August 29, 2022

ATTORNEY GENERAL RAOUL FILES LAWSUIT AGAINST MONSANTO FOR CONTINUED EFFECTS OF PCB CONTAMINATION

Raoul Alleges Monsanto's Decades of PCB Production Caused Ongoing Contamination Near Sauget Facility and Throughout Illinois

Chicago — Attorney General Kwame Raoul today announced a lawsuit against Monsanto Company (Monsanto) and affiliates Solutia Inc. and Pharmacia LLC for the continued environmental and human health effects of Monsanto's decades-long production of polychlorinated biphenyls, known as PCBs. In addition, Raoul seeks to hold the companies accountable for its purposeful deceit surrounding the dangers those chemicals posed.

The hazardous chemicals have been banned by the Environmental Protection Agency (EPA) since 1979. However, nearly all PCBs used in the United States were manufactured by Monsanto, many of them at the company's facility in Sauget, Illinois. Raoul's lawsuit alleges the company was aware of the chemicals' toxicity while publicly denying any knowledge of the danger to human health and the environment.

"Taxpayers should not be left to shoulder the financial burden caused by these companies, whose reckless behavior led to contamination across Illinois," Raoul said. "PCBs have been banned in the U.S. for decades. Yet, Sauget and its surrounding communities are still dealing with the environmental effects of Monsanto's decisions to continue producing and disposing of a dangerous toxic chemical. It's time Monsanto is held responsible for its actions that continue to impact Illinois' natural resources."

As a result of Monsanto's misconduct, PCBs and other hazardous substances now widely contaminate Illinois' natural resources. Raoul's lawsuit seeks to recover compensation for damages to natural resources caused by Monsanto's decades-long manufacture and distribution of PCBs, and to hold the company accountable for both statewide contamination and contamination in and around Monsanto's industrial operations in Sauget.

PCBs are hazardous chemicals that were used in a diverse range of products, including paints, caulks and industrial electrical equipment lubricants. From 1960 to the mid-1970s alone, Monsanto sold nearly 50 million pounds of commercial PCB mixtures to customers in Illinois. To this day, Illinois suffers from immense PCB contamination resulting from Monsanto's conduct in the design, manufacture, use, marketing, sale and distribution of commercial PCB mixtures. For decades, Monsanto discharged massive amounts of hazardous wastes from its Krummich Plant in Sauget directly into the surrounding environment, including into sewers that allowed the toxic waste to enter the Mississippi River. In addition, hazardous waste was dumped into landfills that allowed the waste to leach into surrounding soil, water, groundwater and air.

Sauget – a town of only 141 residents – is home to two EPA superfund sites and is surrounded by East St. Louis and Cahokia Heights, two economically depressed, majority-minority communities which bear the brunt of the environmental contamination caused by decades of Monsanto's reckless practices in Sauget. The groundwater in and near Sauget is so significantly contaminated that local ordinances in East St. Louis, Sauget and the former Cahokia prohibit the use of groundwater as a potable water supply. Groundwater in the area is not even a viable option for industrial use due to contamination.

"The legacy of PCB contamination caused by these companies has plagued Illinois' air, land, and water resources for decades," said Illinois EPA Director John J. Kim. "In its latest step to guard against the impacts of PCB contamination, Illinois EPA has worked closely with Attorney General Raoul's Office and the Special

Assistant Attorney General to ensure these companies are held accountable for the contamination that has impacted the people and environment of Illinois."

Human health effects associated with PCB exposure include cancer, reproductive toxicity including increased difficulties conceiving, neuro-developmental and neurobehavioral changes and liver, thyroid, dermal and ocular changes.

Attorney General Raoul's lawsuit against Monsanto is part of Raoul's work to hold companies accountable for pollution in environmental justice communities. Attorney General Raoul's Environmental Enforcement Division, which enforces civil environmental laws, has recovered millions of dollars from polluters and required companies to undertake environmental improvement projects in communities impacted by pollution. Raoul encourages residents to report environmental justice and other environmental concerns to his office by emailing ej@ilag.gov.

