

PX 1545

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

RAY MARSHALL, SECRETARY OF LABOR,
U. S. DEPARTMENT OF LABOR,

Complainant,

vs.

MONSANTO COMPANY,
W. G. KRUMMRICH PLANT,

Respondent.

OSHRC Docket No.

79-3460

RESPONDENT'S RESPONSES TO COMPLAINANT'S REQUESTS FOR ADMISSIONS

(FIRST SET)

COMES NOW, Respondent, Monsanto Company, W. G. Krummrich Plant, a corporation, pursuant to the Discovery Schedule entered into between the parties, and for its answers to Complainant's Requests for Admissions (First Set), heretofore submitted to Respondent, states as follows:

1. Respondent admits Complainant's Request for Admission No. 1.
2. Respondent admits Complainant's Request for Admission No. 2.
3. Respondent admits Complainant's Request for Admission No. 3.
4. Respondent admits Complainant's Request for Admission No. 4.
5. Respondent admits that on the date of the inspection referred to in its Request for Admission No. 1, that it employed approximately 1,400 employees throughout the entire facility.
6. Respondent admits Complainant's Request for Admission No. 6 (a) and thus No. 6 (b) and 6 (c) are inapplicable.

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7. (a) Respondent denies Complainant's Request for Admission No. 7 (a).

7. (b) Respondent admits Complainant's Request for Admission No. 7 (b).

7. (c) Respondent denies Complainant's Request for Admission No. 7 (c).

8. (a) Respondent denies Complainant's Request for Admission No. 8 (a).

8. (b) Respondent denies Complainant's Request for Admission No. 8 (b).

9. Respondent admits Complainant's Request for Admission No. 9.

10. Respondent denies Complainant's Request for Admission No. 10.

11. Respondent denies Complainant's Request for Admission No. 11 in the form stated, because dioxin refers to a broad class of compounds estimated to exceed 10,000 in number.

12. Respondent denies Complainant's Request for Admission No. 12.

13. (a) Respondent denies Complainant's Request for Admission No. 13 (a).

13. (b) Respondent denies Complainant's Request for Admission No. 13 (b).

14. Respondent denies Complainant's Request for Admission No. 14.

15. Respondent denies Complainant's Request for Admission No. 15.

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16. (a) Respondent admits that it has analyzed samples of pentachlorophenol and its intermediates for the presence of dioxin.

16. (b) Respondent admits that it has analyzed samples of pentachlorophenol and its intermediates for the presence of dioxin.

17. Respondent is unable to admit or deny Complainant's Request for Admission No. 17, stating there are techniques which have been found useful for measuring similar types of chemicals in the air, and therefore, denies Complainant's Request for Admission No. 17.

18. Respondent denies Complainant's Request for Admission No. 18.

19. (a) and (b) Respondent states that all cases of chloracne at Respondent's plant arose in Department 236, which produced pentachlorophenol, prior to the first quarter of 1978, when that Department was shut down. Treatment for such chloracne was provided prior to and subsequent to February 7, 1979.

20. Respondent admits Complainant's Request for Admission No. 20.

21. Respondent denies Complainant's Request for Admission No. 21.

22. Respondent denies Complainant's Request for Admission No. 22.

23. Respondent denies Complainant's Request for Admission No. 23.

24. (a) Respondent denies Complainant's Request for Admission No. 24 (a).

24. (b) Respondent admits Complainant's Request for Admission No. 24 (b).

25. (a) Respondent is unable to admit or deny Complainant's Request for Admission No. 25 (a), as Respondent has denied Complainant's Request for Admission No. 24 (a).

