Rec'd 11-24-71

IN THE COMMON PLEAS COURT, WAYNE COUNTY, OHIO

George Schwarzwalder
R. D. #2
Shreve, Ohio

Plaintiff

vs.

Michigan Silo Co.
901 Cherry Road, N. W.
Massillon, Ohio

The Monsanto Company
800 North Lindbergh Boulevard
St. Louis, Missouri

Defendants

Case No. 46254

INTERROGATORIES

Pursuant to Rule 33-A, Ohio Rules of Civil Procedure, the Plaintiff requests the Defendant, The Monsanto Company, by a proper officer or employee, to answer the following interrogatories fully and under oath:

1. Is The Monsanto Company a corporation?
2. If it is, what state was it incorporated?
3. Date of incorporation?
4. Are you registered to do business in the State of Ohio?
5. If so, give date of such registration?
6. Where is your home office?
7. Do you manufacture and distribute a product sold under the tradename of "Aroclor 1254"?
8. If so, state:
   a. The address of each plant where it is manufactured, processed or packaged.
   b. Whether you are the sole manufacturer and distributor of this product, and, if not
      1. The name and address of each other person, firm or other entity engaged in the manufacture or distribution of the product.
      2. Whether any other manufacturer produces the product by virtue of a franchise or license from you.
      3. The person or firm who produces "Aroclor 1254" for distribution in the northern Ohio area?
9. Do you manufacture and distribute a product sold under the name of "Cumar"?

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10. If so, state:

a. The address of each plant where it is manufactured, processed or packaged.

b. Whether you are the sole manufacturer and distributo of this product, and, if not

1. The name and address of each other person, firm, or other entity engaged in the manufacture or distribution of the product.

2. Whether any other manufacturer produces the product by virtue of a franchise or license from you.

3. The person or firm who produces Cumar for distribution in Ohio?

4. Does the Ohio Solvent Company, Cleveland, Ohio, produce Cumar?

5. Does the Michigan Silo Company, Massillon, Ohio, produce Cumar?

11. Do you distribute these products directly to retail outlets?

a. Aroclor-1254

b. Cumar

12. State the date of each shipment or delivery of these products, together with the quantity in each instance, to the Ohio Solvent Company, Cleveland, Ohio, and the Michigan Silo Company, Cherry Road, N. W., Box 514, Massillon, Ohio, within the five-year period prior to November, 1967.

a. Ohio Solvent Company

1. Aroclor 1254

2. Cumar

b. Michigan Silo Company

1. Aroclor 1254

2. Cumar

13. Is the Ohio Solvent Company, Cleveland, Ohio, a vendor of your chemical products?

a. Aroclor 1254?

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b. Cumar?

14. Do you own any stock or other interest in the Ohio Solvent Company, Cleveland, Ohio?

15. Do you own any stock or other interest in the Michigan Silo Company, Massillon, Ohio?

16. Did you engage in an advertising program to promote the sale of Aroclor 1254 prior to November, 1967?

17. If so, state:

a. The name or description of each advertising media that you have used within the 10-year period prior to November, 1967.

b. The name of each national magazine or periodical in which you have advertised this product in the 10-year period prior to November, 1967.

c. The date of each issue of such magazine or periodical in which such advertisement appeared.

d. The name and address of each newspaper in which you have advertised this product in the 10-year period prior to November, 1967.

e. The date of each publication of each newspaper in which the advertisement appeared.

f. The name, or other designation, of each radio or television network over which any advertisement of this product has been broadcast.

g. The date of each network broadcast.

h. The call letters and location of each radio or television station that has transmitted any advertisement of this product, on a local basis, within the 10-year period prior to November, 1967.

i. The date of each local broadcast.

18. Did you engage in an advertising program to promote the sale of Cumar prior to November, 1967?

19. If so, state:

a. The name or description of each advertising media that you have used within the 10-year period prior to November, 1967.

b. The name of each national magazine or periodical in which you have advertised this product in the 10-year period prior to November, 1967.

c. The date of each issue of such magazine or periodical in which such advertisement appeared.

d. The name and address of each newspaper in which you have advertised this product in the 10-year period prior to November, 1967.

e. The date of each publication of each newspaper in which the advertisement appeared.

f. The name, or other designation, of each radio or television network over which any advertisement of this product has been broadcast.

g. The date of each network broadcast.

h. The call letters and location of each radio or television station that has transmitted any advertisement of this product, on a local basis, within the 10-year period prior to November, 1967.

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i. The date of each local broadcast.

