

Thomas G. Grumbles

VISTA

OSHA

To Safety Directors

Date 12/15/86

More Record Keeping Violations.

Monsanto Is Faulted By OSHA on Records

By a WALL STREET JOURNAL Staff Reporter
WASHINGTON — The Occupational Safety and Health Administration accused Monsanto Co. of record-keeping violations at its Nitro, W.Va., chemical plant.

The Labor Department agency proposed \$55,000 in penalties for 11 alleged instances of willfully violating federal record-keeping requirements. Monsanto has 15 days in which to contest the charges. The plant produces agricultural and industrial chemicals.

OSHA said Monsanto failed to keep a required log of injuries and illnesses during parts of this year and last. An agency official said an inspection indicated "an ongoing pattern of indifference to maintaining on-the-job injury and illness data" at the plant.

Among the improperly reported or unreported instances alleged by OSHA were injuries that required medical treatment, work restrictions, lost work days and in some cases worker-compensation claims.

The agency initiated its inspection of the plant after a worker complaint.

Monsanto, a chemical, plastics and pharmaceuticals company, couldn't be reached for comment.

VVV 000015673

To Ralph Fereell
Ron Bauer
Bob Seymour
Tom Huffman

Date 12/15

fyi. - The attached describes a
Recent award for a benzene
induced leukemia claim at
Chocolate Bayou.

Monsanto Ordered To Pay Damages In Worker's Death

By SCOTT KILMAN

Staff Reporter of THE WALL STREET JOURNAL

A federal grand jury in Galveston, Texas, ordered Monsanto Co. to pay \$108 million to the family of a chemical plant worker who died of leukemia in 1980. The family had charged the company with gross negligence.

The St. Louis-based chemical concern said it probably will appeal the decision, which was made late Friday and is one of the largest awards involving a plant worker's exposure to toxic chemicals since the asbestos industry was hit by lawsuits.

The jury found that Wilbur Jack Skeen was exposed to benzene during his work at Monsanto's Chocolate Bayou facility in Alvin, Texas. Monsanto argued unsuccessfully in the case that benzene doesn't cause the type of leukemia from which Mr. Skeen suffered and that its plant exceeded government safety regulations for handling benzene.

A Monsanto spokesman said this was the first time the company had lost a benzene-related case. "It was outrageous, both the size of the award and the loss," he said.

The attorney for the Skeen family

couldn't be reached for comment yesterday.

The jury awarded the Skeen family \$100 million in punitive damages and \$8 million in actual damages. Under Texas worker compensation law, workers can only recover punitive damages. The suit was sparked when Monsanto turned down the Skeen family's request for worker's compensation because it said it couldn't be determined that Mr. Skeen's death was related to his work.

In the trial, which began in September, Monsanto argued that its 24-year-old plant was designed to limit worker exposure to benzene, a solvent distilled from petroleum, to one part per million, which exceeds the federal safety limit of 10 parts per million, said Daniel O. Goforth, the Houston attorney who represented Monsanto. However, the Occupational Safety and Health Administration is considering whether to toughen its benzene standard to one part per million.

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TO: D. A. Kuhn

FROM: T. G. Grumbles

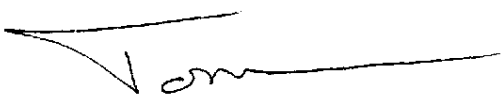
DATE: December 19, 1986

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Communication

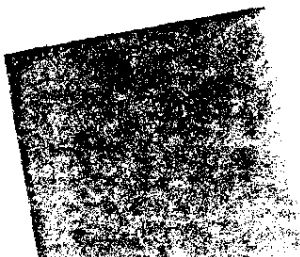
SUBJ: PROGRESS REPORT FOR THE WEEK ENDING DECEMBER 19, 1986

VISTA

1. Attended the Vinyl Institute Safety, Health, and Environment Committee meeting.
2. Advised Aberdeen regarding production of FDA-allowed 5415 (X-42).
3. EPA proposed a rule that could ban the land disposal of waste PVC. JCL is working with the Vinyl Institute to develop comments for the public hearing in January.
4. Occidental's VCM NESHAP's lawsuit has been amended to include every excursion from the standard occurring over the last 5 years. At the maximum penalty of \$25,000 per excursion, the potential penalty is \$15,000,000.
5. Provided information to VCFE on TSCA regulations concerning the import of ALFOL® 14 and 16 NF to the United States.
6. Updated federal environmental regulations for the plants.
7. The TSCA Inventory Update was completed and will be submitted to the EPA on Monday, December 22.
8. A MSDS and label were prepared for the new Novel ethoxylation catalyst.
9. DOT incorporated the Superfund list of chemicals into the Hazardous Materials Table. Approximately 300 previously unregulated materials will be regulated under DOT after January 1, 1987, and must be packaged, marked, labeled and shipped accordingly. Changes have been made to the COEDS hazardous materials description file.


Thomas G. Grumbles

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