

Monsanto

FROM: NAME, LOCATION, PHONE NO.

LAW DEPARTMENT

Thomas M. Bistline - E2NJ -- Ext. 2989

Encl
AO file

DATE: June 3, 1982
SUBJECT: Agent Orange Q/A

cc: R. T. Berendt
J. R. Condray
G. D. Ingenthron

REFERENCE:

TO S. G. Collins

Attached are my comments on the Agent Orange Q/A which you sent over this morning. Bob Berendt has reviewed and signed off on this. Please note that I have taken the liberty of substantially revising the answers to Questions 2 and 3. In addition, Bob and I both feel that we should not answer questions of the nature of Nos. 4 and 5. These matters go directly to the heart of the litigation and we feel that it would be most unwise to depart from our long-standing position of declining comment on these matters. I have supplied the number of gallons of Agent Orange which we sold as obtained from Court documents we filed last month.

Please feel free to contact Bob Berendt if you wish to discuss further any of the enclosed answers.



Thomas M. Bistline

TMB:ke
Attachments

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2. We do not at this time have sufficient information to draw any conclusions with respect to the information contained in this document. For example, we do not know at this time how the Agent Orange allegedly produced by Monsanto was identified as such, how the product so identified had been stored, how the samples were taken or how the samples were analyzed. Further, it is impossible to determine from this one document whether the Agent Orange sampled by the Government in this one test was representative of all the product supplied to the Government by Monsanto--or by any other producer. Accordingly, it would be improper to draw general conclusions on the basis of this single document as to the level of dioxin contained in the Agent Orange supplied by any producer during the Vietnam conflict.

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3. Because we lack crucial information as to the manner in which the Agent Orange allegedly produced by Monsanto was identified and analyzed, it would be inappropriate to draw any conclusions based on the information contained in the government document. As a general matter, it should be borne in mind that there are some 75 members of the dioxin family and that their toxicity varies widely. Of those, only one, 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) is regulated by the Government because of its toxicity. Further, the analytical capability to identify 2,3,7,8-TCDD unambiguously from all the other members of the dioxin family simply did not exist prior to 1979. We believe that the analysis reflected on the government document was conducted prior to 1979. Thus, we have significant doubt as to the accuracy--or even the meaning--of the figures reflected there.

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