20. Have any of your advertising campaigns been handled by an agency?

21. If so, state the name and address of each advertising agency that has handled any portion of your advertising program within the 10-year period prior to November, 1967?

22. Is each container of Aroclor 1254 labeled to indicate its contents?

23. Are the labels attached to individual containers of Aroclor 1254 before they are shipped from your plant?

24. If not, state the name and address of each person, firm or other entity that places labels on these containers before they are sold to the ultimate consumer.

25. Do you place a brochure or other printed material in the individual cartons of Aroclor 1254 prior to shipment?

26. Was such brochure or other printed material placed in individual cartons of Aroclor 1254 on shipments made prior to November, 1967?

27. If not, what brochure orother printed material, if any, was placed in the cartons?

28. If the answer to Interrogatory No. 25 is no, state the name and address of each person, firm or other entity that publishes, prints, prepares or places any such printed matter in the individual cartons of Aroclor 1254.

29. Is each container of Cumar labeled to indicate its contents?

30. Are the labels attached to individual containers of Cumar before they are shipped from your plant?

31. If not, state the name and address of each person, firm or other entity that places labels on these containers before they are sold to the ultimate consumers.

32. Do you place a brochure or other printed material in the individual cartons of Cumar prior to shipment?

33. Were such brochures or other printed material placed in individual cartons of Cumar on shipments made prior to November, 1967?

34. If not, what brochures or other printed material, if any, were placed in the cartons?

35. If the answer to Interrogatory No. 32 is no, state the name and address of each person, firm or other entity that publishes, prints, prepares or places any such printed matter in the individual cartons of Cumar?

36. What ingredients are contained in Cumar?

37. Specifically, is Aroclor 1254 one of the ingredients in Cumar?

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38. Are any of these ingredients toxic as defined in 15 U.S.C. 1261 (g)?

39. Specifically, is Aroclor 1254 toxic as so defined?

40. If the answer to Interrogatory No. 38 is yes, state:

a. The name or chemical composition of each toxic substance, and whether it produces its harmful effects through ingestion, inhalation or absorption.

b. A description of the harmful effects produced.

c. The proportion of each of these ingredients that used in compounding Cumar.

41. Are any of the ingredients contained in Cumar corrosive as defined in 15 U.S.C. 1261 (i)?

42. If so, state:

a. The name of chemical composition of each substance.

b. What effect it has on living tissue.

c. The proportion of this ingredient in compounding Cumar?

43. Are any of the ingredients contained in Cumar irritants as defined in 15 U.S.C. 1261 (j)?

44. If so, state:

a. The name of chemical composition of each irritant.

b. The effect produced when each irritant comes in contact with living tissue.

c. The proportion of each irritating substance used in compounding Cumar.

45. Are any of the ingredients used in Cumar strong sensitizers as defined in 15 U.S.C. 1261 (k)?

46. If so, state:

a. The name or chemical composition of each such ingredient.

b. The effect repeated contact each such ingredient has on living tissue.

c. The proportion of each sensitizing ingredient used in compounding Cumar.

47. Do you contend that Cumar is not a "hazardous substance" as defined in 15 U.S.C. 1261 (f)?

48. If so, state the facts you rely on to support such contention.

49. Did you display any written, printed or graphic matter on a label posted on each individual container of Cumar to warn of any harmful ingredient it might contain?

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50. If so, state:

a. Whether a signal word such as "Danger", "Warning", or "Caution" was displayed on the label, and, if so, indicate which.

b. The wording of statements describing the hazard.

c. Whether any signal words were printed in boldface, capital letters or different colored ink, indicating which.

51. If you will do so without a motion to produce, attach a copy of the label on which the warning was displayed to your answers to these interrogatories.

52. Is Cumar distributed in interstate commerce?

53. Have you ever been acused of violating any of the provisions of the Federal Labeling of Hazardous Substances Act (15 U.S.C. 1261 et seq.)?

54. If so, state:

a. The date of each indictment, complaint or information that accused you of such violation.

b. The Court in which the proceedings were instituted.

c. The plea you entered.

d. The verdict and judgment in each case.

e. The date set for the trial of any pending case.

55. Has any quantity of Cumar ever been seized by any governmental agency?

56. If so, state:

a. The date of each such occurrence.

b. The name or description of the violation of which you were accused.

c. The Court in which the action was filed.

d. The judgment that was rendered.

e. The date that has been set for the trial of any pending case.