Division Chief Matthew Dunn, Bureau Chief Stephen Sylvester and Deputy Bureau Chief Gerald Karr, along with Assistant Attorney General Elizabeth Dubats are handling the case for Raoul's Environmental Bureau. In addition, attorneys from Power Rogers LLP and Grant & Eisenhofer P.A. will co-prosecute the case as special assistant attorneys general.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT LAW DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, *EX REL.* KWAME RAOUL, ATTORNEY GENERAL,	)	Case No.
Plaintiff,	)	CIVIL ACTION
v.	)	2022L007763
MONSANTO CO., SOLUTIA INC., and PHARMACIA LLC,	)	
Defendants.	)	

COMPLAINT WITH JURY DEMAND

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Now comes Plaintiff, the People of the State of Illinois, *ex rel.* Kwame Raoul, the Attorney General of the State of Illinois, and files this Complaint against defendants Monsanto Company, Solutia Inc., and Pharmacia LLC (collectively, the "Defendants"), who have succeeded to the liabilities of an earlier Monsanto entity ("Old Monsanto"), and who, together with Old Monsanto, are referred to herein as "Monsanto." Monsanto acted tortiously in the design, manufacture, use, marketing, sales, and distribution of certain toxic, persistent, and environmentally hazardous chemical compounds known as polychlorinated biphenyls ("PCBs"), and products containing PCBs, which Monsanto used, marketed, and sold across the State of Illinois, causing statewide environmental damage. Monsanto also operated a manufacturing facility in this State at which it produced PCBs and other chemical products. At that facility, Monsanto discharged, dumped, released, spilled, leaked, and burned hazardous substances and toxic industrial wastes, including PCBs, benzene, and chlorobenzene, resulting in extensive contamination of Illinois surface waters, groundwater, sediments, fish, wildlife, marine resources, air, and other State natural resources and property with toxic substances. Plaintiff brings this action to recover all monetary relief, including compensatory, consequential, and punitive damages and restitution, recoverable at law or in equity, to remedy the Defendants' violations of law, as well as civil penalties pursuant to Section 42(a) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(a) (2020). Plaintiff respectfully alleges as follows:

I. INTRODUCTION

1. PCBs are toxic and dangerous synthetic organic chemical compounds. Due to their physical and chemical properties, which were known to Monsanto at all times, PCBs are also extremely persistent in the environment, bioaccumulative in fish, wildlife, and humans, and semivolatile. Because PCBs and PCB-containing products were both manufactured and widely

used in Illinois, and resist degradation, PCBs currently impair natural resources in Cook County and across the State, including waterbodies, fish and wildlife populations, sediments and soils, air, and other resources.

2. Monsanto designed, manufactured, marketed, sold, and distributed PCBs and PCB-containing products from approximately 1935 to 1977.

3. During that period, Monsanto was responsible for the manufacture of 99% or more of all PCBs used or sold within the United States.

4. Substantial volumes of these PCB mixtures were manufactured by Monsanto in Sauget, Illinois, at what became known as the W.G. Krummrich Plant ("Krummrich Plant" or "Plant").

5. Monsanto marketed commercial PCB products under trade names including Aroclor (the primary trade name for commercial PCB mixtures made by Monsanto), as well as Pyranol, Inerteen, Pydraul, Santicizer, and many others. Monsanto produced PCB formulations for use as plasticizers in plastics, rubbers, paints, caulks, and other applications, as well as for use in electrical and heating systems.

6. Because of PCBs' proven toxicity and persistence in the environment, production and, with limited exceptions, use of PCBs was prohibited in the United States in 1979, when the U.S. Environmental Protection Agency ("U.S. EPA") promulgated final regulations banning PCBs under the Toxic Substances Control Act ("TSCA"), enacted by the U.S. Congress in 1976.

7. At the time it designed, manufactured, used, marketed, distributed, and sold its commercial PCB mixtures (and discharged or released PCB wastes from the Krummrich Plant into Illinois natural resources), Monsanto knew that PCBs were highly toxic, harmful to human and animal health, and environmentally harmful.

8. Due to reports of worker injuries resulting from acute exposure to toxic Aroclor vapors in the 1930s, Old Monsanto understood that, during ordinary use, PCBs would escape into air and come into both dermal and respiratory contact with workers handling or using the materials in industrial settings, causing skin eruptions and "systemic toxic effects," including liver disease.

9. Internally, the company thus acknowledged as early as 1937 that PCBs produce systemic toxic effects upon prolonged exposure and that vapor phase PCBs pose a serious risk of harm.

10. In the 1950s, Monsanto's Medical Office specifically advised workers not to eat lunch in the PCB department at the Krummrich Plant, with Monsanto's medical director openly declaring: "We know Aroclors are toxic."

11. Because of PCBs' toxicity and attendant risk to the workers handling PCBs, Monsanto instructed its customers to vent PCB vapors directly into the atmosphere, with no emission controls, inevitably putting the environment at risk. Monsanto did the same at the Krummrich Plant, directly introducing PCBs into natural resources through air waste streams.

12. Monsanto knew that PCBs substantially persist in the natural environment rather than break down over time. The environmental persistence of PCBs and their resistance to breaking down is highly correlated with their chlorine content: the higher the chlorine content in a given PCB formulation, the more persistent it is. Monsanto actively marketed its PCB products' high degree of chemical stability and inertness as a selling point for certain industrial applications, knowing that this stability and inertness also meant that the chemicals would persist and resist degradation in the environment.

