MONSANTO

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Date : September 30, 1987

Subject : PCB Issues - September Highlights

Reference :

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I. Regulatory Issues

- The California Proposition 65 Scientific Advisory Committee adjourned just prior to taking up the review of PCB carcinogenicity August 28, and has rescheduled the PCB review for October 30. The industry coalition of CMA, NEMA and EEI is continuing their activity and will comment at the hearing. Previously the industry group commissioned and submitted a very recent review of PCB carcinogenicity/health effects literature to the SAP for consideration. The coalition will argue that PCBs should not be lumped into a single chemical entity. This is supported by the animal studies and certain federal EPA regulatory decisions. The industry group will argue that, at worst only PCBs having an average chlorine content of 60% or greater should be classified as carcinogenic based upon animal/health effect studies. Dr. Rob James of the University of Arkansas will be spokesman for the industry group.

- Working with New Jersey Chemical Industry Council and the CMA PCB Program Panel, efforts are in progress to ask New Jersey DEP to again evaluate and adopt the federal PCB Cleanup Standard. A draft of the recent federal cleanup regulations was reviewed and accepted in principle by the Assistant Commissioner of New Jersey DEP in December, 1985. However, a new cast of characters is currently in place in the New Jersey DEP. A face to face discussion may not occur before early November.

II. Litigation

- A defense verdict was returned in the Scott case in Beaumont, Texas. This was a major victory in that the plaintiffs failed to convince the jury that a wide variety of alleged health effects were caused by exposure to PCBs.

- The Bloomington trail, scheduled for the first week of October, was stayed by the judge on the grounds that if Westinghouse

fulfills its obligations under a consent decree, the City of Bloomington will have no further damages to bring against Monsanto.

- The Rubanick trial is on hold, pending the judge's decision on a defense motion to disqualify the plaintiffs "medical" expert. Their expert is a biochemist (not an M.D.) who has never done research on PCBs, yet is willing to testify that PCBs caused the death of the plaintiff's husband. A decision is expected in December/January.

- There are no trial dates in the immediate future. However, several are tentatively scheduled for the first half of 1988.

III. Plants

- The Indian Orchard plant had a PCB spill from an in-service transformer that required notifying the EPA Region I office. Cleanup activities will have to be followed by sampling and analysis to verify that prescribed decontamination levels have been met. This is Monsanto's second reportable PCB spill under the EPA PCB Spill Cleanup Policy, effective May 4, 1987.

- The Carondelet plant PCB records were audited on September 4. Recommendations were made for organizing and archiving their files. Carondelet removed the last of their PCB equipment almost 5 years ago.

IV. Miscellaneous

- Ultrahazardous Activity Issue

  At our urging, CMA submitted an amicus brief on behalf of Pacific Gas and Electric Company in a lawsuit (Ahrens case - Monsanto not a party) in which use of PCB electrical transformers was alleged to be in itself an ultrahazardous activity.

  Precedent establishment of use of certain chemicals, related equipment or activities involving processing, transportation, etc. have serious legal liability implications, and is an issue of much broader scope than the PCB issues themselves.

- Gas Pipeline PCB Issues

  The Gas Research Institute Research Coordination Council reviewed recent activities surrounding broad media coverage of prior PCB disposal (pre 1978) in pits, etc. on pipeline right of way. They concluded that the problem is "more political than technical." PCB levels in natural gas

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condensate have been declining since the problem was identified in 1981-82 and removal of pit-disposed material has been progressing as EPA determines "how clean is clean".

- New York Academy of Science - Hudson River Study

To help guide the development of the New York Academy of Sciences (NYAS) document "Managing PCBs in the Hudson-Raritan Estuary and New York Bight", P. R. Michael and Geraldine Cox (CMA) met with academy personnel on September 22. A brief summary of human health effects of PCBs was developed to replace a very weak section of the current NYAS draft.

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