

DEC 17 1981

FROM
(NAME-LOCATION-PHONE) D. R. Bishop - A3NB

DATE : December 16, 1981

cc.

SUBJECT :

REFERENCE :

TO : R. T. Berendt - E2ND
C. F. Callis - B3CA
A. M. Ford - A2SA
D. S. Frazer - 1670
W. R. Gaffey - G2WE
Max Galloway - 1670
V. T. Matteucci - B2SC
W. J. McCarville - G3WG
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Attached is the Oct. 10, 1977 position statement on Nitro/PAB with backup Q&As prepared on July 13, 1979. Both of these items have been used to respond to press queries and are still active in our Nitro Preparedness Binders prepared by the Task Force back in 1979.

Please review this material for accuracy and consistency with the documents circulated by Dr. Callis at our meeting earlier this week.

F.Y.I., we also refer to PAB in our Nitro lawsuit response. I've attached a copy of this material, as well, which I updated today.


Dan R. Bishop

DRB:ec

Attachments

CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER.

004503

POSITION STATEMENT
NITRO / PAB
10 October 1977

PAB is the abbreviated chemical name of para-amino-biphenyl. This chemical was an intermediate chemical used 25 years ago in the production of chemical raw materials at Monsanto's Nitro, West Virginia, plant (from the mid-1940s to the mid-1950s). [A chemical intermediate is one that occurs during a chemical reaction and is consumed in the process.]

In 1955, it was confirmed by Monsanto that prolonged exposure to PAB can cause a delayed incidence of tumors of the bladder. On its own initiative, Monsanto immediately halted the use of PAB and all employees exposed to PAB -- even remotely exposed -- were included in a long-term health monitoring program which also began in 1955. Under this program Monsanto, at its own expense, checks every six months for bladder tumors. The program is voluntary; it now includes 155 active and former Nitro plant employees (more than half have retired from the company).

The Monsanto discovery and subsequent medical monitoring program have been used several times in the medical literature as a model for safety activities and for the guidance of other companies and physicians.

[We cannot release more detailed information because this would violate our employees' rights to privacy and the doctor-patient relationship. Information on West Virginia workman's compensation must come from the State of West Virginia -- we cannot give a legal opinion on this subject.]

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Q & A, NITRO HEALTH STUDIES

- Q1. There are reports that Nitro workers suffer high rates of heart disease and nervous disorders. What do your medical records reveal about this charge?
- A1. Dr. Richard Wallace of Nitro has been the plant physician for more than 25 years and he has not seen what he would consider to be an abnormal rate of those symptoms or problems, based on being involved in and examining the people over that period of time. A detailed Monsanto study of all available health and work records now is underway and will give the most detailed picture of the work environment ever attempted.
(SEE PREPAREDNESS STATEMENT FOR FURTHER DETAIL.)
- Q2. How does Monsanto justify continuing the manufacture of 2,4,5-T until 1969 when workers continued to contract chloracne?
- A2. Dioxin was not chemically identified until 1957 and, of course, its relationship to chloracne was not established until that time. However, following the 1949 incident, Monsanto revised its 2,4,5-T process, instituted additional safety and industrial hygiene practices and later built an entirely new unit for the manufacture of the herbicide.
- Q3. Chloracne often is a disfiguring ailment. What special compensation did Monsanto provide to employees suffering from this skin condition? If no special compensation was provided, why wasn't it?
- A3. Monsanto provided, at company expense, special care and treatment for those individuals who were affected by chloracne. In addition, the 2,4,5-T operation at Nitro became a premium pay department. This applied not only to plant operators but also to warehousemen who handled the product and laboratory people involved in 2,4,5-T analyses.
- Q4. In several instances, persons contracting chloracne suffered from significantly darkened skin pigment. Was special compensation provided for those employees? If not, why not?
- A4. The most severe problem that we had with skin pigmentation related to one of the individuals that had the most severe case following the 1949 incident. It was believed in the early 50's that the proper care and treatment of chloracne, like adolescent acne, was to treat it with ultraviolet light. It later was learned that ultraviolet light causes the darkening of pigment in chloracne cases. Fortunately, this condition was not permanent and eventually cleared. No special compensation was provided for this individual.

