

CRIME

Scofflaw Execs Dumped in Jail

They strike after dark, leaving toxic wastes along roadsides and in vacant lots, or flushing them into city sewer systems—time bombs that can taint the groundwater and create health problems, possibly including cancer.

They're called "midnight dumpers"—industrialists who've become the scourges of many of this country's larger cities. Up until a few years ago, they were pretty much left alone to do their dirty work.

But a 4-year-old program that's won impressive victories in southern California may soon spread to some other regions where people are finally fed up with companies thumbing their noses at tightened environmental laws.

In California, it's officially called the Los Angeles Toxic Waste Strike Force, but it's really an environmental SWAT team that has put more than two dozen corporate executives in jail since 1982.

"I can't say we've stopped illegal dumping, but I can say we've lessened it," says Barry Groveman, who formed the strike force while heading the Los Angeles city attorney's environmental protection unit in the early 1980s. At that time, miscreants were caught only through tipsters, lucky breaks and surprise inspections—a haphazard way to deal with a problem that Groveman says had reached "crisis" proportions.

When Groveman got started, the cost of legally dumping toxic chemicals was high; the risk of getting caught doing it

outside the law was low. Groveman figured that fines wouldn't change anything; jail sentences would.

And so, working with no budget, he brought together local, state and federal departments—firefighters, building inspectors, the Environmental Protection Agency—whoever used criminal statutes to go after illegal dumpers.

The round-the-clock squad staked out companies suspected of flushing cyanide into sewers or dumping barrels of cleaning fluids in the desert. Armed with search warrants, the squad would barge in and sometimes catch workers hosing dangerous chemicals down the drain. Permits and company records were meticulously audited. Photographs were taken. Sewer flows were recorded.

Soon, it paid off.

The president of a battery-recycling plant went to jail for a month and was fined for pouring lead and acid into the sewer system. The president of the local Culligan International Co. franchise was packed away for 90 days and given a \$100,000 fine after dumping chromium, a carcinogen, into city sewers. The chairman of a local oil company spent three months in jail after underlings were caught dumping cyanide into Ventura County oil wells.

Through late last year, 25 company officials had done time, paid fines, performed community service and, in some cases, been forced to take out newspaper ads confessing their guilt—a twist that makes Groveman cackle.

"We were looking for the intentional, clandestine disposers who were committing crimes against the community," he says. "Chemicals that are out of control

are deadly business." Groveman estimates that fewer than 1% of all companies illegally dump. But the potentially dangerous nature of the disposed chemicals poses severe environmental dangers, he says, and those dangers aren't limited to LA. "I'm absolutely, unequivocally positive that the situation is as bad in other big cities as it was in Los Angeles."

LAW

2nd Opinion: \$600,000

The image and voice of a dead woman has come back to haunt the doctors who allegedly told her almost five years ago that a lump in one of her breasts was nothing to worry about.

Mary Stutsman was a 29-year-old nurse five months pregnant when she discovered the pea-sized lump in the fall of 1981.

Don't worry, the doctors reportedly told her, assuring her that the lump probably was a blocked milk duct, a condition not uncommon in pregnancies.

By the time the baby was born, the lump covered almost a quarter of her breast. A mastectomy was performed, but the cancer resurfaced a year later. Stutsman, an Arlington, Va., resident, died in May 1984.

Her husband sued and, in May, a Washington, D.C., jury awarded him more than \$600,000 after finding that the doctors—employed by the Capital Area Permanente Medical Group, part of the Kaiser Health Care Program—didn't perform the necessary tests from the start.

The medical group's attorneys denied that Stutsman had mentioned the initially small lump, saying the case's evidence didn't support the award. But a videotape made before Stutsman's death helped sway the 10-woman, two-man jury.

In it, Stutsman testified that she had been alternately relieved and "extremely concerned" as the lump grew and the doctors assured her everything was OK.

She insisted that the doctors told her the lump would disappear after she nursed her baby. The child died in January of leukemia, a disease the judge determined was unrelated to the breast cancer.

Stutsman's husband, Jeremy, was pleased by the verdict even though he had wanted the money for his daughter, who had since died.

"The irony is that Mary did everything right," he said after the trial. "She did things to keep herself healthy."