13. Monsanto knew or should have known that PCBs bioaccumulate and biomagnify in organic tissue, including in fish tissue and human tissue. Although PCBs are relatively insoluble

in water, they are soluble in fats and oils. PCBs build up in living tissue over time and increasingly concentrate in animals higher up in the food chain, which consume animals and biota lower in the food chain. As a result, as time passes, PCB contamination poses an increasingly hazardous threat to the health of the State's residents and its natural resources, including groundwater, surface water, sediment, soil and ecosystem services.

14. Despite its early knowledge of the grave dangers associated with PCBs, Monsanto embarked on a decades-long campaign of misinformation and deception to prolong and even increase the rate of manufacture, sales, and use of its commercial PCB mixtures in Illinois and elsewhere.

15. Monsanto vigorously denied in public statements that PCBs are harmful to human health and the environment, despite accumulating a wealth of knowledge contradicting such statements.

16. As Monsanto knew, or should have known, particularly based on its knowledge of the environmental risks associated with related chlorinated hydrocarbons like DDT (which Monsanto also manufactured), Monsanto's PCB formulations would inevitably volatilize and leach, leak, and escape their intended applications, contaminating runoff during naturally occurring storm and rain events and entering groundwater, waterways, waterbodies, and other waters, sediment, soils, and plants, as well as fish and other wildlife throughout Illinois.

17. Nonetheless, Monsanto sold its PCB products for an ever-increasing range of uses, including household uses. PCBs were sold for use in paints, caulks, inks, dyes, lubricants, sealants, plastics, coolants, hydraulic fluids, fireproofing, and electrical equipment such as capacitors and transformers, among other applications.

18. From 1960 to the mid-1970s alone, Monsanto sold nearly 50 million pounds of

commercial PCB mixtures to customers in Illinois. Approximately 40% of these mixtures were sold to customers in Cook County.

19. Monsanto advised its customers to dispose of PCB-containing wastes using methods known to cause environmental contamination, including venting PCB vapors directly into the atmosphere, discharging aqueous PCB wastes into sewers, dumping PCB-filled heat transfer systems and transformers onto the ground or into streams, and using unlined landfills and pits to receive PCB wastes.

20. Monsanto similarly manufactured and sold various products incorporating their PCB formulations, including mixtures composed of PCBs and hydrocarbons such as toluene in which PCBs are soluble. Such product formulations enhanced the environmental risk posed by PCBs as they allowed PCBs to more easily escape their applications to cause environmental contamination.

21. Monsanto's internal documents show that the company deliberately decided to keep producing and selling PCB mixtures despite the mass contamination they inevitably caused.

22. For example, in 1969, Monsanto admitted internally that there was "little probability that any action that can be taken will prevent the growing incrimination of specific polychlorinated biphenyls . . . as nearly global environmental contaminants leading to contamination of human food (particularly fish), the killing of some marine species (shrimp), and the possible extinction of several species of fish-eating birds." Monsanto acknowledged that there was "no practical course of action" to prevent this mass contamination, but still insisted on taking steps "to prolong the manufacture, sale and use of these particular Aroclors as well as to protect the continued use of other members of the Aroclor series." Another internal Monsanto document was more succinct about the reasons why: "there is too much customer/market need and selfishly

too much Monsanto profit to go out."

23. To this day, Illinois suffers from immense PCB contamination resulting from Monsanto's conduct in the design, manufacture, use, marketing, sale, and distribution of commercial PCB mixtures in Illinois.

24. Illinois' environmental problems with PCBs is compounded significantly by Monsanto's decades-long operations at the Krummrich Plant in Sauget, where in addition to PCBs, Monsanto discharged or released numerous other toxic and hazardous pollutants into the State's natural resources.

25. In addition to manufacturing much of the PCB volume sold in the U.S. at the Krummrich Plant, Monsanto also generated a host of other chemical products and wastes at the Plant, including chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, among many others.

26. For decades, Monsanto discharged massive amounts of hazardous wastes from the Krummrich Plant directly into the surrounding environment, including into sewers such that the toxic waste entered the Mississippi River, landfilling wastes such that they leached, leaked, and off-gassed into the surrounding soil, sediment, water, and air, and burning chemical wastes, particularly PCB wastes, such that PCBs and other compounds were emitted into the Illinois air during the incineration process. PCBs and other chemical wastes emitted by air from the Krummrich Plant re-condensed and settled in surface waters or soils near the facility, causing further environmental injuries.

