M O N S A N T O

File - Krummrich

From: E. P. Janssen - F2EA - 4-2727

Date: May 16, 1989

Subj.: Cambridge PCl_3 Incident

Ref.:

To: Dave Haines G5NT

cc:

~~D. R. Bischop~~	~~G4WA~~
L. J. Boesch	G5NV
F. R. Boyd	F2EA
Jim Champion	1740
G. F. Fort	G4WD
W. L. Friehs	F2EE
J. G. Mayfield	F2EA
W. S. McEwen	1920
Dan Middleton	1740
C. O. Patterson	F2EF
A. S. Rivers	F2EA
F. G. Rumping	F2EA
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I attended a House Public Works Committee Surface Transportation Sub-Committee field hearing on hazardous materials in Cambridge, Ohio, on May 5. The purpose of the hearing was to obtain testimony primarily from public officials on reauthorization of the Hazardous Materials Transportation Act.

Ohio was picked for the hearing because it is a major corridor for hazardous materials transportation, and there have been a number of incidents in Ohio including Miamisburg and our Cambridge incident involving PCl_3. Two of the three Congressmen at the hearing are from Ohio and Cambridge is in the district of one of them, Congressman Applegate.

The witnesses included the Fire Chief and Safety Director of the City of Cambridge. Their testimony is attached. Their general comments on handling of the incident were all favorable. The fire chief mentioned one primary concern on not being reimbursed for their out-of-pocket expenses for handling the incident.

> "It is important for hazardous materials manufacturers and transporters, and the Congress, to realize the danger these chemicals present to the life and property. We, as firefighters, are trying to do our job to protect the public, but we cannot do it unless the manufacturers and transporters are forced to recognize their liability involved with these materials. As an example, our city has never received any compensation for the expenses we incurred in dealing with the June 2, 1987, spill. Our letters and calls to Monsanto and to the transporting company, Rogers Cartage Company, have been ignored. Their only response is that they are not liable for the spill. In the meantime, our city, which cannot even afford to buy disposable haz-mat suits, or to provide additional training, is stuck for $8,193.75."

Congressmen Applegate then said that the sub-committee should recommend to the full committee that Monsanto should be contacted to make restitution to the City of Cambridge.

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The above statements are now a matter of public record. There was no mention of the carrier by Congressmen Applegate. (The Miamisburg phosphorus incident was covered next. On that incident, there was lots of coverage of the carrier but none of the shipper.)

These are formal hearings so there was no opportunity for comment from the floor. I was fortunate to be able to contact Congressmen Applegate later outside the meeting room. I explained the nature of the incident, that it was a one vehicle accident where the truck hit a bridge, and there has been no evidence to date of shipper neglect in preparation of the shipment. I outlined the nature and degree of our response with two separate teams totalling five people flown by charter plane from St. Louis to Cambridge. I added that, to the best of my knowledge, Monsanto had not been asked to reimburse Cambridge and that we did donate three mobile phones to Cambridge as a measure of good will to help improve their communication capabilities. I said I would look into the question of reimbursement with the carrier and added that I would contact him on the outcome as soon as possible.

Congressman Applegate said that he would temporarily hold up on further action with the House Public Works Committee pending my reply to him. He contacted me later at the end of the hearing to obtain my address and phone number (presumably for followup by his staff).

Upon returning to St. Louis, I checked with the principle people involved in the incident and the legal and insurance departments on whether we were requested to reimburse the out-of-pocket expenses. The only correspondence located is attached (from the insurance claims file). The City of Cambridge letter was addressed to Rogers Cartage with a copy to Monsanto. The letter refers to a previous letter from Cambridge to Rogers which included an itemization of costs. The attached letter clearly indicates the city's feeling on responsibility. "It is the opinion of the city, that Rogers Cartage is responsible for payment of these claims." I also called the Safety Director of the City of Cambridge to ask if he recalled writing us directly on the out-of-pocket expenses. He could not recall and will call me back if he finds anything other than the letter to Rogers which is attached.

I also contacted the president of Rogers Cartage (Robert Johnson) to explain the situation and asked what they plan to do regarding the city's request. He promised an answer by May 15. He called today and said he was still reviewing opinions of their legal advisor and insurance carrier (Travelers). He will get back to me by the end of the week. If I do not have firm assurance from Rogers that they will promptly handle the city's expenses for the incident, I recommend that D&P Division approve this payment to Cambridge. (It should be reimbursed by Rogers' insurance company upon settlement of the claim). I will contact you by early next week on this as I need to write Congressmen Applegate very shortly.

Paul

E. P. Janssen

EPJ:rd

Attachment

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