

Monsanto

FROM (NAME & LOCATION): F. J. Camargo - St. Louis

January 27, 1972

SUBJECT: PCB -- DIELECTRIC FLUIDS

REFERENCE

TO: S. P. Lio - Mexico City
J. F. Valente - Sao Paulo
E. M. Morgan - Buenos Aires

cc: J. E. Tucker
E. Greene
S. Paton - B2SC
P. Benignus - B2SH
T. Gossage - B2SL
H. S. Bergen - B2SL
W. R. Corey - B2SL
P. A. Klingsporn

It is our intention to continue to supply these products, and as of this date we expect to satisfy customer orders without major restriction at least until March 31, 1972. However, in view of corporate management directives, based on policies arrived at through close consultation with the Law Department, we must prepare to implement the restrictive policies already adopted in the U.S.A. These involve a shared responsibility with our customers for continued use of PCB's in transformers and capacitors.

We will require that customers execute "hold harmless" agreements. We will be writing you soon on the procedure, but in the meantime I have been requested by Paul Klingsporn to ask that you check with local counsel to make sure "hold harmless" agreements (sample attached) are enforceable and would effectively protect us in case of subsequent litigation. If not, what changes, if any, would local law require?

One addition that will probably have to be made is wording to ensure that both the local selling company and the manufacturer (MC, MIC, MISCO or MCL) are held harmless. Some of your customers are subsidiaries of U.S. firms. We shall try to keep you informed of the actions of these parents. G.E. and Westinghouse, for example, have indicated they would sign some form of hold harmless agreement.

A parent company's agreement would not necessarily be binding on a subsidiary or enforceable in the subsidiary's country, hence our request for local counsel.

You have substantial dielectric fluids business. Your marketing personnel have been kept informed in detail of developments in the PCB and PCT area. Your overall surveillance to ensure response to the various PCB directives which have been sent would be appreciated.

F. J. Camargo
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Attachments