27. As a result of Monsanto's misconduct, Monsanto's PCBs and other hazardous substances now widely contaminate Illinois' natural resources. Addressing this contamination has (and will continue to) cost the State many millions of dollars—costs that ought to be borne by Monsanto, not the State and its residents.

28. More than 2,900 Illinois river and stream miles, more than 27,000 Illinois inland lake and reservoir acres, as well as 64 miles of Illinois Great Lake shorelines and 196 square miles of Illinois Great Lake open waters have been identified as "impaired"—that is, they do not satisfy the criteria for one or more beneficial uses—because the PCBs in those waterbodies exceed Illinois' water quality standards.

29. Illinois, through the Illinois Department of Public Health, has been forced to issue stringent PCB-specific fish consumption advisories, advising the public either not to eat certain fish at all or to limit fish consumption to, for example, just 1 meal per month or 6 meals per year for fish taken from various segments of about 60 Illinois waterbodies, to the detriment of Illinois' subsistence and sport fishers, residents, and the State itself.

30. A disproportionate number of the Illinois waterbodies designated as PCB-impaired are located in Cook County, Illinois' most populous county. Among many others, these waterbodies include most of the Lake Michigan Nearshore, the Chicago, Des Plaines, and Calumet Rivers, as well as a host of lagoons, lakes, and reservoirs, including the McKinley Park Lagoon, Lake Calumet, Busse Woods and Wolf Lake, and the Midlothian Reservoir.

31. An assortment of Cook County waterbodies are subject to fish consumption advisories due to excessive PCB contamination, including Busse, Powderhorn, and Wolf Lake, Lake Calumet, McKinley Park Lagoon, Midlothian Reservoir, Saganshkee Slough, and Salt Creek, as well as the Calumet, Little Calumet, Chicago, and Des Plaines River, significantly impacting

recreational fishing opportunities of Cook County residents and others.

32. The State has further invested time and effort developing and implementing a Total Maximum Daily Load ("TMDL") plan targeting PCB reduction for the Lake Michigan Nearshore Watershed, which covers 56 water segments, all but a handful of which are located in Cook County.

33. The Illinois Environmental Protection Agency ("Illinois EPA") has further designated a 40-mile stretch of the Mississippi River as "high priority" for TMDL development due to PCB contamination. The State expects to incur costs in connection with the Mississippi River PCB TMDL project..

34. Further, natural resources in and around Sauget remain heavily contaminated with PCBs and other hazardous substances due to Monsanto's misconduct in Sauget.

35. PCBs have been detected at staggeringly high concentrations in soils and sediments at and near the Krummrich Plant, and other hazardous substances, chiefly benzene and chlorobenzene, contaminate large swaths of the regional groundwater, which, by various local ordinances, has been designated unusable as a potable water source, and threaten other natural resources.

36. The State has spent considerable time, effort, and money on investigating and assessing damage to natural resources traceable to Monsanto.

37. For decades, Illinois EPA and the Illinois Department of Natural Resources ("IDNR"), together with the U.S. EPA, have investigated, monitored, and assessed contamination traceable to Monsanto's Krummrich Plant operations and overseen related remedial action there.

38. Together with other trustees of natural resources, the State is also in the process of developing a detailed natural resource damages assessment ("NRDA") to characterize natural

resource injuries resulting from Monsanto's releases and disposal of hazardous PCB and other industrial wastes in Sauget at significant expense.

39. Illinois EPA and IDNR are the lead trustee agencies proceeding with the evaluation of groundwater contamination resulting from Monsanto's Krummrich Plant operations as well as impacts to the Mississippi River. Illinois EPA, IDNR, the Fish and Wildlife Service ("F&WS"), and the Missouri Department of Natural Resources are jointly proceeding with the evaluation with respect to surface water contamination in the Sauget region with the F&WS leading the preparation of the surface water assessment, including the assessment of terrestrial components. The designation of a lead trustee agency for purposes of evaluating different natural resources does not impair or affect the State's entitlement to damages resulting from harm to those resources for which it is not designated as lead trustee.

40. Beyond the Krummrich Plant, a host of contaminated sites throughout Illinois also evidence PCB contamination, and the State is expending funds, resources, and personnel time with respect to those sites

41. There are nearly 13 million residents in the State of Illinois.

42. The most populous County in the State by far is Cook County with over 5 million residents, or 41% of the State's population.

43. The second largest county by population in Illinois is DuPage County with just shy of 1 million residents, making up approximately 18% of the state's population.

44. Upon information and belief, based upon the extent of waterbody impairment due to PCB contamination, Cook County residents, more than residents in any other Illinois county, have been adversely impacted by PCBs manufactured, marketed, sold, and distributed by Monsanto in Illinois.

