OCCUPATIONAL FATAL ACCIDENT REPORTING

In case of a fatal accident, Monsanto's Law Department must be contacted in addition to government, operating company, and corporate reporting requirements.

OSHA regulations require that, within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, the employer of such employee(s) shall report the accident either orally or in writing to the nearest office of the OSHA Area Director. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries.

In such instances, the following Monsanto guidelines are considered necessary to protect the civil rights of company employees.

In addition to routine Operating Company and Corporate notifications in fatal accidents, either Joseph B. Wollenberger (for accidental deaths) or Peter H. Smith (for deaths from long-term chemical exposure), Monsanto's attorneys for OSHA matters, must be notified immediately.* They will provide prompt necessary legal guidance including, where necessary, sending an attorney to the site for on the spot counseling.

In the meantime, OSHA inspector(s) should be given access to the site of the accident when the inspector arrives on the premises, without requiring that the inspector secure a warrant for entry. However, neither members of location management nor any wage employee should discuss the accident with the OSHA inspector until advised to do so by the company attorney.

The location manager or his designee will greet the inspector and state that location employees have been asked not to discuss the accident until the company attorney advises them accordingly.

The inspector is to be told that we have been forced to take this posture as a result of the OSHA Procedure for Investigating Criminal/Willful Violations. The inspector will be permitted to inspect the plant, and, of course, should be advised of any chemical hazards and protective measures needed, related or not to the accident.

Location personnel will not allow the inspector to view any records or documents at this time, other than the lost-time injury log, OSHA Form 200 and Form 101 or its equivalent, until advised to do so by the company attorney.

If the location is requested to rope off the area of the accident, local discretion should be exercised. The inspector, however, is not authorized to keep plant management away from any part of the operation.

If local management believes entry by the inspector must be delayed for a few hours because of exposure, safety, confusion, etc., seek such a recommendation from Messrs. Smith or Wollenberger at the time of the initial call to St. Louis.

* Joseph B. Wollenberger, 314/694-2967 (office), 314/361-3393 (home).

Peter H. Smith, 314/694-8506 (office); 314/537-2690 (home).

(Approved: Environmental Policy Committee, February 18, 1980.)

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