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LONG ISLAND

G.E. to Pay Fishermen Over Polluted Striped-Bass Waters

\$7 Million for Losses From Ban on Catch

Special to The New York Times

RIVERHEAD, L.I., Aug. 12 — Ending an eight-year fight, the General Electric Corporation has agreed to compensate New York commercial fishermen for income they lost because of PCB contamination of Hudson River spawning grounds for striped bass.

Under an agreement reached out of court Wednesday night, G.E. will pay up to a total of \$7 million to 300 to 400 fishermen, including as many as 150 eastern Long Island baymen, who can prove they lost income as a result of a state ban on fishing for striped bass from 1986 to 1990 in marine waters off Long Island, and since 1976 in the Hudson River.

For 30 years until 1977, General Electric dumped PCB's into the Hudson, and only last month the company agreed to stem a new flow of PCB's into the river from a plant in Hudson Falls, 35 miles north of Albany.

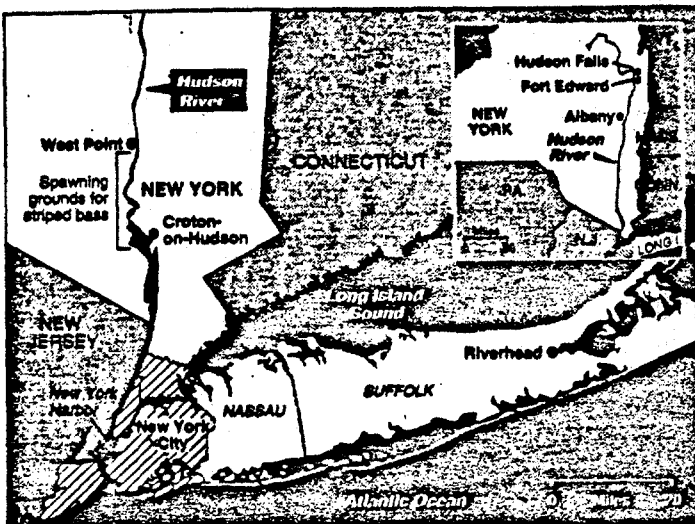
The river is a major spawning ground for striped bass, a delicacy that once accounted for a large part of the yearly income for hundreds of commercial fishermen, including the dwindling number of full-time baymen on eastern Long Island plying a livelihood that dates from the Colonial period.

Lobster Pots or an Outboard

"It's become an ever more difficult task to live a life full-time on the water," said Arnold Leo, the secretary of the East Hampton Town Baymen's Association. "This money could help buy a new truck, or get some lobster pots or a new outboard motor."

The company said it agreed to the settlement in part because the legal action had lasted eight years and "would take at least another decade to conclude." The plaintiffs included eastern Long Island baymen and fishermen from New York City and the Hudson Valley.

The company said it had agreed to create a fund of \$7 million for claims



Until bans were imposed, commercial fishermen caught striped bass in the lower Hudson River and the waters off Long Island.

made by the fishermen, which will be evaluated by a court-appointed neutral referee.

"Only those claimants who can demonstrate real economic loss will receive any money from the fund," G.E. said. There will be a cap on payments to individuals, the company said, but it did not give the amount.

Company Admits Little

A G.E. spokesman, Jack T. Batty, declined to disclose whether the company faced other PCB-related lawsuits or had entered into other settlements stemming from the dumping of PCB's into the Hudson River from the late 1940's until 1977, when the company voluntarily ceased the practice. He said the settlement did not mean the company was admitting that the PCB dumping may have caused damage to striped bass or lost income for the fishermen.

Congress banned the manufacture of PCBs, short for polychlorinated biphenyls, in 1978 after research showed that the chemical, which was

A fund may revive a livelihood devastated by PCB's.

used as an insulator in transformers, was highly toxic to fish and other animals.

The State Department of Environmental Conservation imposed a ban on commercial fishing for striped bass after amounts of PCB in the fish were found to exceed Federal limits, which were set at 5 parts per million in the late 1970's and lowered to 2 parts per million in 1986.

PCB, which is also a suspected carcinogen, was found to have accumulated in the fatty tissue of striped bass caught in the Hudson, New York Harbor and Long Island Sound and off the South Shore of Long Island. The fishermen say the chemical entered the fishes' food chain in the

spawning grounds.

After spawning in Hudson riverbeds, the maturing striped bass swim south into the East River, into New York Harbor and east into Long Island Sound and the Atlantic Ocean. They range near the coastline from the Carolinas northward, and also spawn in large numbers in Chesapeake Bay.

Mr. Leo of the East Hampton Baymen's Association and several other commercial fishermen were plaintiffs in a suit filed against G.E. in State Supreme Court here. The trial was to have begun on Aug. 19, but was postponed. The judge in the case, State Supreme Court Justice Mary Werner, must act on the settlement.

General Electric has said for years that PCB was discharged into the Hudson River from its plants in Hudson Falls and Fort Edward under permits granted by New York State.

In June, the owner of an industrial site in Albany, Vantrano Realty, sued G.E., complaining that a state-approved PCB cleanup plan the company is carrying out would fail to clean up the site. The suit is pending in State Supreme Court in Albany.

News of the settlement bolstered the eastern Long Island baymen. They have bitterly complained that state regulations have sharply limited the number of striped bass commercial fishermen may take during the season from July to November.

"It's just crazy that we are allowed to harvest so few of them," said Mr. Leo, who objected to state regulations allowing sport fishermen to catch up to one fish a day from May to December. He said the commercial limit for the baymen was set at 46 fish each season despite the abundance of the fish in offshore waters this summer.

Gordon C. Colvin, the director of marine resources for the department, said the restrictions on eastern Long Island were part of a conservation effort agreed to by 13 East Coast states where stripers range.

"There is no question that there is a substantial increase in the number of striped bass going on right now," said Mr. Colvin. "But that is exactly what is intended by the cooperative management program the states have agreed to."