

Solutia Inc.

575 Maryville Centre Drive
St. Louis, Missouri 63141

P.O. Box 66760

St. Louis, Missouri 63166-6760

Tel 314-674-1000

June 1, 2000

Mr. Richard Green
Director, Waste Management Division
United States Environmental Protection Agency-Region 4
61 Forsyth Street
Atlanta, GA 30303-8960

Dear Mr. Green:

As you are aware, Solutia Inc. (Solutia) owns and operates a chemical manufacturing plant in Anniston, AL. Polychlorinated biphenyls (PCBs) were manufactured by Monsanto Co. (Monsanto) at that plant until 1971. Solutia is currently involved in investigation and remediation activities at the plant and in an off-site Area of Concern under the oversight of the Alabama Department of Environmental Management. The U. S. Environmental Protection Agency (EPA) has been kept fully informed of activities at the site since approximately 1995.

As you are also aware, several groups of plaintiffs have filed lawsuits against Monsanto (now Solutia) claiming, among other things, property damage and fear of health effects. One group of plaintiffs, Community Against Pollution (CAP), has been active in organizing community meetings to further those plaintiffs' claims in litigation against Solutia (Monsanto). Another group of plaintiffs, the Cobbtown/Sweet Valley Environmental Justice Task Force, has also been active for several years.

By your letter from U. S. EPA Region 4, representatives of Solutia were invited to participate in a bus tour of Anniston organized or facilitated by the EPA in conjunction with the National Environmental Justice Advisory Council (NEJAC) meeting in Atlanta. On May 23, 2000, I participated in the tour as a Solutia representative on Bus 1. I was most dismayed by the manner in which this tour was conducted and feel compelled to express my concerns.

DSW 148037

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June 1, 2000

The tour, at least on the bus on which I rode, was narrated by representatives of the two plaintiffs' groups mentioned above. Their presentations were totally one-sided, and many of their statements were misrepresentations and mischaracterizations of the situation in Anniston. In addition to providing narrators for the tour, the groups were also offered a forum at the Anniston Meeting Center to plead their case against Monsanto and Solutia. Neither the regulatory agencies nor Solutia were provided an opportunity to counter the misrepresentations by the speakers, either on the bus or at the meeting center.

The invitation letter stated in bold type, **"We believe your participation will greatly add to the understanding of Solutia's involvement in Anniston."** Solutia had no opportunity whatsoever to add anything to anyone's understanding. (I did provide brief answers to two factual questions asked by tour members on the bus.) And I must say that the only possible result of the presentations I heard on May 23 was additional misunderstanding. It is incomprehensible that the EPA or NEJAC believes that such one-sided presentations could benefit the cause of environmental or any other kind of justice in Anniston.

As a further example of the complete lack of balance in the tour and the associated activities, the information packet handed out by EPA on the tour contained a recent article from *The Nation* entitled "What Monsanto Knew". This article presents a one-sided and misleading version of issues relating to our facility in Anniston. (A copy of Solutia's response to the article is attached.) When I expressed my outrage that such an article was being handed out by EPA, I was told that the community groups asked to have it in the packet. I am most concerned that the EPA continues to distribute inflammatory materials to the public at the behest of the plaintiff groups in Anniston. (In February the EPA was distributing notices of public meetings in Anniston, including a document expressing one of the purposes of the meeting as learning "How CAP can assist you in your case against Monsanto/Solutia".)

Solutia believes that it is inappropriate that employees of the EPA are handing out materials prepared by and promoting the activities of plaintiffs in private litigation against Solutia. That practice gives those materials the appearance of "official" review and approval, whether intended or not. Solutia requests that EPA review any materials being distributed by the agency to assure that they do not represent private interests in litigation and that they fairly present EPA official positions on PCBs, remediation actions, or other regulatory matters. Solutia also suggests that the EPA and its partner agencies reconsider the approach taken to present the Anniston or other community situations to the NEJAC or other audiences. Only if all parties are offered the opportunity to present their positions in non-confrontational settings is progress likely to be made in resolving the

Mr. Richard Green

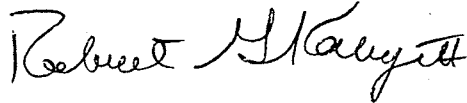
Page 3

June 1, 2000

many issues facing the residents, the regulatory agencies, and the local business community.

Solutia appreciates your attention to the issues raised in this letter.

Sincerely,

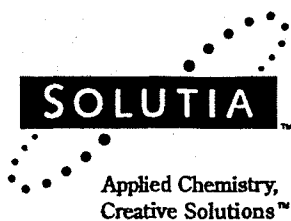


Robert G. Kaley, II
Director, Environmental Affairs
Solutia Inc.

cc: Mr. Wm. Gerald Hardy, Chief, Land Division, ADEM
Mr. Russ McLean, U. S. EPA, Region 4
Mr. Clement Welsh, ATSDR
Ms. Karen Knight, U. S. EPA, Anniston
The Honorable Bob Riley, U. S. Representative, 3rd District, Alabama
The Honorable Jeff Sessions, U. S. Senator from Alabama
The Honorable Richard Shelby, U. S. Senator from Alabama
Mr. Gene Stedham, Mayor, Anniston
Mr. Eli Henderson, Calhoun County Commission
Mr. Charles Lee, Designated Federal Official, NEJAC
Dr. Andrea Wargo, ATSDR Associate Administrator, Washington, DC
Ms. Gabrielle Tenzer, White House Council on Environmental Quality

DSW 148039

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575 Maryville Centre Drive
St. Louis, Missouri 63141

P.O. Box 66760
St. Louis, Missouri 63166-6760
Tel/314-674-1000

May 22, 2000

Editor
The Nation
33 Irving Place
New York, NY 10003

Dear Editor:

The recent article "What Monsanto Knew" [May 29, 2000] presents a one-sided and very misleading version of issues relating to Monsanto's, and now Solutia's, former polychlorinated biphenyl (PCB) manufacturing facility in Anniston. It is clear that the reporter was furnished historical Monsanto documents by one or more of the attorneys representing plaintiffs in litigation against Monsanto/Solutia. Although Solutia representatives spoke with writer Nancy Beiles to provide information and answer questions, Solutia was not provided an opportunity to discuss the complete content of the documents or to put the documents in their historical context. The result is an incomplete and distorted picture.

