

WORC

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FACTSHEET: MONSANTO PCB CASE

Summary

Monsanto produced the now-banned industrial coolants known as **PCBs** (polychlorinated biphenyls), which were used as a highly efficient electrical insulator, at a local factory in Anniston, Alabama for 40 years. The company discharged the toxic waste from producing PCBs into a local creek (Snow Creek) and into open-pit landfills. There are many problems with PCBs: they are known to cause cancer in rats and mice, are linked to human neurological and developmental problems, skin rashes, thyroid dysfunction and other diseases, as well as being a suspected human carcinogen. According to federal data, it's one of the top 5 hazardous substances after arsenic, lead, mercury and vinyl chloride.

Internal documents show that Monsanto knew about the problems with PCBs early on, and hid its knowledge from the people of Anniston. There are currently at least four major cases that have been filed against Solutia, the spinoff of Monsanto's chemical interests. Two cases have already settled, with Solutia paying \$80 million in settlements. The most publicized case, *Bowie v. Monsanto/Solutia*, recently reached its initial verdict, which established liability for Solutia on six counts.

TIMELINE

- Monsanto started manufacturing PCBs in 1929.
- 1935: Monsanto learned PCBs "could not be considered non-toxic."
- 1937: Harvard study showed that prolonged exposure could cause liver damage and a rash called chloracne. The scientist who did this study was hired as a consultant by Monsanto. Monsanto started requiring showers for workers after every shift.
- As early as 1966, Monsanto discovered that fish in the creek that they dumped their waste into turned belly-up within 10 seconds, spurting blood and shedding skin. They had hired a biologist to do these studies on fish. After learning the results, Monsanto reduced its mercury releases but did not try and reduce its PCB releases.
- 1967: A group of Swedish scientists demonstrated publicly that PCBs were a threat to the global environment. Monsanto's primary response was to wonder how to counteract this "evil publicity" and prepare for a media war.
- 1968: More evidence that PCBs are harmful was discovered in CA. Monsanto starts talking about protecting itself.
- 1969: Monsanto formed Ad Hoc Committee to deal with controversies over PCBs. The committee had two formal objectives: to permit continued sales and profit, and to protect

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the image of the corporation. The committee's recommendation: phasing out PCBs, but only if Monsanto could discover alternatives that were just as profitable.

- 1969: company did more studies, trying to poke holes in government's case against PCBs, but company's own tests showed that "The PCBs are exhibiting a greater degree of toxicity than we had anticipated."
- May 1970: Monsanto informs the Alabama Water Improvement Commission that PCBs are entering Snow Creek, and AWIC agrees to keep the information secret
- 1971: Monsanto shifted all PCB production to its plant in Illinois.
- 1977: Monsanto stopped making PCBs, two years before nationwide ban took effect
- 1983: Soil Conservation Service found PCBs in Choccolocco Creek (which Snow Creek feeds into) but took no action
- 1985: state authorities found PCB-tainted soils around Snow Creek, dispute over cleanup details prevented action
- 1988: AG Don Siegelman (now governor of Alabama) approved Monsanto's plan to go ahead with their own cleanup plan, dredging just a few hundred yards of Snow Creek and its tributaries
- 1993: Alabama issued the first advisories against eating fish from the area, 27 years after Monsanto learned about PCBs effect on fish
- 1996: Bowie v. Monsanto filed
- 1996: PCB levels were as high as 940 times the federal level of concern in yard soils, 200 times that level in dust inside people's homes, 2,000 times that level in Monsanto's drainage ditches. Monsanto launched a program to buy and raze contaminated properties.
- In 1997, Monsanto's chemical operations were spun off into Solutia, Inc.
- February 22, 2002: Bowie v. Monsanto reaches its initial verdict. Monsanto is found liable on six counts.

CITIZENS GROUP CONTACT INFORMATION

- Community Against Pollution
- David Baker is the main contact and spokesperson. His wife, Shirley Baker, is also an excellent source. Brendan DeMelle at the Environmental Working Group gave me their names and contact numbers.

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OTHER INFORMATION

- David Carpenter, an environmental health professor at the State University of New York at Albany, states that people in Anniston have the highest PCB levels of any residential population.
- Solutia has not apologized for any of its contamination or deception, and has opposed comprehensive health studies as unnecessary
- According to Jack Matson, a Pennsylvania State University environmental engineering professor who consulted for Monsanto, the company did not even observe basic industry practices, such as catch basins, settling ponds or carbon filters to clean its wastewater

- For many years, responsibility for cleaning up PCBs was given to the Alabama Department of Environmental Management (ADEM), not to the EPA, and they concerned themselves with the tiny area around the Monsanto plant.
- Monsanto had a \$22 million a year PCB monopoly.
- Monsanto has spent just \$40 million on cleanup so far (as opposed to GE, which has spent \$460 million cleaning up PCB damage), but Monsanto has spent \$80 million on legal settlements and will probably spend much more.
- In terms of liability questions, Solutia is mainly liable, but Monsanto and Pharmacia are liable if Solutia cannot pay all of their damages. Corporate law in general protects parent companies from some liabilities of their subsidiaries. In 2000, Monsanto merged with Pharmacia and sprung off Monsanto into just an agribusiness corporation. This “new” Monsanto claims now they are not connected to any of the past actions of the company.
- In the *Bowie v. Monsanto* case, the defendant was found liable on all six counts: negligence, wantonness, suppression of the truth, nuisance, trespass, outrage (a rare claim which indicates conduct “so outrageous in character and extreme in degree as to go beyond all possible bounds of decency so as to be regarded as atrocious and utterly intolerable in civilized society”).

OTHER RESOURCES

- www.chemicalindustryarchives.org (includes all 4,000 pages of internal Monsanto documents used in the court case, as well as links to all the best articles about the case)
- www.annistonstar.com (local newspaper, archive of articles on Monsanto and PCBs)