

Maine Attorney General Sues Monsanto Over PCB Contamination

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STORY AT-A-GLANCE

- › Maine Attorney General Aaron Frey filed a 47-page complaint against Monsanto, accusing the company of selling polychlorinated biphenyls (PCBs) despite being aware of their dangers to human health, wildlife and the environment
- › He claims he has copies of Monsanto internal memos verifying his claims – that the company was aware of the risks of PCBs, but chose to turn a blind eye for the sake of profit
- › PCBs have been associated with various adverse effects and may put humans at risk of cancer and other health concerns, according to many studies
- › There are certain measures you can take to reduce your exposure. Maine residents, for example, are warned of PCB contamination in fish and shellfish, allowing them to make the smart choice to avoid these contaminated products

Polychlorinated biphenyls (PCBs) are chemical compounds that were produced by the biotech company Monsanto and were used in a wide range of products due to their capacity to withstand high temperatures and pressure. However, they were banned in 1979 after their carcinogenic potential and toxicity were revealed – although, apparently, Monsanto has known about their toxicity for decades.

Now, the biotech giant (now under Bayer) is being sued once again, this time by Aaron Frey, the attorney general of Maine. "I am taking action to demand that Monsanto pay for

the harm it knowingly caused our state," he said.¹

Monsanto Accused of 'Decades-Long Campaign of Misinformation and Deception'

On April 11, 2024, Frey filed a 47-page complaint² in Cumberland County Superior Court, accusing Monsanto of selling PCBs despite being aware of their dangers to human health, wildlife and the environment. According to an article published on Maine Wire:³

"The complaint alleges that Monsanto, despite 'early knowledge of the grave dangers associated with PCBs,' ran a 'decades-long campaign of misinformation and deception' to increase their rate of manufacture and sale of PCBs in Maine and elsewhere.

'From 1960 to the mid-1970s alone, Monsanto sold at least hundreds of thousands of pounds of commercial PCB mixtures to customers in Maine,' the suit reads."

PCBs have caused extensive damage to the state's resources, polluting over 400 river stream miles and over 1.9 million ocean acres, classifying them as "impaired" due to the presence of these chemicals.

The lawsuit claims that PCB-specific fish and shellfish consumption advisories have also been issued by the state because of contamination, and the public is advised to either avoid consuming fish or to severely limit the consumption of certain fish.

PCBs: One of Monsanto's Most Toxic Legacies

PCBs are manmade chemicals consisting of hydrogen, carbon and chlorine atoms. They have no taste or smell and have a liquid structure that's either oily or waxy. They were first produced in 1929⁴ by the Swann Chemical Corporation.⁵ During that time, PCBs were sought-after chemicals because of their extreme resistance to high temperatures and pressure, making them valuable for use as fire retardants and insulators.

The U.S. Environmental Protection Agency's website lists some of the uses of PCBs in industrial and commercial applications, such as:⁶

- Electrical and hydraulic equipment, as well as heat transfer applications
- Paints (as plasticizers), plastics and rubber products
- Carbonless copy paper
- Pigments and dyes

After Monsanto purchased and absorbed Swann Chemical in 1935, they continued to manufacture and commercialize PCBs (sold under the brand name Aroclor), licensing these chemicals to other companies as well. Up until its ban, overall global production of PCBs was estimated to be between 1 and 1.5 million tonnes.⁷ The Maine Wire reports:⁸

"Monsanto manufactured and sold PCBs from about 1935 to 1977, during that period accounting for 99 percent or more of all PCBs used or sold within the U.S., and used PCBs in a wide variety of products, including paints, caulks, inks, dyes, lubricants, plastics, and other applications."

Frey says that he has copies of Monsanto internal memos verifying his claims – that the company was aware of the risks of PCBs but chose to turn a blind eye for the sake of profit.

There Are Dozens of Lawsuits Concerning PCBs' Dangers

Frey's complaint adds to the growing list of lawsuits against Monsanto over their PCB products. In December 2023, the biotech giant was ordered to pay \$857 million to students and parents from a Washington state school who claimed that the PCBs from fluorescent light fixtures triggered brain damage, autoimmune disorders and other health issues. In a CBS News article, Keri C. Hornbuckle, a professor and environmental engineer at the University of Iowa, said:⁹

"Although they were banned in 1979, they're still present in the environment. PCBs are called forever chemicals because they break down so slowly – PFAS

compounds are also called that for the same reason."

