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ASARCO says it will pay for health tests in Hayden, but residents' lawyers fear a cover-up

By *Chris Farnsworth*

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The Arizona Department of Health Services plans to study the possible health problems caused by the ASARCO smelter in Hayden, despite officials' earlier dismissals of any concerns.

Researchers from the state met with residents in the area last week. But lawyers in a planned lawsuit against ASARCO charge that the project is little more than a cover-up.

Residents have worried for years that the smelter--which pumps tons of metals and contaminants into the air every year--is to blame for illnesses in the community ranging from skin rashes to lung cancer. About 300 people have signed onto a planned lawsuit against ASARCO, the multinational mining corporation that operates the facility ("Unpleasantville," December 3, 1998).

Initially, DHS officials said there was no need for further scrutiny of Hayden. But shortly after New Times reported on the complaints against ASARCO, the general manager of the smelter offered to fund a study, according to Will Humble, chief of the department's office of environmental health.

"Basically, Terry Erskine [ASARCO's Hayden manager] asked us, would we consider addressing these concerns, and there was money available if we did," Humble says.



Details

Erskine says he approached DHS after hearing about fears in the community of health problems. He believes the study will show that the plant is safe.

"Basically, we expect the study to confirm what we already know: We are already in compliance with all the regulations, and there is little if no impact from the plant on the community," Erskine says.

DHS, working with the University of Arizona, will offer blood-lead screening for all children from the ages of 6 months to 36 months. The department and UA will also test for arsenic levels by collecting urine samples from residents.

The DHS study has drawn protests from Radacosky, Shanker and Tishkoff, the firm representing the potential plaintiffs. The lawyers object to ASARCO's bankrolling the study.

"[T]he proposed study is nothing more than a thinly veiled public relations ploy to create self-serving test results . . . ," the attorneys wrote in a press release.

The lawyers argue that a previous study of cancer rates in Hayden, by UA and DHS and funded by ASARCO, was biased toward the company. "This is not the first time that UA and DHS [have] been involved in conducting a 'study' that did little more than act as a mouthpiece for the mining industry," they say. "We have had [the previous study] reviewed by experts in the field who were amazed at the methodological flaws, scanty support and skewed analysis used."

The lawyers also contend that the proposed study isn't complete enough: DHS only intends to measure short-term exposure to toxins, while the emissions have been going on for years.

"We've already been down there repeatedly," adds Howard Shanker, one of the attorneys representing residents. "We've done two rounds of environmental testing and two rounds of medical testing, and it's a lot more thorough than what [DHS] is proposing."

Dr. Jeff Burgess, the UA researcher who's leading the study, disagrees. "Lead has a very long half-life--nine years in the body," he says. "Blood-lead testing does measure exposure over a very long level of time."

If people are breathing arsenic, the tests will measure that as well, Burgess says, because arsenic that is inhaled remains in the body longer than if it is taken in by other means.

"It remains to be seen what the source for exposure of lead and arsenic are in the community," Burgess says. "I haven't seen any evidence that short- or long-term makes a big difference."

DHS's Humble concedes that the law firm's test results from medical screenings--supplied by law to DHS--already show dangerously high levels of lead in some residents' bodies. But until ASARCO came up with the cash, he says, there was no money to figure out if the plant was the culprit.

"We don't have the money to do any kind of studies. Whatever kind of studies that we do, we have to find money for," he says.

In any event, the DHS study still wouldn't point any blame at the smelter, even if results showed unsafe levels. The tests would only measure the presence of toxins in people's bodies.

How they got there would have to be determined by another study by UA. That project, currently waiting for a grant from the National Institutes of Health, would be separate from ASARCO and would take five years.

Some people in Hayden are troubled that ASARCO is paying for the tests, Humble says. However, the DHS official insists ASARCO will have no say in the design or the results of the study. "I went in with the understanding that whatever we found, we'd publish," he says. "This is everyone's data. ASARCO will not review the methods or the science."

Erskine also says ASARCO will do nothing except fund the project. "We provide the money. DHS is doing everything else," he says.

Reaction to the proposal at the town meetings was mixed, Humble says. "People are worried about their health, but they're also concerned about their jobs. [We've] got a lot of people saying, 'We'd like to have the study done, but copper prices are low,'" he says. "They're concerned if the results come back too high, ASARCO is going to close the mine. They'd like to see the study proceed, but they hope it turns out okay."

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