- Q5. Some employees at Nitro still show signs of chloracne. Can you prove that this condition isn't being caused by current manufacturing conditions?
- A5. The only employees who occasionally still show signs of chloracne are those who worked in or around the 2,4,5-T operation. There is no medical evidence that employees hired after Monsanto suspended 2,4,5-T manufacture in 1969 have ever contracted the skin ailment.
- Q6. There have been news stories in the Charleston media of one employee who has suffered from continuous skin ulcers. Monsanto's position is that chloracne is a treatable dermatitis condition. Doesn't this employee's case suggest that the ailment is much more severe than Monsanto is willing to acknowledge?
- A6. Notwithstanding media reports, privacy requirements forbid our discussion of a specific employee's health record. We can state, however, that the extensive medical literature compiled on health effects of dioxin exposure does not point to skin ulcers as a medically established or accepted effect.
- Q7. Monsanto apparently conducted PAB exposure tests on dogs in the early 1950's and found that the chemical caused bladder tumors. There must have been a suspicion that PAB caused tumors in humans for you to conduct such tests. Why wasn't manufacture of PAB at least temporarily suspended when it first became evident to you that the product was a carcinogen?
- A7. The fact that bladder tumors show up in dogs does not necessarily mean that they will show up in humans. However, once human concerns appeared, we moved to alter the PAB process and instituted special safety precautions in the operating techniques and handling of PAB. These included equipment changes and other controls, and issuing special clothing. After having done all of those things, we concluded that potential worker exposure was still unacceptable so we permanently ceased the use and handling of PAB. We consider our total actions to be socially responsible, particularly in light of the fact that the PAB experience happened 25 years ago.
- Q8. Following the animal tests, Monsanto continued to manufacture PAB for a period of somewhere between 12 and 18 months. How do you justify continuing to produce the product in the face of strong evidence that it was a carcinogen?
- A8. The previous answer details Monsanto's actions associated with PAB. It should be re-emphasized that the precise relationship between animal tests and human effects still is not established in medical and scientific circles.

- Q9. Monsanto reportedly continues to pay for the medical expenses of employees suffering from PAB-related health effects. Why hasn't the company paid employees and their survivors special benefits in addition to medical costs?
- A9. Today, employees who suffer a work-related illness receive workmen's compensation payments. In prior years, when only work-related injuries were covered, Monsanto provided the widows of employees whose deaths were related to bladder tumors a special benefit based on whatever the worker compensation payment would have been at the time of the employees death. The survivor is entitled to that weekly compensation for life. So we have supplemented the income of widows of those who have died from PAB complications in that fashion.
- Q10. It's been reported that there is a wide variance in the extent of benefits being paid widows of deceased workers. How do you justify these inequities?
- A10. This represents a misunderstanding of what benefits were paid and are being paid. Special benefits provided to employees who suffered PAB-related health effects, or their survivors, are based on the time of retirement or death. Thus, payments differ according to the date of the claim, as they do with all such public and private insurance plans -- Social Security, private pension plans, workmen's compensation, etc.
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Revised: Dec. 16, 1981

MONSANTO COMPANY RESPONSE
TO NITRO (W.VA.) LAWSUIT ALLEGATIONS

Monsanto Company is involved in lawsuits brought by former employees, their spouses and representatives of deceased former employees who worked at the company's Nitro, W. Va., plant. The original complaint was filed on March 25, 1981 in Federal District Court at Charleston, W. Va. Additional plaintiffs were added during the year in subsequent lawsuits, the most recent being filed on December 15, 1981. The net result is that there are now 142 plaintiffs seeking damages totaling well in excess of \$4 billion.

The suits charge that Monsanto was aware of health hazards associated with specific chemicals, but concealed that information from employees. In support of these allegations, reference was made to a company memo dated November 16, 1977, which, according to the complaint, "instructs managers in ways to avoid requests for industrial health data." The complaint quotes -- out of context -- from two paragraphs of a two-page guideline document entitled: "How to Handle Employee and Local Union Requests for Employee Health Data." (A copy of the full document is attached).

When read in context, these guidelines present an entirely different picture of the company's approach to sharing health and safety information with employees even by today's standards -- which are quite different than they were just four years ago.

In a company of this size with 62,000 employees worldwide and 150 manufacturing locations, it is both appropriate and necessary to establish and promulgate guidelines, policies and procedures.

Monsanto has a long standing policy of being open and candid with its employees -- willingly sharing with them and their union representatives -- pertinent health, safety and environmental information.

At the same time, it would be impractical, imprudent and against their individual or collective best interests to pass on to them every bit of newly generated toxicological data from whatever source until and if it can be quantified, qualified and placed in the proper medical or scientific perspective.

Roman numeral IV (from the attached) was designed to guide local managers in handling requests for this kind of "out of perspective" information. It was also designed to ensure the protection of employee privacy rights with respect to their own medical records.

To attempt to lift this out of context and use it as proof that the company deliberately concealed information on health hazards associated with chemicals flies in the face of reality and falsely characterizes what has long been a responsible employee relations program.

To our knowledge, the only chemical that any Nitro Plant employee was ever exposed to in an amount that could be considered hazardous was Para Amino Biphenyl (PAB). This intermediate chemical was used from the mid-1940s to the mid-1950s.