45. In all, Illinois' residents and its natural resources, including its water bodies and water systems, have been and continue to be impacted by PCBs and other hazardous substances manufactured, marketed, sold, and distributed in Illinois by Monsanto and discharged into the Illinois environment, and the State will be forced to incur significant costs to combat this contamination, costs which rightfully should be borne by the Defendants.

46. By this action, the State seeks recovery of all costs and damages for injuries to natural resources of the State, including groundwater, surface waters, sediments, wetlands, soils, air, and biota, resulting from Defendants' design, manufacture, use, marketing, sale, and distribution of commercial PCB mixtures and PCB-containing products the ordinary and intended use and disposal of which resulted in environmental harm, and from Defendants' discharges or releases of PCBs and other contaminants at and from the Krummrich Plant, and any other industrial facilities or locations at which Monsanto used or disposed of PCBs in Illinois.

47. Such costs and damages include, but are not limited to: the costs of restoring natural resources of the State to their pre-discharge condition; the costs of replacing natural resources and/or their associated ecosystem services; damages for the loss of use and value (including existence value) of natural resources; the costs of assessing natural resource injuries and damages; the unreimbursed costs of investigation, oversight, and remediation of environmental harm; punitive damages; litigation fees and costs; and pre-judgment interest.

48. The State also seeks an order requiring Defendants to fund a public health monitoring program designed to detect, assess, and treat medical disorders associated with exposure to PCBs and other hazardous substances released, dumped, spilled, or otherwise emitted by Defendants in Illinois.

49. The State also seeks civil penalties under Section 42(a) of the Act, 415 ILCS 5/42(a) (2020).

II. JURISDICTION AND VENUE

50. This action is brought for and on behalf of the People of the State of Illinois by Kwame Raoul, the Attorney General of the State of Illinois, on his own motion, pursuant to authority provided under the Act, 415 ILCS 5/1, *et seq*., the Fish and Aquatic Life Code, 515 ILCS. 5/1-1, *et seq.* (the "Fish Code"), and pursuant to his common law authority as the Attorney General of the State of Illinois to represent the People of the State of Illinois.

51. Venue for this action lies in Cook County, Illinois, pursuant to section 2-101 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-101, in that some of the activities complained of herein out of which this action arose occurred in Cook County. About 40% of all PCB mixtures sold and used in Illinois were sold to customers in Cook County and a disproportionate number of Illinois waterbodies designated as PCB-impaired and/or subject to PCB fish consumption advisories are located in Cook County.

52. Defendants have conducted continuous, systematic, and substantial business within Cook County.

53. The natural resources and property that are the subject of this suit all rest within Illinois. No federal subject-matter jurisdiction exists or is invoked herein.

III. PARTIES

A. PLAINTIFF

54. Plaintiff the People of the State of Illinois, by Kwame Raoul, the Attorney General of the State of Illinois brings this lawsuit pursuant to the State's inherent *parens patriae* authority to vindicate the rights of the public and to remedy an injury to the State's "quasi-sovereign interest" in the physical and economic health and well-being of a substantial segment of its population,

pursuant to the State's responsibilities and authority as trustee of Illinois public natural resources, pursuant to the Attorney General's responsibilities and authority as chief legal officer of the State of Illinois to represent the interests of the People of the State of Illinois, so as to ensure a healthful environment, and to ensure the protection of Illinois' public natural resources, and pursuant to authority provided under the Act, 415 ILCS 5/1, *et seq*. and the Fish Code, 515 ILCS. 5/1-1, *et seq.*

55. Illinois law has long made the maintenance, protection, and restoration of the Illinois natural environment a priority in the State. Under the Illinois Constitution, "[e]ach person has the right to a healthful environment." The Illinois Environmental Protection Act further declares that "pollution of the waters of this State constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish, and aquatic life, impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water, depresses property values, and offends the senses," and that it is the Act's purpose "to restore, maintain and enhance the purity of the waters of this State in order to protect health, welfare, property, and the quality of life . . . " 415 ILCS 5/11.

56. The Illinois EPA is an administrative agency established by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2020). IDNR is an administrative agency established by the Illinois General Assembly as the successor agency to the Department of Conservation under Section 1-5 of the Department of Natural Resources Act, 20 ILCS 801/1-1, *et seq*. (2020). The Illinois EPA and IDNR have been designated as co-trustees of the State of Illinois' natural resources by the Illinois Governor.

57. The State has a quasi-sovereign interest in and obligation as public trustee to protect its natural resources, including air, soils, and lands, aquatic and submerged lands, waters, aquifers,

wildlife, fish, shellfish, biota, and other natural resources. The State further has a proprietary interest in protecting all property owned by the State and has an interest in remediating the contamination of its property and preventing future contamination.

58. Environmental contamination attributable to Defendants constitutes injury to the State's natural resources and other property, for which the State seeks damages and other relief.