57. Have you ever received notice of injury to any person as a result of the use of Cumar?

58. If so, as to each such notice, state:

a. The date it was received.

b. The name and address of the injured person.

c. The injuries claimed.

59. Have you ever been named as a Defendant in any other action to recover damages for injuries received as a result of using Cumar?

60. If so, as to each action, state:

a. The name and address of each Plaintoff.

b. The name and address of each Co-Defendant.

c. The date it was filed.

d. The name of the Court in which filed.

e. The Judgment rendered.

f. The date that has been set for trial of any case still pending.

g. The terms of any settlement reached before or during trial.

h. Whether any appeal is ponding from any judgment that has been rendered.

61. Are any of the ingredients contained in Aroclor 1254 corrosive as defined in 15 U.S.C. 1261 (i)?

62. If so, state:

a. The name or chemical composition of substance.

b. What effect it has on living tissue.

c. The proportion of this ingredient used in compounding Aroclor 1254?

63. Are any of the ingredients contained in Aroclor 1254 irritants as defined in 15 U.S.C. 1261 (j)?

64. If so, state:

a. The name or chemical composition of each such irritant.

b. The effect produced when each such irritant comes in contact with living tissue.

c. The proportion of each irritating substance used in compounding Aroclor 1254?

65. Are any of the ingredients used in Aroclor 1254 strong sensitizers as defined in 15 U.S.C. 1261 (k)?

66. If so, state:

a. The name or chemical composition of each such ingredient.

b. The effect repeated contact each such ingredient has on living tissue.

c. The proportion of each sensitizing ingredient used in compounding Aroclor 1254.

67. Do you contend that Aroclor 1254 is not a "hazardous substance" as defined in 15 U.S.C. 1261 (f)?

68. If so, state the facts you rely on to support such contention.

69. Prior to November, 1967, did you display any written, printed or graphic matter on a label posted on each individual container of Aroclor 1254 to warn of any harmful ingredient it might contain?

70. If so, state:

a. Whether a signal word such as "Danger", "Warning" or "Caution" was displayed on the label, and, if so, indicate which.

b. The wording of statements describing the hazard.

c. Whether any signal words were printed in boldface, capital letters or different colored ink, indicating which.

71. If you will do so without a motion to produce, attach a copy of the label on which the warning was displayed to your answers to these interrogatories.

72. During the period from November 1, 1967, to the date of your answer to these interrogatories, did you or do you display any written, printed or graphic matter on a label posted on each individual container of Aroclor 1254 to warn of any harmful ingredient it might contain?

73. If so, state:

a. Whether a signal word such as "Danger", "Warning", or "Caution" was displayed on the label, and, if so, indicate which.

b. The wording of statements describing the hazard.

c. Whether any signal words were printed in boldface, capital letters or different colored ink, indicating which.

74. If you will do so without a motion to produce, attach a copy of the label on which the warning was displayed to your answers to these interrogatories.

75. Is Aroclor 1254 distributed in interstate commerce?

76. With respect to Aroclor 1254, have you ever been accused of violating any of the provisions of the Federal Labeling of Hazardous Substances Act (15 U.S.C. 1261 et seq.)?

77. If so, state:

a. The date of each indictment, complaint or information that accused you of such violation.

b. The Court in which the proceedings were instituted.

c. The plea you entered.

d. The verdict and judgment in each case.

e. The date set for trial of any pending case.

78. Has any quantity of Aroclor 1254 ever been seized by any governmental agency?

79. If so, state:

a. The date of each such occurrence.

b. The name or description of the violation of which you were accused.

c. The Court in which the action was filed.

d. The Judgment that was rendered.

e. The date that has been set for the trial of any pending case.

80. Have you ever received notice of injury to any person as a result of the use of Aroclor 1254?

81. If so, as to each such notice, state:

a. The date it was received.

b. The name and address of the injured person.

c. The injuries claimed.

82. Have you ever received notice of damages to any property as a result of the use of Aroclor 1254?

83. If so, state:

a. The date it was received.

b. The name and address of the owner of the damaged property.

c. The type and nature of the damages claimed.

84. Have you ever been named as a Defendant in any action to recover damages for injuries received as a result of usir Aroclor 1254?

85. If so, as to each action, state:

a. The name and address of each Plaintiff.

b. The name and address of each Co-Defendant.

c. The date it was filed.

d. The name of the Court in which filed.

e. The judgment rendered.

f. The date that has been set for trial of case still pending.

g. The terms of any settlement reached before or during trial.

h. Whether any appeal is pending from any judgment that has been rendered.

