

NOTIFICATION OF EMPLOYEES RE
TRANSMITTAL OF SUBSTANTIAL RISK INFORMATION

SECTION 8(e)

TOXIC SUBSTANCES CONTROL ACT

SECTION 8(e) NOTICE TO ADMINISTRATOR OF SUBSTANTIAL RISKS

"Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such a substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information."

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INTERNAL PROCEDURES FOR TRANSMITTAL
OF SUBSTANTIAL RISK INFORMATION
TO THE DIRECTOR OF DMEH
MONSANTO COMPANY

The Toxic Substances Control Act obligates the Company to report immediately to the U. S. Environmental Protection Agency any information it obtains which reasonably supports the conclusion that a chemical substance or mixture manufactured, processed or distributed in commerce by the Company presents a substantial risk of injury to health or the environment. (Information need not be reported if it is known that the U. S. EPA already has it.)

In order to fulfill this obligation, it is necessary to establish a communications network within the operating companies and other specified organizational units to facilitate the transmission of pertinent information. Each specified organizational unit shall have a designated individual to whom such information should be communicated. They are as follows:

C. F. Callis	-	MIC
W. D. Carpenter	-	MAP
R. K. Flitcraft	-	MRC
P. H. Hobson	-	MIT
D. E. Morris	-	Corp. Research Labs
J. B. Duncan	-	MCP
W. B. Papageorge	-	MCI
R. H. Schlattman	-	MPR
A. W. Andrews	-	CED
P. O. DeGarmo	-	DMEH

The procedure described below shall be followed in order to provide for a rapid and orderly flow of such information.

Anyone obtaining information of the type described above should immediately submit such information to his supervisor. The supervisor shall immediately relay the information to the location or department manager, whichever is applicable, who in turn transmits it to the proper designated individual in his organizational unit. The information is then transmitted directly to the Director of the Department of Medicine and Environmental Health.

It is imperative that the flow of information through this transmittal chain be rapid. In the event of non-availability of a member of the communication's network at the time information is first obtained, such member should be by-passed in the interest of speed.

All individuals involved in submission of substantial risk information to the Director of DMEH should keep a record of date of receipt and pertinent identifying details.

With respect to all information received by the Director of DMEH under Section 8(e), a Committee comprised of the Director of DMEH, Environmental Counsel and the appropriate Operating Company Director, Environmental Operations will determine on behalf of the Company whether a reporting obligation exists and will act accordingly. Personnel through whom the information was submitted shall be informed of the decision concerning reporting and the reasons for the action taken.

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SUPPLEMENT TO INTERNAL PROCEDURES FOR TRANSMITTAL OF
SUBSTANTIAL RISK INFORMATION TO THE DIRECTOR OF DMEH, MONSANTO COMPANY

On March 16, 1978, the EPA published in the Federal Register its "Statement of Interpretation and Enforcement Policy" which describes the Agency's interpretation of Section 8(e) of the Toxic Substances Control Act. The Statement asserts that the reporting obligation on substantial risk information applies to individual officers and employees of a company who are capable of appreciating the significance of pertinent information as well as the company itself. However, the Statement continues by saying that the individual reporting obligation can be fully discharged by notifying a designated company official of the pertinent information in accordance with procedures established by the Company.

Monsanto established such procedures shortly after passage of the Act and subsequently, in accordance with policy adopted by the Environmental Policy Committee on November 14, 1977, reissued its internal procedural mechanisms and you have received the revised reporting procedure dated December 9, 1977.

The EPA Statement also described certain provisions which should be part of a company's internal procedures governing notifications. In order to fully comply with the EPA recommendations, this supplement to the previous procedure is being distributed.

WHAT CONSTITUTES SUBSTANTIAL RISK

Section 8(e) of TSCA does not define what constitutes substantial risk information. However, a "substantial risk of injury to health or the environment" is a risk of considerable concern because of:

- (a) the seriousness of the effect;
- (b) the fact or probability of its occurrence;
- (c) the nature and extent of exposure to the risk.

These criteria need to be weighted differently for different types of effects, both human and environment. If there is any doubt as to whether information should be reported, it should be submitted in accordance with our procedures to your designated organizational unit individual for review by the committee established for this purpose. It should be noted that information need not be reported if you have knowledge that the EPA has already been informed of it or it has been published in the scientific literature.

EMPLOYEES RIGHTS

Monsanto's policy and its internal substantial risk reporting procedures state that employees who submit information through Company channels will be notified of action taken, together with the reasons for such action. If the employee disagrees with the Company's decision that the information need not be reported, he has the right to report such information directly to the EPA and the Act provides that no employer may discharge or otherwise discriminate against an employee because that employee assisted or participated in an action to carry out the purposes of the Act.

PENALTIES

Section 16 of TSCA contains specific penalties for violation of Section 8(e). These are (1) a civil penalty not to exceed \$25,000 per day, and (2) in the event of knowing or willful violation, criminal penalties consisting of a fine of not more than \$25,000 per day or imprisonment for not more than one year, or both.

If you have any questions concerning this Section 8(e), you should address them to the designated individual for your organizational unit.

NOTIFICATION OF SUBSTANTIAL RISK

EMERGENCY INCIDENTS OF ENVIRONMENTAL CONTAMINATION

Part V of the EPA Statement of Interpretation and Enforcement Policy covering notification of substantial risk under Section 8(e) of the Toxic Substances Control Act deals with the types of information a person obtains which the EPA believes "constitute substantial risk" and thus should be reported. The full text of this Part V of the EPA Statement is reproduced and attached herewith, together with Part IX covering "Reporting Requirements."

This communication is being issued to draw your particular attention to Subsection (c) of Part V which deals with "Emergency incidents of environmental contamination" and to the last section of Part IX which spells out how such incidents should be reported.

Emphasis on review of these specific subsections is being urged because of the timing of the report to EPA with respect to information concerning an emergency incident of environmental contamination which reasonably supports the conclusion that such contamination presents a substantial risk of injury to health or the environment. EPA has established in its enforcement policy that the incident should be reported by telephone within 24 hours, followed by a written report within 15 days.

Our existing internal procedures for transmitting any type of substantial risk information to the Director of the Department of Medicine and Environmental Health should be followed except that, in the case of emergency incidents, the following paragraph from the December 9, 1977 instructions should be invoked:

"It is imperative that the flow of information through this transmittal chain be rapid. In the event of non-availability of a member of the communications network at the time information is first obtained, such member should be by-passed in the interest of speed".

Immediately upon receipt by the Director of DMEH, of information referred to above, he will determine its reportability to EPA and act accordingly. Persons through whom the information was submitted shall be informed of the decision concerning reporting and the reasons for the action taken.

When an incident is reported to the EPA, a follow-up written report will be prepared and submitted during the prescribed 15 day time-frame.