

# Massive legal action over toxic blasts

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**H**UNDREDS of Bluff residents who believe their health was threatened by poisonous fumes from the recent harbour fire are preparing to launch a massive class action lawsuit against owners of the chemical storage site.

There is still a great deal of anger in the community about the recent Island View Storage (IVS) fire and the release of clouds of noxious smoke that blanketed the suburb.

And in another major development, the safety of the sprawling storage facility has been questioned by some members of the council's safety and security committee after an on-site inspection yesterday.

"The committee was also not satisfied with the layout of the whole facility and don't think it's as safe as they say," said DA member and chief whip Colin Gaillard.

Five thousand pamphlets have been distributed on the Bluff calling on residents to attend what is meant to be the first in a series of planned meetings that aims to come up with a strategy to sue the owners of Island View Storage.

## Negligence

Speaking to the *Daily News* in an exclusive interview yesterday attorney Fran Erasmus, who is spearheading the legal battle, said a team of Gauteng advocates would soon arrive in Durban to lodge papers in the High Court. Although unwilling to disclose the extent of the possible claim, he said it would encompass damage claims dating back to more than 15 years.

Family of Meshail Reddy, the IVS contract worker who died in the explosions, yesterday said they were in discussions with IVS and were therefore uncertain on whether they would also pursue a claim against the company.

"Speaking in broad terms, the claims would be based on the alleged negligence of IVS. Companies that store chemicals of that nature have a duty to protect the residents in the areas where they operate.

"And I'm not even talking about the employees who are sick as well. There are many people who are suf-

fering from lung disease and the fire was basically the last straw," said Erasmus.

"I don't think huge is even an appropriate word. This is going to be an extremely large class action, and we will obviously be lodging papers as soon as possible," he said.

South Durban Environmental Community Alliance chairman Desmond D'sa said the organisation supported the residents' legal battle and said it was time council was also held accountable for the safety of citizens.

IVS management and the entire storage facility could be the focus of further investigations.

According to safety and security committee member Gaillard, IVS management admitted that one of the weld seams in a tank that had exploded was not to specification – and tore open as the tank erupted. Storage tanks are generally designed to have their tops blown off so that the contents can burn off in a controlled manner.

But in the IVS fire, at least one of the seams leaked, spilling toxic chemicals across the "bundling" area and this helped the blaze spread. Management blamed the leak on contractors who had welded the tank together.

Gaillard is now also preparing to table a set of questions over the city's disaster management procedures at next week's full council meeting, after IVS management told councillor it was the responsibility of the city to formulate evacuation plans.

"We still have not been told of the cause of the fire, but there was clear evidence of spillages from tankers using roads through residential areas. One could easily say that there are many people are extremely vulnerable and at some stage there will have to negotiations about moving them.

"We will interrogate the whole situation fully – this is not the end of anything. At some stage there also needs to be a through inspection of all the tanks to make sure they comply with current legislation," Gaillard said.

Repeated attempts to contact IVS management for comment were unsuccessful.

The community meeting will be held at the NG Church in Old Mission Road at 6pm today.