



E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED

WILMINGTON, DELAWARE 19898

POLYMER PRODUCTS DEPARTMENT

CC: H. E. SERENBETZ
J. W. RAINES

PLAINTIFF'S
EXHIBIT
DUP-1967

July 27, 1984

TO: R. L. MC CLURE
BEAUMONT WORKS

FROM: R. D. INGALLS

RD

LAWSUITS - PLANTS

In response to your question to H. E. Serenbetz of July 17, 1984, we reaffirm that the guidelines on Lawsuits in the Energy and Environmental Affairs Policy Manual are still valid.

We believe it is desirable that the guidelines be followed in conducting an investigation of an incident involving non-Du Ponters in a tenant facility. Legal has reviewed them so they are acceptable for any Company site or facility - whether landlord or tenant.

RDI/is

DUP 0501771

Better Things For Better Living...from Du Pont

DU 001475



ENERGY & ENVIRONMENTAL AFFAIRS POLICY MANUAL

LAWSUITS - PLANTS

The number of lawsuits being brought against our plants by contractors' employees working on site and people claiming exposure to plant emissions or wastes off site does not appear to be diminishing. So far in PPD, the Texas Gulf Coast plants have been most frequently involved. It may be that this type of activity will spread to other sites.

We would like to pass on some suggestions, based in part on experience of the Texas plants, that may be helpful to you in resolving lawsuits should they occur. These relate to investigation of incidents that may form the basis of suits.

Listed below are some key points that should be kept in mind:

- Promptly investigate all accidents or exposures to chemicals that involve employees of construction contractors, equipment cleaners, trucking concerns, or any non-Du Pont employee on site. If an incident occurs off site with a plant product or waste, do the same.
- Assign the responsibility for this type of incident investigation to the person responsible for the area where the incident occurred or the product is made. Staff or service groups may participate but the person with cost responsibility should take the key role since the product will bear any cost of litigation or settlement. This is true even if the contractor is under the direction of the Engineering Department, Construction Division.
- Have plant people make notes on what they observed. It is particularly important to record statements or admissions by the contractors' employees. Explain to our people that they and any notes they take are likely to be involved in depositions or testimony if a suit is brought. Such records should be factual and not speculative. They should not set forth judgments or conclusions as to cause or responsibility.
- Determine who the visitor's fellow workers are and how they may have been involved.

Letter, "Lawsuits - Plants", H. E. Serenbetz to Site Managers,
1/19/82.

3/82

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- Retain shift logs, work permits, monitoring results, first aid reports, shipping papers, etc., that may be applicable.
- Conduct special monitoring to document concentration of airborne substances, if appropriate.
- Determine what information was given to the contractor relating to the hazards of the chemicals or work area and by whom it was given.
- Draft a factual report. Avoid drawing conclusions and offering recommendations that might be appropriate for an incident involving Du Pont employees, but is inappropriate for people whom we do not manage.
- Submit a draft of the report to this office for review. Comments from auxiliary departments can be obtained as to whether further investigation appears in order.
- Submit the entire file to this office for review with Legal.

The least cost to Du Pont will result whether a suit is settled or tried, if a strong defense against the suit can be built. Thorough investigation gives the best chance for this to happen.

We recommend you review these suggestions with Construction Division representatives on your site and emphasize your need to become involved with incidents that occur in activities under their control.

We would be happy to discuss this subject with you to clarify any concerns you may have.