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Texas Rancher Sues Oil Company, Says Donated Pipes on Rhino Corral were Radioactive

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A member of one of Texas' oldest ranching families has locked horns with an oil company in a bizarre dispute involving pet rhinos, steel pipe and allegations of radiation poisoning and a corporate vendetta.

Rancher Jimmy McAllen, the 10th generation of his family to work the 70,000-acre (28,328 hectares) ranch in South Texas, says that the old pipe he used to build a corral for two African black rhinoceroses in the mid-1990s proved to be loaded with radioactive material.

He blames the radiation for the mysterious 1995 death of one of his rhinos. And he says he suspects it caused the rare form of cancer that cost him his lower right leg in 2005.

Moreover, he says the Forest Oil Co. which holds a lease to drill for gas on his property and gave him the old pipe for the corral and other projects around the ranch deliberately poisoned his land in retaliation for a dispute the two sides had over gas payments.

"It's like giving someone a poison apple on Halloween," the 69-year-old said.

McAllen is suing Forest Oil, accusing it of aggravated assault and trickery, among other things. He is seeking a cleanup, as well as an unspecified amount in damages.

Geoffrey Harrison, an attorney for Denver-based Forest Oil, vehemently disputed the allegations.

"None of that pipe that was donated by Forest Oil to McAllen is now or has ever been even remotely dangerous in any way," he said.

While radioactive material naturally occurs underground and adheres to pipes when oil and gas are pumped from the earth, Harrison said there was no evidence anyone on the ranch had inhaled radioactive material.

He called McAllen "delusional" and "hyperbolic" and said the man who first suggested to McAllen that the pipes were loaded with radioactive material is a "disgruntled former employee" with little knowledge of the facts.

The McAllen name is legend in South Texas. McAllen's grandfather donated the land for what is now McAllen, a city of 106,000 people near the Mexican border.

His ranch dates back to an 18th-century Spanish land grant. The stone-and-mortar ranch office has a case full of artifacts from U.S. Civil War soldiers on both sides of the 1861-1865 conflict. The ranch house still has bullet holes from a 1915 attack by Mexican bandits. Singer and film star Bing Crosby used to hunt there.

In the 1950s, prospectors found a vast store of natural gas under the land, creating a huge source of revenue.

A few years ago, McAllen sued Denver-based Forest Oil in an accounting dispute. The lawsuit was eventually settled.

According to court papers, McAllen had experts test the pipes on his ranch and found that the highest level of radiation was 150 microrems. That is about three times what state oil and gas regulators say is safe. But the state health department says the material is harmless unless swallowed or inhaled.

"Where it does create a health issue I'm told is when it gets in the air. You don't want to get the material airborne," said Joseph Dancy, who teaches oil and gas law at Southern Methodist University in Dallas. "You don't want to be grinding it off when you shovel it out and bury it. Obviously, you'll get dust. And then you get that Texas wind."

The McAllens say that is what happened: They cut, blew air through and welded the pipe for projects all over the ranch, releasing the material into the air.

A barn full of the allegedly "hot" pipe and the vineyard where McAllen's son, James Jr., made trellises and fences from the scrap metal are now off-limits.

"We're ranchers. We really don't know if this is correct. What do we know?" said the younger McAllen. He pulled a hand-held radiation meter from the back seat of his truck: "Like my lasso, I've got my Geiger counter."