NEWS

Burns
Monsanto

D. R. Bishop
(314) 694-2891
PUBLIC RELATIONS DEPARTMENT
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63166

FOR RELEASE

IMMEDIATELY 1980

ST. LOUIS, July 29 -- Monsanto Company said today it will vigorously contest a recent lawsuit brought by the U.S. Environmental Protection Agency to force the company to clean up alleged polychlorinated biphenyl (PCB) pollution in Waukegan Harbor (north of Chicago). Monsanto has repeatedly disclaimed any responsibility for the alleged pollution of the harbor.

In issuing the statement, Dr. John H. Craddock, Manager of Product and Environmental Safety for Monsanto, said this EPA action stems from a two-year-old lawsuit originally brought against Outboard Marine Corporation of Waukegan, Ill., as the only defendant.

"This is a clear attempt by the government to hold manufacturers of chemicals responsible for alleged improper waste disposal of others," Dr. Craddock said.

He explained that the original complaint, filed in federal court in Chicago, sought to force Outboard Marine to remove PCBs it allegedly discharged into Waukegan Harbor and Lake Michigan. The complaint further claimed that the discharges were in violation of Outboard Marine's discharge permit issued by EPA in 1975.

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Dr. Craddock said that Outboard Marine later filed a third-party complaint alleging that Monsanto had sold it hydraulic fluids containing PCBs since the 1950's and, thus, Monsanto should reimburse it for any costs that might result from the lawsuit. "Monsanto has steadfastly maintained that it has no liability or responsibility for the actions of Outboard Marine," he said.

According to Dr. Craddock, the action between the United States and Outboard Marine progressed steadily for more than two years until, without warning, on July 22 the EPA moved to file an amended complaint adding Monsanto as a defendant.

Dr. Craddock said Monsanto did at one time manufacture fire resistant hydraulic fluids containing PCBs. "However," he pointed out, "as scientific information became available about the presence of PCBs in the environment, the company promptly advised its customers and phased out the manufacture and sale of hydraulic fluids containing PCBs. That phaseout was completed early in 1972."

Dr. Craddock said this new action by the United States against Monsanto is based on "novel legal theories" and represents an effort to extend liability for alleged environmental pollution well beyond the limits recognized by the courts today.

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"The statute under which the government is proceeding was enacted in 1899 and to our knowledge this is the first time in 81 years that the government has attempted to use it in this manner," he added.

Dr. Craddock said the government's complaint against Monsanto is particularly surprising since a number of federal agencies have, on several occasions, reviewed and approved Monsanto's actions regarding PCBs.

"For example," he said, "in May of 1972, a Federal Interdepartment Task Force on Polychlorinated Biphenyls, which included the EPA -- the same agency that is now suing us -- issued a report praising Monsanto's voluntary phaseout and restricted sales program for PCBs." He said that report explicitly recognized that Monsanto's actions went well beyond any action that could have been legally enforced by the Federal Government.

Dr. Craddock said Monsanto has until Sept. 2, 1980 to answer this amended complaint, which it fully intends to do.

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