B. DEFENDANTS

59. Defendant Monsanto Company is a Delaware corporation with its principal place of business in St. Louis, Missouri. Following a merger transaction that closed in 2018, Monsanto is a wholly-owned subsidiary of Bayer AG.

60. Defendant Solutia Inc. ("Solutia") is a Delaware corporation with its principal place of business in St. Louis, Missouri. Solutia is a wholly-owned subsidiary of Eastman Chemical Company.

61. Defendant Pharmacia LLC ("Pharmacia"), formerly known as Pharmacia Corporation, is the successor to the original Monsanto Company ("Old Monsanto"). Pharmacia LLC is a Delaware company with its principal place of business in Peapack, New Jersey. Pharmacia is a wholly-owned subsidiary of Pfizer, Inc.

62. Old Monsanto operated an agricultural products business, a pharmaceutical and nutrition business, and a chemical products business. Old Monsanto began manufacturing PCBs in 1935 after acquiring Swann Chemical Company, which manufactured PCBs from 1929 to 1935. Old Monsanto continued to manufacture commercial PCBs until the late 1970s.

63. Through a series of transactions beginning in approximately 1997, Old Monsanto's businesses were spun off to form three separate corporations.

64. The corporation now known as Monsanto Company (and referred to herein as "New Monsanto") operates Old Monsanto's agricultural products business.

65. Old Monsanto's chemical products business is now operated by Solutia.

66. Old Monsanto's pharmaceuticals business is now operated by Pharmacia.

67. Solutia was organized by Old Monsanto to own and operate its chemical manufacturing business. Solutia assumed the operations, assets, and liabilities of Old Monsanto's chemical business. The Krummrich Plant is currently owned by Solutia and Solutia manages environmental response activities at the Plant

68. Although Solutia assumed and agreed to indemnify Pharmacia for certain liabilities related to the chemicals business, Defendants have also entered into agreements to share or apportion liabilities, and/or to indemnify one or more entities, for claims arising from Old Monsanto's chemical business, including the manufacture and sale of PCBs.

69. In 2003, Solutia filed a voluntary petition for reorganization under Chapter 11 of the U.S. Bankruptcy Code. Solutia's reorganization was completed in 2008. In connection with Solutia's Plan of Reorganization, Solutia, Pharmacia, and New Monsanto entered into several agreements under which New Monsanto continues to manage and assume financial responsibility for certain tort litigation and environmental remediation related to the chemicals business.

70. Eastman Chemical Co. reported in its 2021 Form 10-K that it "has been named as a defendant in several [legacy tort] proceedings, and has submitted the matters to [New] Monsanto, which was acquired by Bayer AG in June 2018, as Legacy Tort Claims [as defined in a settlement agreement with Monsanto arising out of Solutia, Inc.'s bankruptcy proceedings]. To the extent these matters are not within the meaning of Legacy Tort Claims, Solutia could potentially be liable thereunder. In connection with the completion of its acquisition of Solutia, Eastman guaranteed the obligations of Solutia and Eastman was added as an indemnified party under the Monsanto Settlement Agreement."

71. In its Form 10-K for the period ending August 31, 2017, filed with the U.S. Securities and Exchange Commission (the last such filing before Bayer AG acquired New Monsanto), New Monsanto represented: "[New] Monsanto is involved in environmental remediation and legal proceedings to which Monsanto is a party in its own name and proceedings to which its former parent, Pharmacia LLC or its former subsidiary, Solutia, Inc. is a party but that Monsanto manages and for which Monsanto is responsible pursuant to certain indemnification agreements. In addition, Monsanto has liabilities established for various product claims. With respect to certain of these proceedings, Monsanto has established a reserve for the estimated liabilities." The filing specifies that the company held $277 million in that reserve as of August 31, 2017.

IV. FACTUAL ALLEGATIONS

A. PCBs Are Dangerous Chemicals That Threaten Human And Environmental Health and Safety

1. Physical and Chemical Properties of PCBs

72. PCBs are a class of synthetic organic chemical compounds in which a minimum of two and a maximum of ten chlorine atoms are attached to the biphenyl molecule.

73. There are no known natural sources of PCBs in the environment.

74. There are 209 distinct PCB compounds (known as congeners) with from 1 to 10 chlorine atoms on a biphenyl molecule. The number and placement of the chlorine atoms on the biphenyl molecule determines how the congener is named and dictates its environmental fate and toxicity.

75. PCBs generally occur as mixtures of congeners.

76. Old Monsanto manufactured PCB mixtures primarily under the "Aroclor" trade name. Aroclors are differentiated principally by the composition of chlorine by weight, so, for

example, "Aroclor 1254" means the mixture contains approximately 54% chlorine by weight. Generally, the higher the chlorine content of a PCB mixture, the greater its chemical stability and environmental persistence.

