

Hazardous Substances in the Work Area

PLAINTIFF'S EXHIBIT

MON-1328

I. Criteria For Judging If A Material Is Hazardous

A material or a mixture is hazardous under the OSHA Hazard Communication Standard, and therefore, requires a Material Safety Data Sheet if:

1. The material or mixture has been tested and found to meet the health hazard criteria established in the OSHA Standard (29 CFR Part 1910.1200). Health hazards include carcinogens, corrosives, toxic materials, irritants, sensitizers and materials having target organ effects.
2. The material or mixture has been tested and found to be a physical hazard as defined by the Standard. Examples include compressed gases, explosives, oxidizers, flammables, combustibles and organic peroxides.
3. The mixture has not been tested as a whole, and any component is a carcinogen or potential carcinogen and is present at a level of 0.1% or more, including:
 - a. Any material listed in the latest edition of the NTP Annual Report on Carcinogens, the IARC (International Agency for Research on Cancer) monographs or 29 CFR 1910, Subpart Z (OSHA Carcinogens) is defined to be a carcinogen or potential carcinogen under OSHA.
 - b. Any material classified by Monsanto for labeling purposes as a carcinogen or potential carcinogen.
 - c. Any material classified by Monsanto internal procedures as a carcinogen or potential carcinogen.
4. The mixture has not been tested as a whole, and any component is listed on 29 CFR 1910, Subpart Z or the latest edition of the ACGIH TLV's, and is present at a level of 1% or more.
5. The material, a mixture, or any component of a mixture (if the mixture has not been tested as a whole) is classified by Monsanto for labeling purposes as requiring a warning statement of any type other than a good hygiene statement, and is present at 1% or greater.

Monsanto will carefully evaluate its products and chemicals for potential to harm humans and the environment. Early in a new product development project, the following will be provided to the Department of Medical and Environmental Health to initiate the preliminary assessment of safety and environmental capability:

1. Product and Chemical Name
2. CAS Number (if available)
3. Common Names and Synonyms
4. Trade Names
5. Molecular and Structural Formula
6. Molecular Weight
7. Physical Data Sheet
8. Known or Expected Impurities
9. Expected Major Areas of Use and Volume
10. Toxicity Known
11. Expected Environmental Impact from Manufacturing Process Wastes and from Product Use and Disposal

This information, along with an appropriate literature search, will be used by DMEH to assess the tests needed for the product. Part of the literature search will include a review of available data bases such as Medline, Toxline, etc. and Appendices A and B of the OSHA Hazard Communication Standard.

Upon completion of the preliminary assessment, DMEH may list additional studies deemed necessary for completion of the comprehensive assessment of safety and environmental compatibility. They may also recommend dropping a product from consideration. The list of studies initially proposed may be expanded as information is accumulated from exposure data and clinical experience to confirm or deny the toxicology studies. Monsanto may conduct various toxicology tests in its own Environmental Health Laboratory or contract these studies at outside independent qualified laboratories. When the information requested has been obtained, a decision regarding product hazard and risk will be made.

It should also be noted that some products are also evaluated under other existing laws such as FIFRA (pesticides) and FDA (Food and Drug Administration) that require some different approaches to justify agency approval.

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