

Leukemia trial

Pinder calls testifying 'exhaustive, exhausting'

By DAN KENNEDY

BOSTON — Dr. George Pinder, a nationally known hydrogeologist who testified for the plaintiffs in the Woburn leukemia trial, expressed satisfaction Thursday that he had been able to make his case to the jury.

Calling his 11 days on the witness stand an "exhaustive and exhausting experience," Pinder said he did not believe his testimony had been weakened during cross examination.

For eight days, lawyers for the defendants, W.R. Grace & Co. and Beatrice Foods Co., challenged Pinder's contention that chemical contaminants dumped on company property polluted two municipal wells in East Woburn.

On Thursday, at the conclusion of his testimony, Pinder, chairman of the geology department at Princeton University, spoke to reporters outside the courtroom at U.S. District Court.

"I think the major issues were laid out clearly," he said. "I don't think the cross examination (by Beatrice and Grace lawyers) really contradicted anything I laid out at the outset."

Perhaps the most important challenge defense attorneys made was their contention that the Aberjona River, rather than chemicals dumped on company property, contaminated wells G and H, which were closed in 1979 after 15 years of use.

Defense lawyers argued it was more logical that the river fed the wells, which are on the east bank of the river, and not the Beatrice and Grace properties, which are much further from the wells.

The Beatrice property is 600 feet southwest of the wells while Grace's land is 2,400 feet to the northeast.

The defense added the Aberjona River has a history of industrial contamination dating back to the early 1900s.

But Pinder countered water did not flow from the river into the wells. Because of the river's relatively impermeable peat bottom and because the groundwater table that he be-

lieves fed the wells is higher in elevation than the river.

On Wednesday, Grace attorney Sandra Lynch told reporters a witness retained by Grace will offer proof that fully half the water that feeds wells G and H comes directly from the river.

But Pinder told reporters he is satisfied his explanation is correct.

"I think there's only one truth — and I think I know what that truth is," he said.

Pinder also offered his assessments of attorneys Jerome Facher of the Boston firm Hale and Dorr, who cross examined him on behalf of Beatrice, and of Michael Keating of the Boston firm Foley, Hoag & Eliot, representing Grace.

Facher cross examined Pinder for 5½ days and Keating's cross examination of Pinder lasted another 2½ days.

"Some people find him (Facher) abrasive," Pinder said. "He doesn't grind on me. Mr. Keating is more direct and more precise. But he doesn't grind on me either."

"I was more relaxed with the judge (Walter Jay Skinner), because when he asked me a question it was because he wanted to know. When Mr. Facher and Mr. Keating asked a question it was not because they wanted to know."

Pinder said evaluating the aquifer was an "enormous" task consisting of thousands of measurements and calculations.

"You can be sure they (defense lawyers) have checked every single one. And the only ones they found that were wrong were the ones Mr. Facher screwed up," Pinder said.

(Pinder was referring to water table measurements that Facher contended proved groundwater on Beatrice property flows away from wells G and H. Facher later realized the figures were wrong, although he still believes the groundwater does not flow toward the wells.)

The plaintiffs, eight East Woburn families, say chemicals dumped on Grace and Beatrice land polluted their drinking water, resulting in the leukemia deaths of five children and one adult and the illnesses of two others.

The defendants counter that not only did they not pollute the wells, but that even if they did, the chemicals named in the lawsuit do not cause leukemia.

On Thursday, Pinder's final day of testimony, Facher and Keating conducted a brief re-

cross examination. Neither lawyer raised any substantially new issues, instead reiterating arguments they first made in cross examination.

The trial will resume next Wednesday. Testifying will be John Drobinski of Weston Geophysical Corp. of Westborough, the firm retained by the plaintiffs to study contamination at the Beatrice and Grace sites.

Drobinski will testify on the Grace site, having already testified on Beatrice's property.

The properties named in the lawsuit are Grace's Cryovac manufacturing plant, 369 Washington St., and the Riley Leather Co. tannery, 228 Salem St.

Beatrice owned the Riley tannery from 1978 to 1983 and retains legal liability.