Isolated quotations from selected documents were presented in a manner intended to put the company in a bad light. However, other parts of those same documents, demonstrating Monsanto's commitment to responsible action, are absent. For example, in the 1969 "Monsanto committee memo", which the author neglects to state was a draft, section XI presents the following "Recommended Course of Action":

Based on the information available today the only recommendation we can honestly make is respond responsibly admitting that there is growing evidence of environmental contamination by the higher chlorinated biphenyls and take action as new data is generated to correct the problem.

DSW 148040

Notably, the company followed this October 1969 draft memo with a November 1969 Action Plan, implementing aggressive actions to better understand and deal with the emerging PCB issues.

The fact is that from the beginning Monsanto's responses to the finding of PCBs in the environment were swift and effective. Monsanto dealt with the emerging issues at the highest levels of the company and committed personnel and resources to learning as much as possible about PCBs, their environmental levels, their environmental behavior, and their potential health effects. Never before had a company responded as quickly and as fully to environmental concerns. A corporate committee was established which considered all the options available to the company to address the emerging issues. In the end, the company cut off sales to applications which could lead to releases to the environment; it established stringent control practices at its manufacturing facilities; it sponsored research to understand potential environmental and health effects; and it worked closely with regulatory agencies, both state and federal, including those in Alabama.

While a 1972 federal government task force report concluded that Monsanto could not cease manufacturing PCBs without causing severe disruption to electrical distribution systems, Monsanto committed to stop manufacturing PCBs as soon as substitutes were developed. Monsanto ceased manufacturing PCBs at the Anniston plant in 1971, and then, in 1977, Monsanto voluntarily ceased making PCBs altogether, a full two years before the EPA enacted regulations banning the manufacture of the materials. During the last 35 years, Monsanto and now Solutia have continued to respond appropriately to PCB issues, based on the weight-of-the-evidence of sound science, understanding of appropriate clean up measures, and response to regulatory concerns.

In 1993, when early information suggested that PCBs were present in fish in Choccolocco Creek and might be present on dirt particles in surface water leaving the Monsanto site, the company began an extensive investigation to determine any potential sources of PCBs and to understand the extent of PCB-impacted soils in areas near the plant. Upon finding that some PCBs were associated with drainage ditches leading away from the plant, Monsanto established a Property Purchase Program to acquire residential property to facilitate management and control of the PCBs. The Property Purchase Program generally provided owners of residential property about twice the appraised value of the property, as well as additional benefits, and it did not require that any legal releases be signed.

Two churches in the area were also offered generous relocation packages. Bethel Missionary Baptist Church worked cooperatively with the company to develop and implement a plan to relocate to a new church facility, with funding and relocation assistance provided by Monsanto. The congregation is now worshipping in a beautiful

DSW 148041

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Editor
The Nation
Page 3
May 22, 2000

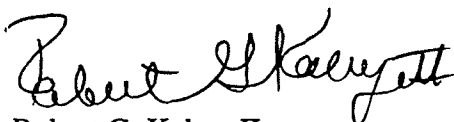
new church north of their former location. Mars Hill Missionary Baptist Church chose to enter into litigation against Monsanto, as reported in the story in *The Nation*. That lawsuit was settled under terms that were intended to assure that the church would be able to relocate to a site of its choice with a new facility comparable to that provided for Bethel Missionary Baptist Church, after their attorney's fees and expenses were taken from the settlement value.

The story in *The Nation* presents two Anniston families as illustrations of persons alleged to be adversely affected by PCBs and Monsanto's PCB manufacturing operations in Anniston. Both residents live on properties which were included in the Property Purchase Program areas, and both refused generous relocation offers. Solutia continues to stand ready to purchase those properties under the terms of the Program, and we are confident that the residents would be able to find equivalent or better housing, if the offers were accepted.

The Nation article implies that many of the health problems complained of by one family featured in the story are associated with exposure to PCBs. While we understand that the health problems mentioned are of deep concern to the family, there is no basis in the medical or scientific literature to suggest that exposures to environmental levels of PCBs are factors in adverse human health effects. Even in relatively highly exposed persons who worked with PCBs on a daily basis, the only reported health effects are skin conditions and possible elevations in some liver enzymes, both of which disappear if exposure is ended. It is notable that among the largest group of plaintiffs suing Solutia, not a single physician or other medical expert has opined that PCBs have caused a specific adverse health effect in a specific individual.

Since 1993, Solutia has implemented remedial measures at a cost of over \$30 million in the areas near the Anniston facility. The company also has several work plans for additional work awaiting approval from the state and federal regulatory agencies. Meanwhile, Solutia is continuing an extensive investigation of the waterways leading away from the Anniston facility. We are committed to continuing our efforts to manage and control PCBs which were potentially associated with our operations in Anniston. In addition, we are working to find fair and appropriate ways to resolve the many issues facing the community and us. We are convinced, however, that resolution of those issues is only possible if the issues are addressed in a fair and balanced manner. We do not feel that the article in *The Nation* contributed to that process.

Sincerely,



Robert G. Kaley, II
Director, Environmental Affairs

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