

J.H. Baxter's New Suits

TWO LAWSUITS HAVE BEEN FILED AGAINST THE WOOD TREATMENT PLANT IN EUGENE

By Taylor Perse

For decades, families in west Eugene have shared concerns about J.H. Baxter ranging from the plant's pollution filling the air and causing health problems to contaminated waste water. Now some community members are taking legal action.

Two class action lawsuits were filed against the wood treatment plant on April 30 and May 7, both alleging negligence in the way the plant disposes of its chemical products and how that affects the surrounding neighborhoods. The lawsuits ask Baxter to remedy the situation and for financial compensation for the plaintiffs, who are residents in west Eugene near the plant.

The lawsuits follow a \$223,440 fine issued by the Oregon Department of Environmental Quality on March 4. DEQ accused the company of misusing its wood treating chambers, called retorts, to treat over 1.7 million gallons of hazardous waste by evaporating it instead of correctly disposing of it. In a separate violation, DEQ also alleged Baxter allowed untreated stormwater to flow into Amazon Creek. The company has since appealed the fine.

Baxter declined to comment on the lawsuits.

"At this time we are not in a position to comment on pending litigation. We continue to look forward to working closely with all regulators and the community," Company President Georgia Baxter writes to *Eugene Weekly* in an email statement.

Miles Hart, a west Eugene resident and former J.H.

Baxter employee, was named as a plaintiff in the lawsuit filed on April 30. He says a lawyer contacted him about joining the suit after he filed a complaint with the Lane Regional Air Protection Agency (LRAPA) on Dec. 25, 2020.

"I had lodged a complaint because Baxter was running its evaporator over Christmas," Hart tells *EW*. "It stinks so bad it burns my eyes and nose."

Hart says he worked for Baxter from 2013 to 2014 and alleges he was fired because he became more vocal about some of the illegal and unethical practices happening at the plant.

"Their chemicals pretty much poison the ground water in this part of town," Hart says. "They are a big nasty plant."

Hart's lawsuit claims that Baxter illegally disposed of some of its chemical byproducts and has failed to adequately manage the chemicals, leading to them being released into the water, soil and air. The lawsuit says that Baxter has knowingly failed to mitigate these effects, adding since 2019, 150 complaints have been made to LRAPA about the plant.

The plaintiffs are seeking compensation for economic damages and medical issues as well as acknowledgment of and righting the wrongs of the company's alleged negligence in handling chemicals. They are represented by Nicholas Kahl in Portland, and Laura Sheets, Steven Liddle and Lance Spitzig from a law firm in Michigan.

Lisa Arkin, executive director of Beyond Toxics, says that, for years, Beyond Toxics gathered data about the plant being a public health hazard, and it had been ignored.

"Finally, agencies are asking for this data and valuing this community generated data. It's very important because it is the lived experience," Arkin says.

Plaintiffs in the second class action complaint, filed on May 7, are represented by Derek Johnson and Leslie O'Leary in Eugene. This lawsuit also accuses Baxter of "intentional and unlawful process of disposing of its hazardous waste streams," and that the complaints to LRAPA from affected residents covers more than half the population of Eugene.

The plaintiffs ask for adequate staffing at Baxter so correct procedures will be followed, compensation of \$75,000 for property damages due to contaminated groundwater, \$100,000 in damages for those owning a home in that area, and nuisance damages of \$15,000 for each member in the case.

Hart's goal is for J.H. Baxter to step up. He acknowledges that the plant is a source of local employment, but says that it needs to change. He blames the city for allowing residential areas to be built so close to the industrial area without a boundary.

"Just clean it up," he says. "I don't care if they stay in business, or don't stay in business. Just clean it up." ■

Attorney Derek Johnson is the son of EW co-owners Art and Anita Johnson.

Endorsements at a Glance

EW's recommendations for the May 18 election

BY **EW EDITORIAL BOARD AND STAFF**

Lane Community College

Zone 1

Holli Johnson

Mark Boren

Thomas Jennings

Zone 5, 2 Year Unexpired Term

Steve Mital

Al King

Eugene School District #4J

Position 2

Laural O'Rourke

Harry Sanger

Position 3

Tom Di Liberto

Judy Newman

Bryan Costa

Position 6

Maya Rabasa

Dakota James Boulette (dropped out to support Rabasa)

Lane Education Service District

Position 6 At-Large

Rose Wilde

Rich Cunningham

Junction City School District #69

Position 1, 2 Year Unexpired Term

Alaire Fajardo

Kari Bennett

Ryan Ceniga

Position 6

Jacque Gerdes

Jesse C. Springer

Position 3

Steven Hadley

Brandy Crosby

Jonathan Light

Anthony Reed

Samantha Alcantar

Position 5

Kelly Mason

Ruth Linoz

Lisa Barrager (dropped out)

Measures

#20-319 - Lane County Yes

Supporting 4-H and
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