TSCA 8(c) RECORDKEEPING: LITIGATION CLAIMS

DETAILED PROCEDURE:

Step 1

Litigation complaints will be reviewed at the time of receipt by the law department for relevance to TSCA 8(c) recordkeeping. Criteria for this review include the following:

a) Is the claim against a Monsanto product or process?

b) Is the product(s) in question one that is covered by TSCA, i.e., other than pesticide, herbicide, food, food additive, or pharmaceutical?

c) Is the claim a health or environmental claim?

If questions a, b and c are all yes, the claim will be sent to the DMHS occupational medicine group. Exceptions to this include: PCB claims which will be sent to the EPS/Product Safety Group for review and claims against MAP, Nutrition and Health Care Products which will be sent to these respective groups when the law department is unsure of the answer to question (b).

Step 2

The occupational medicine group of DMHS will review the litigation claims passed to them by the law department. The review will be based on EPA's definitions of "known human effect" and "significant adverse reactions." (40 CFR 717) For environmental effects, DMHS may need to contact the appropriate DEO for assistance. Claims that do not meet TSCA 8(c) criteria will be dropped from further TSCA review of this step. Those claims that meet TSCA 8(c) criteria will be forwarded to the DRM, Toxic Substances, for filing. PCB claims that meet the 8(c) criteria will also be forwarded for filing.

Step 3

Claims meeting the 8(c) criteria will be filed in the TSCA 8(c) file maintained by the DRM, Toxic Substances. This office will request a copy of the complaint "answer" from the law department.

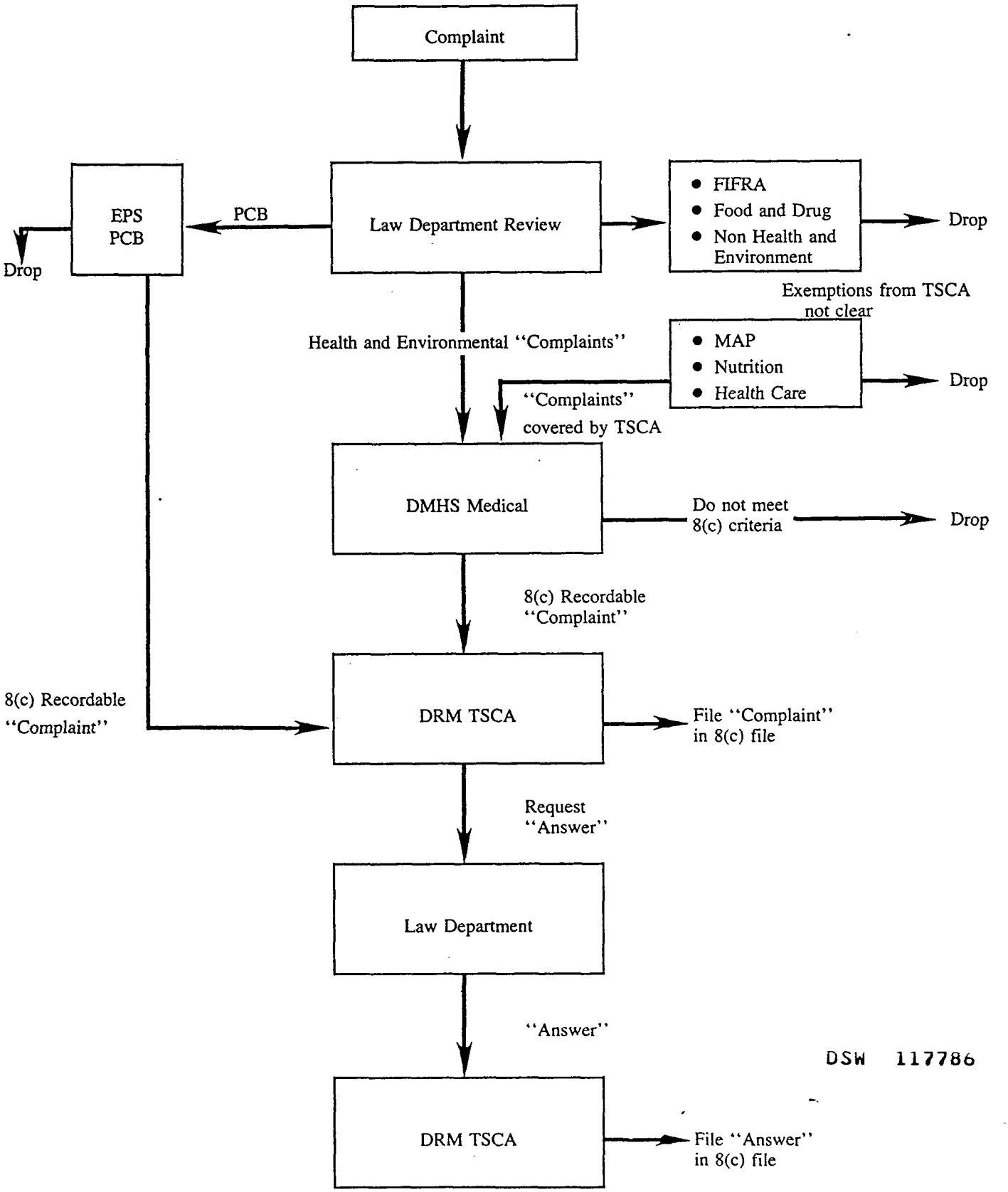
Step 4

The law department will forward a copy of the complaint "answer" to the DRM, Toxic Substances for filing in the TSCA 8(c) file, along with the "complaint." The "complaint" and "answer" will constitute the TSCA 8(c) recordable "allegation" and "follow-up" for all litigation filings.

A block flow diagram of the TSCA 8(c) process for litigation complaints appears on the reverse side of this page.

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TSCA 8(c) REVIEW PROCEDURE OF LITIGATION CLAIMS



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