

JAN 6 REC'D

PRICE, CUSHMAN, KECK & MAHIN
LAW OFFICES

134 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603

TELEPHONE RANDOLPH 6-9000
AREA CODE 312

CABLE ADDRESSES
"HAMSCOTT" "CHAMO"

January 4, 1971

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HAROLD D. BURGESS
CLIFFORD C. PRATT
ROBERT C. KECK
CHARLES B. MAHIN
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JOHN T. WILLSON
DENNIS M. WILSON

OF COUNSEL:
WALTER S. UNDERWOOD

JOHN E. MACLEISH (1969)
CRANSTON SPRAY (1967)
CHARLES F. HOUGH (1968)

FILE NO. 3710

John F. Stapleton, Esquire
Director of Law
Monsanto Industrial Chemical Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63166

Dear Mr. Stapleton:

You will recall that we prepared a letter/notice which was sent to Monteagle's customers on November 26, 1971. Enclosed for your ready reference is a copy of the final version of this letter.

We are pleased to report that to date Monteagle received only nine letters concerning this problem, copies of which are enclosed herewith. You will notice a number of the letters ask specific questions concerning appropriate corrective action and inquire as to who will assume financial responsibility for the costs of such corrections.

We would appreciate receiving any suggestion you have for an appropriate reply to these inquiries. We would also appreciate learning whether Monsanto is willing to reimburse Monteagle for the costs of such corrective action. Although we cannot place an exact figure on such costs, it appears they will be relatively minor.

We look forward to hearing from you.

Very truly yours,

Edward S. Silber

EDWARD S. SILBER

ESS:jmp
Enclosures

cc: Franklin C. Rehfeld, Esquire

DSW 379584

STLCOPCB4100356

SECOND REVISED DRAFT

November , 1971

Dear Customer:

Our records show that our Company constructed a silo on your farm in the year 196_. We were pleased to have had the opportunity to serve you because we value your patronage, and we hope that your Monteagle silo has been an asset to you. However, we are writing you because we are concerned about the coating which was used to seal the plaster joints in the interior of your silo. That coating contains an ingredient called polychlorinated biphenyl.

Some state agencies have taken the position that the polychlorinated biphenyl contaminates the silage, or at least is a potential contaminant. However, we have received other information which indicates that the amount of polychlorinated biphenyl likely to get into cows' milk from our product is not harmful. We are not certain which of these points of view is correct, but we do want to inform our valuable customers, such as you, about the matter. We also recommend that you have a sample of your silo coating and a sample of any silage you may be storing in your silo analyzed for polychlorinated biphenyl content by a qualified laboratory.

Very truly yours,

MONTEAGLE SILO COMPANY, INC.

Charles Boswell, President

CB:jmp

DSW 379585

STLCOPCB4100357

WILLIAM R. STANIFER

ATTORNEY AT LAW

P O BOX 203 PHONE 426-3741

TAZEWELL, TENNESSEE 37879

December 8, 1971

Monteagle Silo Company, Inc.
P. O. Box 798
Monteagle, Tennessee 37356

Re: Mark Lewis
Rural Route
New Tazewell, Tennessee

Dear Sirs:

The above Mark Lewis sold the farm with
the silo to William R. Stanifer and George
Malone Tazewell, Tennessee.

Where may we have a sample of our silo
coating and a sample of the silage analyzed?

Please refer any future correspondence
on this farm and silo to William R. Stanifer,
Attorney and George Malone, Tazewell, Tennessee.

Yours truly,

Wm. R. Stanifer

William R. Stanifer

WRS/gc

DSW 379586

STLCOPCB4100358

Pt. #1
Samalil, Ky 40214
December 4, 1971

Monteagle Silo Company, Inc.
P.O. Box 798
Monteagle, Tennessee 37356

Dear Mr. Boswell:

It will be seven to ten days before I open my silo. By this time you may have definite information as to whether or not your silo contaminates milk or cows.

I will appreciate any information as soon as you may have it.

