

Nix, Patterson & Roach LLP Files Class Action Lawsuit against Mining Giant Freeport-McMoRan

Town of 7,000 bands together to sue company over lead and arsenic contamination

Blackwell, Okla. – [Nix, Patterson & Roach LLP](#), a nationally recognized plaintiffs' law firm, filed a major class action lawsuit today in Kay County, Oklahoma, on behalf of roughly 7,000 residents of the town of Blackwell, Oklahoma. The lawsuit accuses defendants Phelps Dodge Corporation and its parent company, [Freeport-McMoRan Copper & Gold, Inc.](#), of failing to properly address lead, arsenic, and cadmium contamination in the Blackwell area.

This contamination is related to the operation of the Blackwell Zinc Smelter, which was located in Blackwell from 1916 until 1974 and was at one time the largest smelter of its type in the United States. According to recent tests, 76 percent of Blackwell homes contain lead dust above safety levels set by the U.S. Environmental Protection Agency (EPA), and 90 percent of Blackwell homes are contaminated with arsenic above EPA safety standards.

As owners of the company which operated the Blackwell Zinc Smelter, Freeport-McMoRan and Phelps Dodge are liable for contamination related to smelting activities. This lawsuit demands that the defendants comprehensively remediate all contaminated property and reimburse residents for damage to property values. The legal action also asks defendants to provide for a medical-monitoring program open to all Blackwell residents.

Lead, arsenic, and cadmium can cause a wide variety of health problems, including brain damage, neurological damage, learning disabilities, and cancer. Blood tests conducted by the Oklahoma State Department of Health (OSDH) show that 30 percent of Blackwell children have enough lead in their blood to cause brain damage.

In the early 1990s, the EPA deferred oversight of the Blackwell Zinc Smelter site to the Oklahoma Department of Environmental Quality (DEQ) rather than place it on the National Priorities List (NPL). Since that time, the DEQ has set minimum cleanup levels for the defendants that are insufficient to protect human health.

“The contamination of Blackwell represents a public health crisis,” said Nelson Roach, a partner with Nix, Patterson & Roach and an attorney representing the plaintiffs. “Past and current attempts to remediate this town haven’t cleaned up the problem—they’ve covered up the problem. The children of this community are going to continue to be at risk until these companies are forced to remove this contamination properly.”

Nix, Patterson & Roach is being assisted in this case by attorneys Ben Barnes of Beeler, Walsh & Walsh PLLC and Andrew Ihrig of the Ihrig Law Firm.

This case is styled *Bob Coffey, Loretta Corn, and Larry and Mary Ellen Jones, Individually and on Behalf of All Others Similarly Situated, Plaintiffs, v. Freeport-McMoRan Copper & Gold Inc.; Phelps Dodge Corporation; et al., Defendants*, Case No. CJ-2008-68. It is filed in the District Court of Kay County in the State of Oklahoma.

To obtain documents related to this case or schedule interviews with plaintiffs' attorneys, please contact Chantelle Wallace at chantelle@shipleypassociates.net.