In July 2023, 90 school districts in Vermont also sued Monsanto citing toxic PCB contamination of the indoor air in their educational buildings. According to an article from the Associated Press,¹⁰ students and school staff can be exposed to PCBs when they breathe in or inhale contaminated dust and vapors. Touching surfaces with their hands, then using them for eating or drinking can also lead them to ingest PCBs.

A year earlier, Vermont became the first state in the country to require older schools to test their indoor air for these chemicals. The lawsuit¹¹ states that removing PCBs can be expensive, as it could require demolishing buildings and building new ones. This could potentially cost hundreds of millions (if not billions) of dollars.¹²

Monsanto Responds, Claims Allegations Are 'Meritless'

The Maine Wire reports that Frey is also seeking damages for the injuries and contamination Monsanto's toxic chemicals caused to the people and the environment. This will cover the costs needed for cleaning, monitoring and mitigating the state's waterways that have been polluted by PCBs.¹³

In response to the Maine lawsuit, Monsanto issued a statement, claiming that they have "strong defenses and will vigorously defend against these claims."¹⁴ According to their press release:¹⁵

"We will respond to the complaint in greater detail in court at the appropriate time, however, we believe this case is meritless as Monsanto never manufactured or disposed of PCBs in the State of Maine, and any PCB-containing products that could be the source of any impairments in the state were manufactured and disposed by third parties ...

Under applicable law, a manufacturer of component parts is not responsible for the downstream, third-party uses of a product that it lawfully introduced into the stream of commerce and over which it has had no control for nearly five decades ...

Monsanto discontinued its production of PCBs nearly five decades ago, conducted hundreds of studies about their safety, and provided warnings to its customers based on the state-of-the science at the time."

PCBs Have Been Linked to Cancer and Other Health Concerns

Despite being banned for decades, PCBs are still pervasive in the environment, mainly because they "resist degradation, rather than breaking down over time."¹⁶ As a result, they are found all over the world – every one of us has been exposed to these toxic chemicals. The EPA website explains:¹⁷

"PCBs do not readily break down once in the environment. They can remain for long periods cycling between air, water and soil. PCBs can be carried long distances and have been found in snow and sea water in areas far from where they were released into the environment. As a consequence, they are found all over the world. In general, the lighter the form of PCB, the further it can be transported from the source of contamination.

PCBs can accumulate in the leaves and above-ground parts of plants and food crops. They are also taken up into the bodies of small organisms and fish. As a result, people who ingest fish may be exposed to PCBs that have bioaccumulated in the fish they are ingesting."

PCBs have been associated with various adverse effects and several studies^{18,19,20} have confirmed that they can put people at risk of cancer and other health concerns. A 2022 review²¹ published in the journal *Toxics* notes that they can target your nervous, endocrine (thyroid, thymus, pancreas and gonads), reproductive, cardiovascular and immune systems.²² The more they accumulate, the more dangerous they become.

In Utero Exposure to PCBs May Lead to Autism in Children

What's alarming about PCBs is that they can even affect unborn children. According to a 2021 meta-analysis²³ that looked at 12 previously published studies, being exposed to

PCBs and pesticides during pregnancy can put your unborn child at a higher risk of autism. The researchers noted:²⁴

"We evaluated the association between pesticide and PCB exposure during pregnancy and the risk of developing ASDs among different children according to available evidence from case-control and cohort epidemiological studies.

The results of the present study indicate the significance of the association between pesticide and PCB exposure during pregnancy and the risk of ASDs among children."

One Way to Reduce Your PCB Exposure: Choose Safe Seafood

Despite the ubiquitous nature of PCBs, the good news is that there are certain measures you can take to reduce your exposure. In Maine's lawsuit,²⁵ for example, they noted that residents have been warned of PCB contamination in fish and shellfish, allowing them to make the smart choice to avoid these contaminated products.

The fact is that most major waterways in the world are now contaminated with PCBs and other toxins like mercury, heavy metals, dioxins and other agricultural chemicals that wind up in the environment. However, certain marine fish species are at a lower risk of carrying these chemicals. Your best choices are small, cold-water, fatty fish, which are an ideal source of omega-3s with a low risk of contamination.

- Anchovies
- Sardines
- Mackerel
- Herring
- Wild-caught Alaskan salmon (certified)

There is a low risk of authentic wild-caught salmon accumulating high amounts of mercury and other toxins because of its short life cycle, which is only about three years.

Additionally, bioaccumulation of toxins is also reduced since it doesn't feed on other, already contaminated, fish.

Sources and References

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- ²² [Toxics 2022, 10\(7\), 365, Conclusions](#)
- ²³ [Clin Exp Pediatr. 2021 Jun; 64\(6\): 286–292](#)
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