DRAFT
1/7/80

MONSANTO

Request to: Environmental Policy Committee

Date: January 7, 1980

Subject: Surveillance of Defunct Products

ACTION:

A. Situation

As products and their precursors, intermediates, residues, by-products and wastes, are dropped from product lines, their environmental legacy often means a continuing corporate responsibility for several conditions surrounding manufacture, transportation, use, and ultimate disposal. Monsanto may be held accountable for environmental/health effects of defunct products for as long as they exist in the environment, whether or not they have been used and disposed properly.

Public agencies, private groups, or Monsanto itself may want the company to provide resources and action varying from technical information to mitigating alleged hazards to the environment, the public, employees, and former employees.

B. Recommendation

Monsanto should establish a policy for the Corporation's environmental and health accountability for products it ceases to manufacture and sell. That policy should set in motion a program to (1) permit the public and our workers to be free from environmental/health hazards so long as the defunct product or intermediate exists; (2) have minimum dislocation or Op Unit resources yet hold them responsible until there is no essential need for maintaining anything but medical capabilities. At that point the Corporation assumes the responsibility for as long as necessary.

C. Action Requested

Approval by EPC, and later, endorsement by CAC of the attached Policy on Defunct Products.

BACKGROUND:

See attached Conditions and Principles.

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EX P-3271
Page 1 of 5

Signed_____

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CONDITIONS

1. Monsanto produces products, by-products, and solid waste materials which may during manufacture, or if improperly packaged, transported, used, or disposed, present a hazard to human health and the environment.

2. Monsanto maintains records, procedures, and technical knowledge for the environmentally safe packaging, distribution, use and disposal of these products.

3. In some instances a number of Monsanto products will have been found abandoned by third parties in their original shipping containers, or found persistent in the environment after use or disposal.

4. From time to time Monsanto will discontinue the manufacture and distribution of these products for a number of reasons.

5. These discontinued products may or may not be proprietary to Monsanto.

6. In specific instances it may or may not be possible to identify these non-proprietary products as of Monsanto origin.

7. Committees of Congress, State and Federal agencies, and others may request Monsanto to mitigate alleged hazards from defunct Monsanto products to human health and the environment at locations not owned by the company. Such requests may range from readily answered question, to technical advice, to complete disposal at Monsanto's cost.

8. State and Federal regulatory agencies may contact Monsanto requesting information regarding the distribution and use of these Monsanto products in commerce.

9. Monsanto may be held accountable for environmental and health effects of defunct products for so long as they exist in the environment.

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PRINCIPLES

1. Monsanto may act in regard to defunct products either on a voluntary basis or as required by law.

2. For non-proprietary Monsanto products that are no longer manufactured or sold, but are still manufactured and sold by others, we will seek assurance that such products, when found in the environment, are of others' manufacture and not Monsanto's.

3. Monsanto will not accept alleged adverse environmental or health effects of such products unless it can be proved that such alleged effects are the direct result of Monsanto manufactured materials.

4. When a defunct Monsanto product still exists in the environment and environmental hazard or human exposure is alleged, we will, to the extent of our knowledge and capability, aid appropriate authorities and other persons by providing counsel about the significance of the alleged exposure, as well as safe handling, and safe disposal practices.

5. We will take back defunct products for appropriate safe disposal. We will bear expense to remove and dispose of our manufactured products that may be found harmful and which have been abandoned in containers authorized for sale.

6. For all defunct products we will retain sufficient technology of manufacture, safe handling, and disposal until circumstances are clear to the EPC that such expertise is no longer appropriate or required for resolving environmental problems.

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POLICIES

1. Monsanto will retain information for both active and defunct products* in order to be able to provide information to mitigate harm to human health and the environment. EPS is responsible for seeing that Corporate strategies are prepared to deal individually with all defunct products so long as they may impinge on health or the environment.

2. Normal CAC approval to cease manufacture and sale of a product because of environmental problems is contingent, along with other considerations, upon a Operating Company plan acceptable to the Environmental Policy Committee.

   2-a Upon approval to discontinue a product, the Operating Company will prepare a reference report containing all known documentation of environmental/health data. This document would become a part of Corporate archives and the responsibility of its maintenance and updating would become that of the EPS.

3. In the case of continuing environmental concerns, the operating company, or its successor, will serve as a resource on a continuing basis in the technology of manufacture, transportation, use, and ultimate disposal, and will provide supporting information in a readily retrievable form to the Policy Staff. On a case-by-case basis, upon approval of the EPC, the EPS will assume responsibility for continuing knowledge of environmental and health effects of defunct products.

   In the case of alleged long-term health effects of defunct products, DMEH, as part of EPS, is responsible for continuing surveillance of these employees.

4. EPS will continue to keep appropriate records in perpetuity of all products so indicated as defunct for future use in epidemiological studies; DMEH will also continue, if appropriate, toxicological evaluations of defunct products for as long as potential problems remain.

5. Monsanto Hazardous Waste Management Policy will guide appropriate hazardous waste disposal procedures for all discontinued products.

*In this instance, "defunct products" are defined as materials formerly manufactured by Monsanto, by-products and residues, resulting from such manufacture, or waste products occurring from former manufacturing processes.

PCB-ARCH0749942

6. Monsanto will remove and bear the expense to remove and dispose of its manufactured products which have been abandoned in containers it has authorized for sale, use, or disposal where such abandonment presents harm to human health and the environment. Such costs will be charged to a previously established Corporate fund. Approval authority for both removal and the expected costs will be the responsibility of the Senior Vice President, Environmental Policy Staff. Under each condition, the EPC will be informed before such action.

7. Monsanto will not take action and bear the expense to remove and dispose of its manufactured materials which present harm to human health and the environment if the manufactured material was mishandled, misused in its application, or discharged to the environment by others in or not in violation of environmental statutes. Intentional abandonment will be considered a form of mishandling.

8. Under guidance from EPS, Corporate PR is responsible for managing and coordinating all communications to employees and former employees, to the general public and, where appropriate, to other special groups about any environmental and health aspects of defunct products. EPS will coordinate with Public Affairs all initiatives and responses to media on defunct products and will coordinate the handling of inquiries.

PCB-ARCH0749943