

Monsanto

FROM (NAME, LOCATION, PHONE)

LAW DEPARTMENT

T. M. Bistline - E2ND - (4-2989)

DATE June 8, 1982

cc R. T. Berendt - E2ND

CT Agent Orange Position Papers

J. R. Condray - GAWG-3

G. D. Ingenthron - A3NB

REFERENCE

TO Sarah G. Collins - A3ND

Bob Berendt and I have the following suggestions to make on the position papers which you forwarded to us. With regard to paragraph 2 of the paper entitled "Agent Orange ... Monsanto Company Position", we would suggest eliminating the final sentence. While the Plaintiffs do seek to impose a trust fund on the companies involved, the request for \$40 billion does not appear in the Prayer for Relief in the Amended Complaint. Therefore, it is technically inaccurate to say that the Plaintiffs seek a \$40 billion trust fund. Rather than get into disputes about how much they seek, we suggest simply dropping that entire sentence.

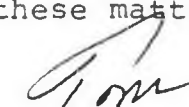
The dates mentioned in the first sentence of paragraph 3 ("between 1962 and 1970") can be seen as misleading. Monsanto sold herbicides which fall under the broad definition of "Agent Orange" as used in this litigation from 1961 to 1969. The government used such herbicides in Vietnam from 1961 to 1971. We suggest simply eliminating the dates and saying that Agent Orange was used during the Vietnam War.

The first sentence of paragraph 4 states that "the controversy surrounding Agent Orange has continued to grow...". From our point of view, the public clamor surrounding this case has peaked and decreased and we feel that it might be more appropriate simply to say that the controversy continues.

On the document entitled "Agent Orange -- Monsanto Company Background", paragraph 2 contains the sentence regarding the \$40 billion trust fund. As with the position paper, we recommend deletion of this sentence in the background paper as well.

I have taken the liberty of revising paragraph 5 of the background paper and merging it with paragraph 4. The manner in which the prior draft was written seemed to me unclear and I suggest this version as emphasizing the point which we wish to make.

I would be happy to discuss any of these matters with you.



Thomas M. Bistline

TMB:mmp
Enclosure

AND 579-1

AGENT ORANGE -- MONSANTO COMPANY BACKGROUND

Monsanto began producing the components of Agent Orange-- 2,4,5-T and 2,4-D--in the late 1940's. We continued the manufacture of these herbicides until 1970 when we decided to get out of the business for economic reasons.

During the Vietnam War, Monsanto was one of the companies asked by the U.S. government to produce a special formulation of these herbicides for use in Vietnam. Consequently, today we are a target of a class action suit filed by thousands of veterans against the producers.

We genuinely sympathize with the plight of our Vietnam Veterans. The unpopular war they fought has left inevitable scars and Agent Orange has become an outlet for accumulated frustrations.

Also, in the past few years, a great deal of information has been gathered from health studies on human populations exposed to dioxin--a trace contaminant found in 2,4,5-T. One such study offers us a good insight into long-term or chronic health effects of dioxin exposure. In 1949, there was an accident at one of Monsanto's plants during which 121 employees were exposed to relatively high concentrations of dioxin. A standardized mortality analysis--a study of the cause of death--was recently conducted by Monsanto and the Institute of Environmental Health at the University of Cincinnati on those employees who were exposed in 1949. The study found no apparent excess in death from cancer or cardiovascular disease among the study group as compared to the total U. S. population.

Monsanto is confident that good science will ultimately prevail over the emotions of the moment and exonerate the producers of Agent Orange. At the same time, we sincerely hope that good science will provide answers to Vietnam veterans regarding their health problems.

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June 1982

AGENT ORANGE ... MONSANTO COMPANY POSITION

We genuinely sympathize with the plight of our Vietnam Veterans. But we believe that the substantial amount of scientific and medical evidence available today suggests that there is no link between Agent Orange and human health problems of the magnitude claimed by the veterans.

Monsanto was one of the companies asked to produce this herbicide mixture for the U.S. Government during the Vietnam War. Now, much to our regret, we find that we are both an object of the veterans' frustrations and a target of a class action suit filed by thousands of veterans against the producers.

Agent Orange, used during the Vietnam War, was supplied at the government's request, formulated to government specifications, applied by military personnel under the orders of the government, and used in war situations ... utterly beyond the control of the manufacturers.

The controversy surrounding Agent Orange continues despite the lack of virtually any scientific evidence that this herbicide posed a danger to the veterans. To the contrary, there is a substantial amount of scientific/medical evidence on the record (attached) indicating that there is no link between Agent Orange and human health problems of the magnitude claimed by the veterans.

Obviously, this conflict is not of our making. However, having been drawn into it, we have no alternative but to defend ourselves. We are confident that good science will ultimately prevail over the emotions of the moment and exonerate the producers of Agent Orange. At the same time, we sincerely hope that good science will also provide many of the answers the veterans now seek regarding possible service-related health problems.

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June 1982
For additional information, contact:
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