Very truly yours,
Glen Ginnatoff

DSW 379587

STLCOPCB4100359

Send
Ed.
12/30/71

Jas. W. McWilliams
R.D. RT#3 Box 86
Cherokee, Ala 35616
Dec 26 1971

Mr. Charles Rosewell
Monteagle Silo Co.
Monteagle, Tenn. 37356

Dear Sir,

I am in receipt of your letter concerning
coating on silos. ~~and~~ corrective action was
taken by your company some five months ago.)

However - at the time of correction ~~you~~
you required me to sign certain papers before
your crew put on new coat.

I was havent time and I had no choice.
I am not certain as to my obligations at that
time nor at present time.

I would like this clarified for me and I
would also state that I bought the silo
in complete trust that it was to give me
satisfactory service - which has been true
except for the coating.

Please advise me as to the status
of litigation concerning coating.

Sincerely

Jas. W. McWilliams

DSW 379588

STLCOPCB4100360

Stockbridge, 12-7-71

Dear Mr. Bassett,

I have received your letter concerning
the ingested polychlorinated biphenyl
which was used as a plaster-sealer.

I have contacted our County
Agent and he notified the
Extension Dept. in Athens University
to find out about the
samples. (rings & plaster)

Yours truly

H. M. Broder

H. M. Broder
Horse Shoe Farm
Rt. 2
Stockbridge, Ga.

DSW 379589

STLCOPCB4100361

Dear sir

Dec. 20, 1971

I received your letter a while we had sickness in family so I didn't get this ready before. I feel if there is any dangerous in my silo about being painted full of the material used it would be on you to come and get samples and have them analyzed and correct it if needed. As I bought this silo to be correct. Let me hear some thing. Thank you.

a customer D. H. Gingrich
Ethridge Tenn. 381
38456

DSW 379590

STLCOPCB4100362

LAW OFFICES
Martin & McCracken
KENTUCKY AVENUE
Franklin, Kentucky

DAVID MARTIN
SAMUEL R. MCCracken

WILLIAM R. HARRIS

December 22, 1971

TELEPHONE
586-3283

Mr. Charles W. Boswell, Vice-President
Monteagle Silo Company, Inc.
P. O. Box 798
Monteagle, Tennessee, 37356

Re: Mr. Robey Harris
Franklin, Kentucky

Dear Mr. Boswell:

My father, Robery Harris of Franklin, Kentucky, has asked me to reply to a letter over your signature dated November 26, 1971 and addressed to him as "Robbie Harris". Your letter was sent by certified mail and bore certified mail no. 203303.

Following receipt of your letter, my father obtained a sample of silage as well as a sample of the coating as suggested in your letter. The silage sample and the coating material were forwarded by the local County Extension Agent to the Deep South Laboratory, P. O. Box 4133, Montgomery, Alabama. Analyses were conducted and reports of the same have been returned. The reports, copies of which are enclosed, indicate that the silage contains polychlorinated biphenyl in the quantity of 0.7 ppm and the coating contains polychlorinated biphenyl in the quantity of 53 ppm.

In order that we may cooperate fully we would appreciate your advice as to whether any corrective action is warranted by these findings, and if so what action should be taken.

Our willingness to cooperate in this regard is not to be construed as a waiver of any claim which may lie for breach of warranty arising from the use of improper or

DSW 379591

STLCOPCB4100363

Mr. Charles W. Boswell, Vice President
Monteagle Silo Company, Inc.
Monteagle, Tennessee
December 22, 1971
Page 2

unsafe materials in the construction of the silo, and we expressly reserve the right to assert such claim in the event it should appear necessary and proper. We will also expect your Company to bear the expense of the analysis by the Deep South Laboratory and will supply you the statement for those services if and when we receive a bill. We further reserve the right to seek recovery from Monteagle Silo Co., Inc. of the costs of any corrective action which may be called for.

Your prompt reply and advice as to what, if any, corrective action is called for will be appreciated.

