

Pfohl dump at center of 2 negligence suits aimed at 17 firms

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Ten neighbors and former neighbors of the Pfohl Brothers dump in Cheektowaga on Tuesday accused 17 companies alleged to have dumped toxins and other chemicals at the 120-acre site of putting them and their families at risk of cancer.

The 10 plaintiffs, in two separate negligence lawsuits filed Tuesday in U.S. District Court and State Supreme Court, are either suffering from cancer or are related to former residents living near the Pfohl landfill who have died of cancer.

The suits allege that the companies knowingly and negligently disposed of hazardous chemicals, releasing them into the water, land and air around the dump without taking any precautionary measures.

Although the suits do not say how much the plaintiffs are seeking in monetary damages, Michael A. Ponterio, the lead attorney, said they hope to recover damages in the "lower hundreds of million dollars."

"Over the past few years, a staggering number of people lived, played and recreated along the perimeter of the landfill and have fallen victim to cancer. Some have already died," said Ponterio.

He claimed that an epidemiological study the plaintiffs commissioned proves that residents living near the Pfohl dump are 600 percent more likely to contract cancer than residents living elsewhere in Erie County.

The lawsuits were announced at an afternoon news conference in the Radisson Hotel in Cheektowaga, where Ponterio was surrounded by nine of the 10 plaintiffs.

Tab Fuqua, a plaintiff who is now suffering from cancer, said he and others used to play at the dump, never realizing the dangers there.



ROBERT E. STODDARD/Buffalo News

Plaintiff Tab Fuqua, right, and attorney Michael A. Ponterio speak at Tuesday's press conference.

"We used this place as a playground for years," he said. "We fished. We swam. Motorbikes. Motorcycles. . . . Everybody's got to be held accountable. The companies have to be held accountable for what they've done. It's not fair."

Other plaintiffs, such as John Farino, are suing on behalf of relatives who have died of cancer. In Farino's case, both his parents, Mary Jane and Robert,

were afflicted with the same rare cancer, according to Ponterio.

The Pfohl site, located about a half-mile from the Buffalo International Airport, operated as a dump for nearly four decades until about 1970. Among the substances dumped there were mercury, industrial oils, benzene, asbestos, polychlorinated biphenyls (PCBs), ammonia sludge, uranium, toluene and methyl fluoride, Ponterio said.

The 17 defendants named in the suits are Westinghouse Electric Corp.; General Motors Corp.; Ford Motor Co.; Trico Products Corp.; Curtiss-Wright Corp.; Warner Lambert Co.; Occidental Chemical Corp.; New York State Electric and Gas Corp.; Niagara Mohawk Power Corp.; Browning-Ferris Industries of New York Inc.; Laidlaw Waste Systems Inc.; Waste Management of New York Inc.; Downing Container Division; W.S.Tyler Inc., as successor to Hewitt-Robbins Corp.; Pine Hill Concrete Mix Corp.; G.C.F. Inc.; Chapin and Fagin Division; Pfohl Brothers; and Pfohl Enterprises.

Ponterio said Tuesday's lawsuits are only the first in a series of lawsuits expected to be brought against the responsible parties and involving more than 200 people who live or lived near the Pfohl Brothers dump.

An earlier \$1.6 million suit was filed in September by Donald and Rosaline Freier, owners of 1020 Rein Road, who claimed the companies who dumped at the site left their three-quarter acre property worthless.

The Pfohl dump site was added last month to the U.S. Environmental Protection Agency's Superfund priority list, which frees up federal funds for cleaning up the site. The state Department of Environmental Conservation has estimated it could cost as much as \$55 million to remediate the area.