

Monsanto

FROM
(NAME-LOCATION-PHONE) J. H. Craddock - St. Louis A2SA 4-4764

DATE : June 1, 1981 CC. D. R. Bishop - A3NB
R. S. Nelson - A2SA
SUBJECT : REGULATORY ACTIONS AGAINST J. R. G. Ortiz - E2ND
PCB'S UNDER RCRA AND OSHA
REFERENCE :
TO : C. F. Callis - B3CA
J. R. Condray - G3WG
T. F. Evans - G3WG
P. H. Hobson - G5WG
G. L. Jessee - G3WG
F. E. Kearney - E2SA
W. B. Papageorge - G4WA
P. S. Park - E2NE*
W. R. Robirds - F2WA
E. C. Spurrier - C2NA
M. C. Throdahl - D1D
B. J. Wander - G3WG

Two very recent regulatory actions against PCB's were initiated by Federal officials under the RCRA and OSHA Acts. To our knowledge, this represents the first time RCRA has been involved against PCB's and in the OSHA case, if not the first action, it is certainly the largest in terms of fines and remedies sought.

RCRA Case

Lehigh Electric and Engineering Company of Wyoming, Pennsylvania, is being sued by Department of Justice for EPA under Section 7003 of RCRA "....for injunctive relief to remedy an imminent and substantial endangerment to health and the environment arising from handling, storage and disposal of PCB's, a hazardous waste on Defendant's premises." In addition, the complaint contains citations under TSCA against Lehigh.

OSHA

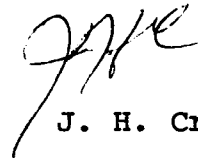
U.S. Steel, Chicago area facility, has been cited by OSHA under the General Duty Clause for improper handling and notification of PCB hazards to workers. An equipment malfunction and spill (about 1 cup/8 oz.) at the steel plant was

not handled to OSHA's liking. The citation includes numerous citations in the worker protection/exposure area. Penalties in excess of \$25,000. have been assessed. A hearing is scheduled about June 16 before an "administrative official" (?). U.S. Steel is vigorously fighting the citation.

These two incidents illustrate the fact that EPA and other regulatory agencies are increasing their efforts in the PCB enforcement area under rules not previously invoked. In addition, EPA has announced in the FEDERAL REGISTER their intent to "vigorously enforce" provisions of the Interim Measures Program relating to transformer inspection, record-keeping, etc., during the next 18 months.

Line personnel at the plant level and environmental control managers should be aware of these increased enforcement activities regarding PCB's to ensure we are in compliance with current PCB regulations.

DEO's, Legal Staff and Regulatory Management Directors should consider contingencies and strategies if agencies visit Monsanto facilities for PCB inspections under non-TSCA regulations.



J. H. Craddock

jb
enclosure

*Received copy of complaint vs. Lehigh Electric Co.