In 1955, Monsanto confirmed that prolonged exposure to PAB could cause a delayed incidence of tumors of the bladder in humans. On its own initiative, Monsanto halted the use of PAB and placed all employees exposed to the substance -- even those remotely exposed -- in a long-term health monitoring program which continues even today at company expense.

Monsanto's response to this unfortunate health problem has been referred to several times in medical literature as a model for safety activities and for the guidance of other companies and occupational medicine physicians.

The suits also allege that these employees were exposed to hazardous levels of the phenoxy herbicide, 2,4,5-T, and "dioxin" and that this information was concealed from them.

2,4,5-T was manufactured at Nitro from 1948 until 1969 when its production was discontinued for a variety of economic reasons.

This herbicide has been safely manufactured and marketed for nearly 40 years in this country and abroad by many firms for crop production and forest management applications.

In March of 1949, a well known and widely documented accident occurred in the 2,4,5-T unit, exposing those present and those later involved in the cleanup, on an acute or short term basis, to potentially hazardous amounts of the chemicals present. Some 121 employees developed symptoms including a skin rash known as chloracne, eye and respiratory tract irritation, headache, dizziness, nausea and liver disorder. These employees all received medical treatment at company expense and some were even referred to outside physicians who were specialists in specific disorders. All symptoms -- except some cases of residual chloracne -- subsequently disappeared.

We have continued to monitor the health status of these employees and have observed no adverse long-term health effects in this group of workers other than the aforementioned residual chloracne.

Monsanto does not believe that its Nitro employees, other than those involved in the 1949 accident, were ever exposed to potentially hazardous amounts of this chemical or its byproducts and even those present in 1949, to the best of our knowledge, did not suffer serious or irreversible long term health effects.

Two detailed mortality studies (studies of the cause of death) support this position. One study centered on those employees who were involved in the 1949 accident and have since died from any and all causes. The other looked at the cause of death of all others involved in 2,4,5-T production at Nitro for one or more years between 1955 and 1977. The results of both studies, completed and made public in 1980, failed to show any apparent relationship between workplace exposure and death.

Two additional and very comprehensive epidemiology studies of the Nitro work force are currently being conducted by independent medical investigators. These studies involve present and former employees -- still alive -- and are focusing on current health status. We are confident that these studies, when completed, will further bear out our belief that Nitro employees have not suffered ill effects from their occupational exposure to chemicals.

Monsanto is terribly disappointed that this group of people have seen fit to bring this action. The company will, however, vigorously protect its interests and its reputation as this litigation proceeds.

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For additional information, contact:

Dan R. Bishop
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HOW TO HANDLE EMPLOYEE AND LOCAL UNION REQUESTS

FOR EMPLOYEE HEALTH DATA

- I. Where exposure standards have been set by OSHA, management is to notify employees, individually, of:
 1. The employee's exposure to toxic materials or harmful physical agents in excess of the levels set by the standard, and corrective action being taken by management.
 2. Where requested by the employee, plant records which indicate the level of the employee's exposure.
- II. Management, upon request only, of local union representatives, is to provide such representatives with the same information given to individual employees under I, above.
- III. Management, upon request only, of either an employee(s) or the local union representatives, in cases where exposure standards have been set by OSHA:
 1. Is to provide the employee(s) and/or their local union representatives -- depending on the form of the request -- an opportunity to observe monitoring/measuring of employee exposure to the material/agent.
 2. Is to provide the employee(s) and/or their local union representatives -- depending on the form of the request -- access to records of such monitoring/measuring.
- IV. Except as provided in I, II and III above, requests by local union representatives for "industrial hygiene data," "occupational disease cases data," lists of all chemicals with which employees come into contact, all data on all monitoring/measuring, etc., will be handled as follows:
 1. Local union representatives will be told time is needed to prepare a response (that it is a complicated question; or that all or parts of the data requested are not currently available; not that clearance is needed from St. Louis).
 2. The question/situation will be forwarded to the operating company personnel department.
 3. The operating company personnel department will review the situation with corporate medical, corporate labor law and corporate labor relations. As limited a response as deemed appropriate will be developed.

4. The site management response to the local union will be oral, but reduced to writing upon request. (Where oral, accurate notes will be kept by management.) When data not currently available becomes available, a decision must be made whether or not to provide it, voluntarily, to the local union representatives.
- V. It should be noted that these "How to Handle" guidelines cannot cover all the situations nor allow for the nuances of local plant employee and union relationships. For a plant's industrial hygiene effort to be effective, a positive approach is necessary to employees and union representatives as to what's being done, where problems are, and what cooperation is required from employees. Plant management, with the concurrence of the operating company personnel department, should develop their own positive communications efforts. However, whenever possible, "broadside" and/or "antagonistic" and/or "suspicious" union requests should be resisted as outlined in IV, above.

November 16, 1977