86. Have you ever been named as a Defendant in any action to recover damages for property damage as a result of using Aroclor 1254?

87. If so, as to each action, state:

a. The name and address of each Plaintiff.

b. The name and address of each Co-Defendant.

c. The date it was filed.

d. The name of the Court in which filed.

e. The judgment rendered.

f. The date that has been set for trial of any case still pending.

88. Have you had to pay any Workman's Compensation Claims to any of your employees caused by Aroclor or any of its ingredients?

89. If so, as to each claim, state:

a. The date the injury was received.

b. The name and address of the manufacturing plant where it was sustained.

c. The name and address of the injured person.

d. The injuries claimed.

e. The nature of any settlement.

90. Have you ever sponsored any research of the physiological response of animals to the inhalation of Aroclor 1254?

91. If so, as to each research project, state:

a. When and where was the research performed?

b. The names of the scientists who conducted the research.

c. The results of the research.

92. If you will do so withouta motion to produce, attach a copy of the research report, or publication, if published, containing the explanation of the research and its results, including any conclusions or recommendations, for each research project.

93. Is Aroclor 1254 what is known as a chlorinated hydrocarbo

94. Is Aroclor 1254 soluble in water?

95. Is Aroclor 1254 soluble in glycerine?

96. Is Aroclor 1254 soluble in organic substances?

97. Is Aroclor 1254 a Polychlorinated Biphenyl or what is commonly called "PCB"?

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98. Has there been any research with respect to the effect of PCB in the diet of animals?

99. If so, as to each research project, state:

a. When and where was the research performed?

b. The names of the scientists who conducted the research.

c. Whether Aroclor 1254 was involved.

d. The results of the research.

e. The name, date, volume of the publication of the results, along with the name of the article and page number.

f. Whether you sponsored the research.

100. Has the Food and Drug Administration of the United States established a tolerance level for PCB in food?

101. If so, set forth the tolerance level in parts per million, the date it was established, and whether the U. S. Food and Drug Administration or the U. S. Department of Agriculture or any State Agency has prohibited from being marketed any food items, including milk, which contained PCB above the tolerance level?

102. With respect to any such prohibitions, state:

a. The date.

b. The governmental agency involved.

c. The food items involved.

d. Whether Aroclor 1254 was involved.

103. Are you presently marketing products which contain PCB?

104. Have you informally agreed with the Federal Government that you will sell PCB products only for use in closed systems?

105. Do you presently sell Aroclor 1254 for use in silo paint?

106. If you do not, give the date which you stopped selling Aroclor 1254 for use in silo paint, and the reason why you stopped.

107. Do you presently sell Aroclor 1254 for use in any paint?

108. Have you sponsored any research with respect to whether PCB causes birth defects in animals?

109. If so, as to each research project, state:

a. When and where was the research performed.

b. The names of the scientists who conducted the research.

c. Whether Aroclor 1254 was involved.

d. The results of the research.

e. The name, date, Volume of the publication of the results, along with the name of the article and page number.

110. Have you conducted or sponsored any studies or tests with respect to using Aroclor 1254 as an ingredient in silo paint?

111. If so, what were the results of such studies or tests?

112. Have you received notice or have knowledge of any State other than Ohio prohibiting milk producers from marketing for human consumption milk which contained Aroclor 1254?

113. If so, as to each such occurrence, state:

a. The name of the State.

b. The State Agency involved.

c. The percentum of Aroclor in the milk.

d. The name and address of the producer.

114. Has any country limited, restricted or prohibited the sale or use of products containing PCB?

115. If so, as to each country and product, state:

a. The name of the country.

b. The name of the product.

c. The type of limitation.

d. Whether you manufactured the product or any ingredient in the product.

e. Whether Aroclor 1254 was involved.

f. The date the limitation went into effect.

g. The reason given by the government for such limitation.

116. Do you manufacture PCB's in Europe and Japan under the trade names of Phenochlor and Clophen?

117. Are polychlorobiphenyls made by substituting chlorine atoms for one or more of the hydrogen atoms at the numbered positions of the biphenyl structure?

118. Are the various Aroclors differentiated by four-digit numbers?

119. Does the last two digits of such numbers indicate the percentage of chlorine in the Aroclor mixture?

120. What is the percentage of chlorine in the "Aroclor 1254" mixture?

121 Is any Aroclor product, alone, or in chemical combination, or in formulation with one or more other substances an "economic poison" within the meaning of the Federal Insecticide Fungicide and Rodenticide Act (7 U.S.C. 135-135k)?