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25. (b) Respondent admits Complainant's Request for Admission No. 25 (b), stating that some form of dioxin was found in a trace amount.
26. Respondent admits Complainant's Request for Admission No. 26.
27. (a) Respondent admits Complainant's Request for Admission No. 27 (a).
27. (b) Respondent admits Complainant's Request for Admission No. 27 (b).
27. (c) Respondent admits Complainant's Request for Admission No. 27 (c).
28. Respondent admits that the items listed in Complainant's Request for Admission No. 28 (a) through (e) were part of the protective equipment issued to Respondent's employees.
29. Respondent denies Complainant's Request for Admission No. 29.
30. (a) Respondent admits Complainant's Request for Admission No. 30 (a).
30. (b) Respondent admits Complainant's Request for Admission No. 30 (b).
30. (c) Respondent denies Complainant's Request for Admission No. 30 (c).
30. (d) Respondent denies Complainant's Request for Admission No. 30 (d).
30. (e) Respondent admits Complainant's Request for Admission No. 30 (e).

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30. (f) Respondent denies Complainant's Request for Admission No. 30 (f).

30. (g) Respondent denies Complainant's Request for Admission No. 30 (g).

30. (h) Respondent denies Complainant's Request for Admission No. 30 (h).

31. Respondent denies Complainant's Request for Admission No. 31.

32. Respondent admits Complainant's Request for Admission No. 32.

33. Respondent objects to Complainant's Request for Admission No. 33 on the grounds that matters which may have occurred away from Respondent's premises, and at a time and place remote from the inspection and citation herein, are immaterial and beyond the scope of the pleadings herein, and therefore, denies the same.

34. Respondent objects to Complainant's Request for Admission No. 34 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

35. Respondent objects to Complainant's Request for Admission No. 35 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

36. Respondent objects to Complainant's Request for Admission No. 36 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

37. Respondent objects to Complainant's Request for Admission No. 37 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

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38. Respondent objects to Complainant's Request for Admission No. 38 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

39. Respondent objects to Complainant's Request for Admission No. 39 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

40. Respondent objects to Complainant's Request for Admission No. 40 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

41. Respondent objects to Complainant's Request for Admission No. 41 on the grounds as set forth in response to Complainant's Request for Admission No. 33, and therefore, denies the same.

42. (a) Respondent denies Complainant's Request for Admission No. 42 (a).

42. (b) Respondent denies Complainant's Request for Admission No. 42 (b).

43. Respondent admits Complainant's Request for Admission No. 43 only to the extent that some cases of chloracne may be a recordable occupational injury or illness as defined in 29 C.F.R. Section 1904.12 (c), where they fall within the requirements of the aforesaid section.

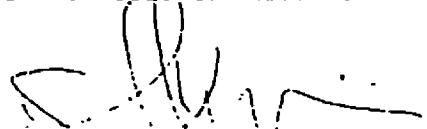
44. Respondent denies Complainant's Request for Admission No. 44.

45. Respondent denies Complainant's Request for Admission No. 45.
46. Respondent denies Complainant's Request for Admission No. 46.
47. Respondent objects to Complainant's Request for Admission No. 47 (a), (b) and (c) on the grounds that said question requires Respondent to engage in speculation as to the response to the question in the format asked, and therefore, denies the same.

48. Respondent denies Complainant's Request for Admission No. 48.
49. Respondent denies Complainant's Request for Admission No. 49.
50. Respondent denies Complainant's Request for Admission No. 50.
51. Respondent denies Complainant's Request for Admission No. 51.
52. Respondent denies Complainant's Request for Admission No. 52.
53. Respondent denies Complainant's Request for Admission No. 53.
54. Respondent denies Complainant's Request for Admission No. 54.
55. Respondent denies Complainant's Request for Admission No. 55.
56. Respondent admits Complainant's Request for Admission No. 56, in that following an accident as referred to in Complainant's Request for Admission No. 54, certain employees exhibited symptoms which were diagnosed as chloracne.

57. Respondent denies Complainant's Request for Admission No. 57.

LAW OFFICES OF FRANK L. PELLEGRINI


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Attorneys for Respondent.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Request for Admissions were served upon Complainant by mailing a copy of the same by certified mail, return receipt requested, addressed to Gerald C. Moton, Attorney at Law, U. S. Department of Labor, Office of the Solicitor, 230 South Dearborn Street, Chicago, Illinois 60604, on the 30th day of November, 1979.

A handwritten signature in dark ink, appearing to be "J. H. [unclear]", is written over a horizontal line.

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