

DATE: March 7, 1985

SUBJECT: O. H. Materials/JFQ -
Contaminated Building Clean-up

REFERENCE:

cc: J. D. Wilson - G3WD
M. R. Foresman - B3NA
N. E. Prange - 1760
J. G. Nassif - E2NG
P. A. Easterday - G2WB

TO A. W. Wasser - 1760 (By Cab)

In accordance with our meeting on February 28, 1985, I am providing the following recommendations and observations on the proposed contract with O. H. Materials Co. concerning the above subject.

1. I suggest Monsanto Contract Form G-615 be submitted to OHM without any modifications to the indemnity provision in Section 20, but with the last line in Section 10 changed to read, "sign individual secrecy agreements in the form specified in Exhibit 'B'."
2. I suggest EXHIBIT "A" SCOPE OF WORK be changed to read:

" Contractor shall perform the services set forth in the Contractor Proposal File No. 014.759.1, dated January 3, 1985, which is attached hereto and made a part hereof ('Proposal').

Contractor shall ensure that (i) protective equipment contaminated by dust or other waste materials is packaged in drums provided by Monsanto, and (ii) all such drummed protective equipment and all residues and materials drummed in accordance with the Proposal are left at the jobsite."

A copy of the Proposal, appropriately revised, should be attached to the contract.

3. My comments on the OHM Proposal are as follows:
 - a. I suggest deletion of the entire PROPRIETARY AND CONFIDENTIAL caption at the bottom of the cover page. Once Monsanto signs a contract with OHM, the Proposal is Monsanto's property to do with as it sees fit.

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- b. I suggest deleting the requirement in sentence 1, Section 4.4, that the OHM site safety plan be submitted to Monsanto for approval and the requirement in the last paragraph that the plan be written in consultation with Monsanto. OHM is the expert and should not look to Monsanto to share OHM's responsibility to its employees in this area.
- c. I suggest deleting sentence 2, in paragraph 2 on page 5-3, figure 5.1-2 and the sentence beginning at the bottom of page 5-4. These provisions for change in scope of the work requiring OHM agreement are inconsistent with Section 12 of the contract.
- d. I suggest deletion of Section 7.3, with the exception, perhaps, of paragraphs 1 and 2 on page 7-3. While I understand Monsanto intends to carry out applicable RCRA requirements connected with generation and disposal of waste, it seems unreasonable that OHM be totally free of any obligation to comply with RCRA, as improper actions on its part conceivably could lead to RCRA regulatory enforcement action against Monsanto.
- e. Neil Prange, Mike Foresman, and others, as appropriate, should review the Proposal critically to ensure that all provisions are consistent with MIC's intentions and acceptable.

4. I have attached a revised EXHIBIT "C".

Should you or any of those persons designated to receive a copy of this memorandum have questions, please feel free to call me.

Peter H. Smith
Peter H. Smith

ljm/18/108

Attachment.

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Exhibit "C"

Contract No.1-0996

WASTE CHARACTERISTICS, AND
EXPOSURE AND HANDLING PRECAUTIONS

The Work covered by this Contract involves dust and other waste materials, which contain small amounts of 2,3,7,8- tetradibenzo-p-dioxin (sometimes referred to as "dioxin") and may contain other contaminants. Weight averaged levels of dioxin should be less than 1 ppb, although higher levels may be present in any and all of the dust and other waste materials.

Dioxin is known to cause cancer in some laboratory animals and chloracne in humans. Following acute exposures in industrial accidents involving dioxin, adverse health effects reported include liver and nerve changes, and other possible injury at certain exposure concentrations. Due to the possibility of exposure to this chemical and other contaminants and the hazards present in the Work (including, but not limited to, use of alkaline cleaning solution and high-pressure washing and resultant high noise levels), Contractor shall be responsible for seeing that all the special handling, protective equipment, safety, hygiene, and other requirements specified in Sections 4.0 through 4.5 of the attached Contractor's Proposal are followed by all persons when working in contaminated areas and when involved with handling the dust or other waste materials. Violation of any such requirements may result in injury to persons.

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