Yours very truly,

MARTIN, MCCrackEN & HARRIS

William R Harris

WILLIAM R. HARRIS

WRH/jb

DSW 379592

STLCOPCB4100364

DEEP SOUTH LABORATORY
P. O. BOX 4133
MONTGOMERY, ALABAMA 36104
PHONES: 288-8788 — 269-1313

REPORT OF ANALYSIS

NO. 8198 Date 12/17/71
For Simpson County Extension Office
P.O. Box 446
Franklin, Ky. 42134
Sample of Concrete Received 12/13
Marks Silo Material

Polychlorinated Biphenyl-----53 ppm

Respectfully Submitted,

DEEP SOUTH LABORATORY

DSW 379593

STLCOPCB4100365

DEEP SOUTH LABORATORY
P. O. BOX 4133
MONTGOMERY, ALABAMA 36104
PHONES: 288-8788 — 269-1313

REPORT OF ANALYSIS

NO. 8197 Date 12/17/71
For Simpson County Extension Office
P.O. Box 446
Franklin, Ky. 42134
Sample of Feed Received 12/13
Marks Silage

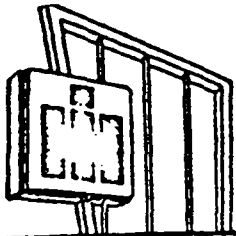
Polychlorinated Biphenyl-----0.7 ppm

Respectfully Submitted,

DEEP SOUTH LABORATORY

DSW 379594

STLCOPCB4100366



AYCOCK EQUIPMENT COMPANY

P. O. BOX 347 - HIGHWAY 20 & 72 - TUSCUMBIA, ALABAMA 35674

PHONE: 383-5601

12-22-71

Monteagle Silo Company, Inc.
P.O. Box 798
Monteagle, Tennessee 37356

Certified Mail
Return receipt
requested.

ATTENTION: Mr. Beswell

Dear Mr. Beswell:

In reference to your letter dated November 26, 1971, we wish to inform you of the steps which we have taken in this matter.

Mr. Cunningham, of the Colbert County Health Department has taken samples of silage from the silo in question and found them to be contaminated. It is my understanding that your company shall take full responsibility for correcting this. We appreciate your concern and trust that you will take care of this matter in the very near future.

Yours truly,

Neal Aycock

MA:kt

DSW 379595

STLCOPCB4100367

SCARLETTS DAIRY FARM

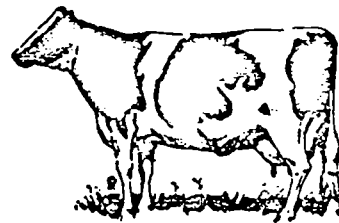
NEAL SCARLETT and SON

Phone 475-3747 - Jefferson City, Tennessee

Route 1

NEW MARKET, TENN.

REGISTERED
HOLSTEINS



Monteagle Silo Co.
P.O. Box 798
Monteagle, Tennessee
Gentlemen:

We received your Certified letter dated November 26, 1971. As of now, our silo is full, and we won't be feeding out of it for two to two-and-a-half months (2 to $2\frac{1}{2}$). We would like more information concerning taking the samples of the silo and feed, and where to have it analyzed for polychlorinated biphenyl content.

Please let us hear from you immediately.

Thanking you in advance.

Neal Scarlett & Son

DSW 379596

STLCOPCB4100368

28 December 71

Mr. Charles W. Boswell
Monteagle Silo Co., Inc.
Monteagle, Tenn. 37356

Dear Mr. Boswell:

Your letter of November 20, 1971 has been presented to me by Mr. Harry Woolley, Manager of Fairfield Farms, Inc. - Wattrace, Tenn. A question in an advisory sense for the farm^{er} was concerned about the polychlorinated biphenyl coating. Fairfield Farms has a 30'x60' silo filled with corn silage. This silage is to be fed only to beef cattle. As I understand your letter the main concern is as a contaminant. As this in regards to Dairy production (milk) or does this apply equally to the meat? Also, is there a danger in regards to the health of the animals? I should point out that the lower half of this silo has been filled with the same corn silage for 3 yrs. Our plans are to empty the silo this winter. Would this older silage be dangerous?

DSW 379597

Please reply to the above questions as soon as possible.

Sincerely,
Robert A. Alexander, Ph.D.
Environmental Consultant

Dr. R.A. Alexander
610 Shawnee Drive
Madison, TN
37130

Monteagle Silo Company, Inc.
P.O. Box 798
Monteagle, Tennessee 37356



DSW 379598

STLCOPCB4100370