2013, Princeton joined a class action suit against Monsanto that sought damages on behalf of the town and other school districts. The town authorized the law firm of Robert F. Kennedy Jr., and his partner, Kevin Madonna, on a contingency basis.

The Town of Princeton filed a civil suit in U.S. District Court against Monsanto in June 2015 to recover some of the cost to remove PCBs found in caulking around the windows at the school. The same situation happened in Westport, Ma, and that town filed suit against Monsanto and its other companies, collectively “Pharmacia.”

According to the attorney representing the town, a decision in a case for damages related to PCB in schools involving the Town of Westport made it impossible to successfully litigate Princeton’s case. After the judge issued a decision in the Town of Westport’s case, Westport appealed. Attorney’s stayed in Princeton’s case pending a decision by the First Circuit Court. In Dec., 2017, the First Circuit upheld the lower court’s opinion in full and Westport decided not to pursue an additional appeal.

At their Jan. 16 meeting selectmen unanimously agreed not to continue with the case in which the town was seeking \$700,000.

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