

from Diana King

M E M O R A N D U M



TO: Monsanto File #5212(a)
FROM: DLK
DATE: August 8, 1984
RE: Reconciliation of plaintiffs' request for chloracne documents on 219 people with Zack/Suskind Mortality Study Cohort

Some months ago plaintiffs supplemented a request for production of raw data of mortality studies by providing a list of 219 names for whom they sought certain information, including any record showing that each person had (1) a "true case of chloracne" as defined in the Zack/Suskind mortality study, or (2) a diagnosis of chloracne, rash or 2,4,5-T rash subsequent to March 8, 1949, through the end of 1952.

We do not know how the plaintiffs put together the list of 219 (attached), but I do know that it includes:

1) 121 people from the Zack/Suskind cohort, the single exception being Nurse Ruth Morris.

2) 20 people on a list of names used as Exhibit 5 to the deposition of Judy Zack on March 1, 1984, identified as "Deceased Nitro Clients," (attached).

For purposes of responding to the request, a "true case of chloracne" was taken to be chloracne attributable to the 1949 blow-off and immediate clean-up efforts. Accordingly, attempts were made to reconcile documents from medical and workmen's compensation files on these 219 people with their inclusion or exclusion in the Zack/Suskind cohort of 122.

Listed below are instances where the information obtained from a review of the medical and workmen's compensation files does not line up with chloracne as a result of exposure during the accident and clean-up and where

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we will need to be prepared to explain why these people were not in the cohort.

1. Willard Forbes

Medical File

- 1) 9427791 - Notice of Accident Treatment dated 5/7/49 shows Dept. 34, report of rash on face and between legs
- 2) 9427782 - Notice of Accident Treatment dated 10/7/51 shows Dept. 34, report of 2,4,5-T rash on face - some on body with date of injury "over a year ago"

In support of his not being in the cohort, I don't believe he was on the safety memos and a workmen's comp claim (9427815) shows 3/28/50 date of injury. We may have to explain the 5/49 rash, however, since it is similar to reports for those who were in the cohort. Or perhaps the B34 instead of B41 designation solves the problem. In our response to request for documents we did not indicate that 9427791 supported a claim of a "true case of chloracne."

2. Charles R. Fowler

Medical File

- 1) 9444339 - Notice of Accident Treatment dated 5/18/49 shows Dept. 41 report of dermatitis on face

Workmen's Comp File

- 1) 9444340 - Workmen's Comp claim dated 2/13/50 says injury was reported 5/18/49 and was "chemical rash on face" resulting from "unexpected chemical reaction liberating unknown products of decomposition"

Our response to request for documents listed these documents as showing a "true case of chloracne." Jan Yung indicated that he was not included in the cohort on the basis of a memo dated August 22, 1949, from W. E. Chandler to Dr. J. R. Durland stating that he had been exposed but had not developed dermatitis (9510339-9510340). We will need to be able to justify his exclusion based upon that memo in contradiction of the report of dermatitis in his file.

3. Halley, Jesse W.

Medical File