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U.S. SETTLES \$1.8 MILLION POLLUTION CASE WITH MERCK AND MONSANTO

Release date: 9/5/1996

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(San Francisco) -- Merck and Co. Inc. has agreed to pay more than \$1.8 million in penalties and Monsanto Co. will install equipment to cut air pollution from the Kelco kelp processing plant in San Diego as part of an agreement announced today by the U.S. Environmental Protection Agency (U.S. EPA) and the U.S. Department of Justice.

Monsanto, the current owner of Kelco, will install pollution control equipment to reduce smog-causing volatile organic compound (VOC) air emissions by 680,000 pounds per year -- equivalent to the VOCs produced by about 10,000 cars. In addition, Merck, the former owner of Kelco, has agreed to pay penalties of \$1,857,395 to settle allegations that the facility exceeded air pollution limits for several years.

"This facility was a major polluter, so cleaning it up means major gains in air quality for San Diego area residents," said Dave Howekamp, director of U.S. EPA's western regional air division. "We are very pleased that our cooperative effort with the San Diego Air Pollution Control District on this case has already resulted in cleaner air."

Lois Schiffer, Assistant Attorney General for the Environment Division at the Department of Justice, said, "This settlement serves as an example to all companies that violations of air pollution standards will not be tolerated. We will do everything possible to make sure those who break our environmental laws pay a penalty so that others will follow the law and help keep our air clean."

"Monsanto's upgrades to the processing equipment at Kelco will produce a direct, measurable environmental benefit for the citizens of San Diego," said Alan Bersin, United States Attorney for the Southern District of California.

In 1991, the Kelco facility was responsible for more than a third of all industry-related VOC emissions in the San Diego area. San Diego does not meet national health standards for ozone pollution, which is caused when VOCs and nitrogen dioxide emissions react with sunlight in the air to form smog.

Ground-level ozone causes health problems by damaging lung tissue and sensitizing the lungs to other irritants. Studies show that regular exposure to ozone at concentrations found in San Diego and other heavily populated areas of California can significantly reduce lung function in normal, healthy people during periods of moderate exercise. People with asthma, the elderly, and children are especially at risk.

The agreement lodged today in U.S. District Court settled allegations that Merck, which owned Kelco until February 1995, made several modifications to the facility without obtaining the necessary preconstruction permits, and that Merck failed to install the best available emission controls as the changes were made.

During the course of U.S. EPA's investigation, Merck met with the San Diego Air Pollution Control District and agreed to install more stringent pollution controls at the facility. According to the District, the controls installed by Merck since that time have already cut emissions from the Kelco facility by more than 3.1 million pounds per year.

As part of the settlement filed today, Monsanto also has agreed to install monitoring and control equipment for two supplemental projects that will reduce toxic air emissions and allow Monsanto to refine its reporting of air and water emissions from the facility.

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