

A F F I D A V I T

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

Chester A. Jeffers, the undersigned affiant, after being first duly sworn, upon his oath, this 22nd day of April, 1983, does hereby depose and say as follows:

1. That he was employed at the Nitro, West Virginia Plant of Monsanto continuously from 1936 to 1957.

2. That he worked in all parts of the Plant during the day, evening and night shifts, and was exposed to all processes and chemicals produced and used at the Nitro Plant so far as he knows.

3. That he was so employed at the Nitro Plant in March of 1949 and worked repairing the autoclave which exploded on March 8, 1949, in Building 41.

4. That in the course of repairing the autoclave it was necessary for him to work on the autoclave removing damaged equipment.

5. That after his work on the autoclave, he sought medical attention at the Plant infirmary for acne on face, eyes, back, nervousness, and aches and pains in his legs. That the Plant Physician did not diagnose his condition and sent him to specialists in Charleston, none of whom diagnosed his condition.

6. That as a result of the medical complaints, a Workmen's Compensation claim was filed in his behalf by Monsanto.

7. That Monsanto officials presented blank Workmen's Compensation papers to him for his signature. That the first time that he has seen the words "unknown products of decomposition" appearing on the Workmen's Compensation papers dated February 10, 1950, which contained his signature, was when his lawyers W. Stuart Calwell, Jr. and Paul L. Pratt presented him copies on April 22, 1983.

8. That he was told by Monsanto officials in 1950 that the Workmen's Compensation papers were sent to Charleston and that he was to see a number of doctors and that someone would get back to him about it.

9. That three or four years went by and finally in approximately 1954 he was referred to the law firm of Jeter and Jeter by one of Monsanto's doctors who had been treating him for the above-mentioned medical complaints. That he believes that Workmen's Compensation finally said that the substances resulting from the 1949 autoclave explosion had caused his bumps and that his other problems were minor and unrelated to work. After all those years and after being examined by so many doctors and being told that there was nothing seriously wrong with him he came to believe there wasn't.

10. That he always thought from February 1950 that the Workmen's Compensation claim filed by Monsanto was as a result of

his being assigned to work on the damaged autoclave in Building 41 which he though caused his above-mentioned health problems.

11. That at no time until he filed his lawsuit did he have any idea that his continued exposure to 2,4,5-T, or any other chemical, between 1949 and 1957 may have been the cause of his complaints.

12. Had he known that 2,4,5-T, or something connected with 2,4,5-T was the cause of his health problems that he was experiencing in the early 1950's, he would never have continued to work in 2,4,5-T as he did for seven years after his Workmen's Compensation claim. All the while, he thought his problems were caused by the explosion in the autoclave in Building 41.

13. That he believed the doctors who said at the compensation hearings that there was nothing seriously wrong with him that was related to work and that after the hearings, he did not believe Dr. Halloran. He thought he would eventually get well and have no more health problems. He has only recently discovered that the long term effects of his exposure experienced at Monsanto have destroyed much of his nervous system, has caused him to develop heart disease and has caused brain damage, and upset his immunological system, among other serious effects.

14. That the entire time of his employment with Monsanto from 1936 until 1957 he never once believed that Monsanto would expose him to dangerous chemicals or substances without warning

him and without providing him with adequate training, safety equipment and protective clothing. Never once during that time was he concerned about working in 2,4,5-T because Monsanto never advised him that 2,4,5-T, or trichlorophenol, were dangerous or harmful to his health.

15. That he had no reason to believe at the time and throughout the course of the proceedings before the Workmen's Compensation Commission that his problems were caused by anything other than the exposure to the autoclave involved in the 1949 explosion.

16. That he would report to the infirmary at Monsanto for treatment of injuries and illnesses, and that Richard C. Wallace, whom he personally knows as the Monsanto physician, never advised him that his problems were caused by work, and that Dr. Wallace told him his problems had causes unrelated to work.

17. That he relied on Dr. Wallace's statements and believed that his problems were minor and unrelated to work.

18. That he believed during his employment that Monsanto was taking whatever safety precautions were necessary to protect his health, that Monsanto was monitoring employee health, that he did not know he was being exposed to any dangerous chemicals, other than those which Monsanto advised him were dangerous, that, other than his experience at Monsanto, he had no education or training in the hygiene and safety procedures appropriate in a chemical plant, and that Monsanto never gave him any formal

training in hygienic or safety practices.

19. That no physician, including Dr. Halloran, or any Monsanto Administrator or employee, ever advised him that 2,4,5-T, trichlorophenol, carbon disulfide or hydrogen disulfide would cause long term permanent health problems or would cause heart disease, brain disease, nerve disease, stomach disease, or any other physical ailment.

20. That no physician or any Monsanto official, administrator or employee ever told him there was such a substance as 2,3,7,8-tetrachlorodibenzo-p-dioxin, "DIOXIN."

21. That he never saw any documents from the West Virginia Department of Health or the Public Health Service and never knew or was examined by Dr. Louis Schwartz.

22. That he believed Monsanto was voluntarily trying to find out the cause of his health complaints following the 1949 explosion and believed that when Monsanto found out the cause it would tell him and Compensation.

23. That he relied on Monsanto's statements that 2,4,5-T was safe and relied on Monsanto's statements that his health complaints were not related to work.

24. That he considered 2,4,5-T safe and took it home on a regular basis to use on his garden.

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The undersigned, Chester A. Jeffers, after being first duly sworn, upon his oath, does hereby certify that the facts contained in the foregoing Affidavit dated April 22,, 1983, are true and correct insofar as they are based upon information and belief, and the undersigned believes them to be true.

Chester A. Jeffers

Taken, subscribed and sworn to before me this the 22nd day of

April, 1983.

Loretta Van Sickle
NOTARY PUBLIC

My commission expires

July 14, 1985