77. Old Monsanto's commercial PCB formulations sought to maximize the products' stability, and thus also their persistence and resistance to degradation.

78. PCBs do not burn easily, are relatively insoluble in water, adsorb to solids and particulate matter, and bioaccumulate and biomagnify in living tissue.

79. PCBs are semivolatile. Small amounts of PCBs vaporize from PCB-containing products and PCB-contaminated sites, resulting in air contamination and long-range transport of PCB vapors, at normal environmental temperatures. PCB volatilization increases with increases in temperature, i.e., more PCBs are released to the atmosphere from PCB-containing products or PCB-contaminated sites as temperature increases.

80. PCBs entered the atmosphere, waters, sediments, and soils during their ordinary and prescribed uses. Indeed, PCBs gradually escaped and dispersed from their common applications, *e.g.* in road paint or caulking, into the natural environment due to the chemical compounds' tendency to volatilize, that is to emit PCB vapors, particularly when exposed to heat (such as when road paint or building materials are exposed to the sun over time). As vapors, PCBs travel through the air, eventually settling in nearby soil, sediment or waterbodies, and continue to circulate in the atmosphere indefinitely.

81. Similarly, PCBs can be released by the grinding, scraping, and removal of caulking and other construction materials that include PCBs, resulting in the contamination of nearby soil.

82. PCBs also entered the environment from spills or leaks in the ordinary course of business such as through transport of the chemicals, and from leaks or fires in transformers,

capacitors, or other products containing PCBs, and from the burning of wastes in some municipal or industrial incinerators.

83. In addition, Old Monsanto prescribed that PCBs and PCB-contaminated wastes should be disposed of in the ordinary course in normal unlined landfills and pits, from which they easily escaped, leached, and leaked into the surrounding environment. Old Monsanto instructed customers to drain PCB-filled heat transfer systems and other equipment, and to dispose of the PCB wastes without taking any particular precautions.

84. Old Monsanto also advised customers to discharge liquid PCB wastes into sewers despite knowing that this would directly introduce PCBs into surface waters, and to vent PCB vapors to the atmosphere despite knowing that this would directly introduce PCBs into the atmosphere, soils, and surface waters.

85. Once in the environment, PCBs do not break down readily and may remain for decades absent remediation.

86. In water, PCBs travel along currents and attach to bottom sediment or particles in the water and evaporate into the atmosphere or settle into sediment. Sediments contaminated with PCBs also release PCBs into surrounding water.

87. PCBs also contaminate groundwater, with lower chlorinated PCB congeners in particular dissolving into and contaminating groundwater. Higher chlorinated PCBs generally do not dissolve in water, remaining in soils or other media.

88. In soil, PCBs combine with soil organic matter and remain in soil for many years. PCBs have great negative effects on plants and microorganisms; they harm the whole soil biosphere. Soil contamination may also lead to human exposure through incidental ingestion, inhalation, or dermal contact.

89. As a gas, PCBs can accumulate in the leaves and above-ground parts of plants and food crops, and pose direct human health threats as a result of human exposure to PCB-contaminated air.

90. PCBs are taken up into the bodies of small organisms and fish in water. They are also taken up by other animals that eat these aquatic animals as food, and eventually by humans. PCBs especially accumulate in fish and marine animals, reaching levels that may be many thousands of times higher than in water because PCBs are soluble in lipids including body fat and bioaccumulate and biomagnify over time in living tissue. PCB levels are generally highest in animals higher up the food chain.

2. Health and Ecological Effects of Exposure to PCBs

91. Humans are exposed to PCBs due to their existence in the environment, primarily from eating contaminated food, breathing contaminated air, or drinking or swimming in contaminated water.

92. The major dietary sources of PCBs are fish (especially sportfish caught in contaminated waterbodies), meat, and dairy products. PCBs also collect in milk fat and can enter the bodies of infants through breast-feeding.

93. Fetuses in the womb are also exposed to PCBs through their mothers. Studies show that babies born to mothers exposed to high concentrations of PCBs in the workplace or from eating PCB-contaminated fish suffer from lower birth weight than other babies. Babies born to women exposed to PCBs before and during pregnancy showed abnormal responses to infant behavioral tests, including motor skills, and experienced short-term memory deficiencies.

94. Many studies have examined how PCBs affect human health. Human health effects associated with PCB exposure include without limitation liver, thyroid, dermal, and ocular changes, immunological alterations, neuro-developmental and neurobehavioral changes, reduced

birth weight, reproductive toxicity, and cancer.