122. If so, as to each such product, state:

a. The name of the product.

b. Its chemical formula.

c. The Aroclor number used therein.

d. Its use and any restrictions thereon.

e. Whether it is registered and approved by the Federal Government.

123. Is any Aroclor product, alone, or in chemical combina- or in formulation with one or more other substances an "economic poison", within the meaning of section 201 (q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 (q))?

124. If so, as to each such product, state:

a. The name of the product.

b. Its chemical formula.

c. The Aroclor number used therein.

d. Its use and any restrictions thereon.

e. Whether it is registered and approved by the Federal Government.

125. With respect to any Aroclor product, alone, or in chemical combination or in formulation with one or more other substances or any ingredient in any Aroclor product, has the Food and Drug Administration, United States Department of Health, Education, and Welfare established tolerances for such in or on raw agricultural commodities?

126. If so, as to each such product or ingredient, state:

a. The name of the Aroclor product.

b. The particular chemical for which a tolerance was set.

c. The product's use and any restrictions thereon.

d. The regulations cite.

e. The Aroclor number used therein.

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f. The agricultural commodities on which the tolerance was set.

127. With respect to any Aroclor product, alone, or in chemical combination, or in formulation with one or more other substances, or any ingredient in any Aroclor product, has anyone filed a petition with the Food and Drug Administration, United States Department of Health, Education, and Welfare proposing tolerances in or on raw agricultural commodities?

128. If so, as to each such product or ingredient and as to each such petition state?

a. The name of the petitioner.

b. The name of the Aroclor product.

c. The Aroclor number used therein.

d. The outcome of such petition.

129. With respect to any Aroclor product, alone, or in chemical combination, or in formulation with one or more other substances, or any ingredient in any Aroclor product, has anyone filed a petition with the Food and Drug Administration, United States Department of Health, Education and Welfare proposing an exemption from the establishment of tolerances in or on raw agricultural commodities?

130. If so, as to each such product or ingredient and as to each such petition, state:

a. The name of the petitioner.

b. The name of the Aroclor product.

c. The Aroclor number used therein.

d. The outcome of such petition.

131. With respect to any Aroclor product, alone, or in chemical combination, or in formulation with one or more other substances, or any ingredient in any Aroclor product, has the Food and Drug Administration, United States Department of Health, Education and Welfare issued any regulations concerning such product or ingredient pursuant to the "Food Additives" provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301-392)?

132. If so, as to each such product or ingredient, state:

a. The name of the Aroclor product or ingredient involved.

b. The regulations cite.

c. The effective date of the regulations.

d. The Aroclor number involved.

e. Whether a tolerance was established.

133. Is any Aroclor numbered product used as a preservative for wood?

134. If so, has the Food and Drug Administration, United

States Department of Health, Education and Welfare, issued regulations which set forth the limitations with respect that the Aroclor product or any ingredient contained therein may be safely used on Wooden articles that are used or intended for use in packaging, transporting, or holding raw agricultural products?

135. If the answer to Interrogatory No. 134 is yes, state in connection therewith:

a. The regulations cite.

b. The effective date (s) of the regulation.

c. The Aroclor product including Aroclor number involved.

136. Other than the particular regulations stated above, has any Federal Agency issued any regulations establishing restrictions, limitations, conditions, or prohibitions on the use of any Aroclor product or ingredient therein?

137. If so, as to each such Aroclor product or ingredient, state:

a. The name of the Federal Agency.

b. The regulations cite.

c. The effective date (s) of the regulation.

d. The name of the Aroclor number, and ingredient involved.

e. The nature of the limitation, etc., on its use.

138. Did you change your marketing policy with respect to Aroclor products in 1970?

139. If so, did such policy change include the marketing of Aroclor 1254 for use in silo paint?

140. Did you state in a letter in 1970 to Congressman William F. Ryan of New York that as of August 30, 1970, you would no longer sell PCB's to customers for use in general plasticizer operations where disposal of the end-products cannot be controlled?

PROOF OF SERVICE

A copy of the foregoing Interrogatories was mailed this 23rd day of November, 1971, to Jacob F. Hoss, Jr., Attorney for Defendant, The Monsanto Company, at Amerman, Burt, Shadrach, McHenry and Jones, Attorneys at Law, 250 Peoples-Merchants Trust Building, Canton, Ohio, 44702.

Richard Kauffman

Richard Kauffman, Attorney for Plaintiff
Kauffman and Cicconetti
507 Peoples Federal Building
P. O. Box 153
Wooster, Ohio 44691

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