

STURGEON LITIGATION

FROM THE FILES OF

D. Bishop

THIS FILE HAS BEEN REVIEWED BY

LINDA SHAPIRO

FOR:

- Documents describing the presence or potential presence of dioxin in Monsanto products.
- Documents referring to the toxicity of any Isomer of dioxins.
- Documents referring to the toxicity of any Chlorophenol or Chlorophenol product.
- Documents referring to health effects as they relate to the above.

DATE

4/22/85

Monsanto Backgrounder

NITRO PLANT LAWSUITS

MONSANTO COMPANY / ST. LOUIS, MO.

June 1, 1983

Monsanto Company is involved in lawsuits brought by former employees, their spouses and representatives of deceased former employees who worked at the company's Nitro, W. Va., plant. The original complaint was filed on March 25, 1981 in Federal District Court at Charleston, W. Va. There are currently 178 plaintiffs in these lawsuits seeking damages totaling in excess of \$700 million.

The suits charge that Monsanto was aware of health hazards associated with specific chemicals, but concealed that information from employees. In support of these allegations, reference was made to a company memo dated November 16, 1977, which, according to the complaint, "instructs managers in ways to avoid requests for industrial health data." The complaint quotes -- out of context -- from two paragraphs of a two-page guideline document entitled: "How to Handle Employee and Local Union Requests for Employee Health Data." (A copy of the full document is attached.)

When read in context, these guidelines present an entirely different picture of the company's approach to sharing health and safety information with employees even by today's standards -- which are quite different than they were just six years ago.

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In a company of this size with more than 60,000 employees worldwide and 150 manufacturing locations, it is both appropriate and necessary to establish and promulgate guidelines, policies and procedures.

Monsanto has a long standing policy of being open and candid with its employees -- willingly sharing with them and their union representatives -- pertinent health, safety and environmental information.

At the same time, it would be impractical, imprudent and against their individual or collective best interests to pass on to them every bit of newly generated toxicological data from whatever source until and if it can be quantified, qualified and placed in the proper medical or scientific perspective.

Roman numeral IV (from the attached) was designed to guide local managers in handling requests for this kind of "out of perspective" information. It was also designed to ensure the protection of employee privacy rights with respect to their own medical records.

To attempt to lift this out of context and use it as proof that the company deliberately concealed information on health hazards associated with chemicals flies in the face of reality and falsely characterizes what has long been a responsible employee relations program.

To our knowledge, the only chemical that any Nitro Plant employee was ever exposed to in an amount that could be considered hazardous was Para Amino Biphenyl (PAB). This intermediate chemical was used from the mid-1930s to the mid-1950s.

In 1955, Monsanto confirmed that prolonged exposure to PAB could cause a delayed incidence of tumors of the bladder in humans. On its own initiative, Monsanto halted the use of PAB and placed all employees exposed to the substance -- even those remotely exposed -- in a long-term health monitoring program which continues even today at company expense.

Monsanto's response to this unfortunate health problem has been referred to several times in medical literature as a model for safety activities and for the guidance of other companies and occupational medicine physicians.

The suits also allege that these employees were exposed to hazardous levels of the phenoxy herbicide, 2,4,5-T, and "dioxin" and that this information was concealed from them.

2,4,5-T was manufactured at Nitro from 1948 until 1969 when its production was discontinued for a variety of economic reasons.

This herbicide has been safely manufactured and marketed for nearly 40 years in this country and abroad by many firms for crop production and forest management applications.

In March of 1949, a well known and widely documented accident occurred in the 2,4,5-T unit. It is now known that those present and those later involved in the cleanup were exposed, on an acute or short term basis, to potentially hazardous amounts of the chemicals present. Some 121 employees developed symptoms including a skin rash known as chloracne, eye and respiratory tract irritation, headache, dizziness, nausea and liver disorder. These employees all received medical treatment at company expense and some were referred to outside physicians who were specialists in specific disorders. All symptoms -- except for a few cases of residual chloracne -- subsequently disappeared.

We have continued to monitor the health status of these employees and have observed no adverse long-term health effects in this groups of workers other than the aforementioned residual chloracne.

Monsanto does not believe that its Nitro employees, ~~other than those involved in the 1949 accident~~ were ever exposed to potentially hazardous amounts of 2,4,5-T or its byproducts. Even those present in 1949, to the best of our knowledge, did not suffer serious or irreversible long term health effects.

Two detailed mortality studies (studies of the cause of death) support this position. One study centered on those employees who were involved in the 1949 accident and have since died from any and all causes. The other looked at the cause of death of all others involved in

2,4,5-T production at Nitro for one or more years between 1955 and 1977. The results of both studies, completed and made public in 1980, failed to show any apparent relationship between workplace exposure and death.

In addition, a very comprehensive, independent epidemiology study of the Nitro work force is in the process of being completed by Dr. Raymond A. Suskind, M.D., and his medical team at the University of Cincinnati's Department of Environmental Health. This study involves present and former employees -- still alive -- and focuses on current health status. Based on preliminary findings, as reviewed by Dr. Suskind with the plant's employees in November of 1982, the study found no evidence that would link exposure to 2,4,5-T or dioxin with chronic human health effects, other than the skin ^{disorder} (disease,) chloracne.

Monsanto is terribly disappointed that this group of workers has seen fit to bring this action. The company will, however, vigorously protect its interests and its reputation as this litigation proceeds.

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