95. Liver changes associated with PCB exposure include liver enlargement, microsomal enzyme induction (altered metabolism), increased levels of enzymes indicative of hepatocellular damage and serum and tissue biochemical changes indicative of liver dysfunction, and histopathological changes concerning fat deposition, as well as fibrosis and necrosis.

96. Thyroid changes associated with PCB exposure include goiter and increased thyroid gland volume, histological changes in the thyroid gland indicative of stimulation of the gland and disruption of the processing of follicular colloid needed for normal production and secretion of thyroid hormone, depressed thyroid hormone levels, and modified (increased or decreased) activity in producing and transferring enzymes necessary for thyroid hormone production. Due to the importance of the thyroid to brain development, PCBs' effects on the thyroid produce neurodevelopmental effects.

97. Dermal changes associated with PCB exposure include skin irritation, chloracne (a dermatological condition starting with formation of keratin plugs and inflammatory folliculitis), and nail and skin pigmentation changes.

98. Ocular changes associated with PCB exposure include hypersecretion of Meibomian glands, abnormal pigmentation of the conjunctiva, and swollen eyelids.

99. Immunological alterations associated with PCB exposure include decreased antibody levels, changes in T-cell subsets, and increased susceptibility to respiratory tract infections, infectious illnesses, and middle ear infections.

100. Neurological changes associated with PCB exposure include abnormal reflexes and deficits in memory, learning, impulse control, and IQ. Such changes impact infants and children more severely than adults. PCBs are known neurotoxins.

101. Reproductive changes associated with PCB exposure include menstrual disturbances in women and effects on sperm morphology and production in men, all of which can result in difficulty conceiving.

102. PCBs are associated with a number of cancers, including cancer of the liver, biliary tract, intestines, and skin (melanoma).

103. Studies of workers routinely exposed to PCBs show that PCB exposure is associated with irritation of the nose and lungs, gastrointestinal discomfort, changes in the blood and liver, and depression and fatigue, as well as cancer of the liver and biliary tract.

104. In 1996, U.S. EPA assessed PCB carcinogenicity based on data related to Aroclors 1016, 1242, 1254, and 1260. U.S. EPA's cancer assessment was peer-reviewed by 15 experts on PCBs, including scientists from government, academia, and industry. All experts agreed that PCBs are probable human carcinogens.

105. The U.S. Department of Health and Human Services' National Toxicology Program considers PCBs to be "reasonably anticipated" carcinogens.

106. The International Agency for Research on Cancer ("IARC"), an intergovernmental agency forming part of the World Health Organization of the United Nations, concluded in March 2013, based on the assessments of 26 experts from 12 countries, that PCBs are known human carcinogens.

107. In its formal 2016 report, the IARC stated unequivocally, "There is sufficient evidence in humans for the carcinogenicity of [PCBs]. PCBs cause malignant melanoma. Positive associations have been observed for non-Hodgkin lymphoma and cancer of the breast. … PCBs are carcinogenic to humans . . . ."

108. In addition to being highly toxic to humans, Monsanto's commercial PCB mixtures are highly toxic to fish and wildlife.

109. Toxicity studies have demonstrated that commercial PCB mixtures induce hepatotoxicity, immunotoxicity, neurotoxicity, and reproductive toxicity in birds and mammals.

110. Studies of bird populations have drawn strong correlations between elevated PCB concentrations in blood and declining bird populations, as well as increased frequency of developmental abnormalities and deformities.

111. PCBs have also been shown to cause eggshell thinning in many bird species resulting in reproductive failure and generally decreased reproductive capacity.

112. Mammalian studies have shown that PCB exposure adversely affects patterns of survival, reproduction, growth, metabolism, and accumulation.

113. Studies on bats, dogs, cats, foxes, minks, otters, bears, rats, monkeys, and other mammals, including marine mammals, have generated strong associations between exposure to commercial PCB mixtures and a host of health effects, including hepatomegaly (enlarged liver), necrosis, atrophy of lymphoid tissues, suppression of antibody responses, impaired behavior and development, catecholamine alterations (neurotransmitter interference), increased abortion, low birth weight, embryolethality, teratogenicity (embryotic malformation), gastrointestinal ulceration, bronchitis, chloracne, edema, hyperplasia (cell proliferation), mutagenicity and preneoplastic changes (tumor development).

114. Aquatic organisms are also sensitive to PCB contamination and suffer adverse effects in proportion to PCB exposure.

115. For instance, studies of reproductive effects on salmon, bass, zebrafish, and other fish species have demonstrated decreased reproductive success in populations with high PCB exposure, and PCB concentrations are directly correlated to hatching success rates.

116. PCBs also impact the reproduction of reptiles such as snapping turtles. Studies have found strong associations between low snapping turtle egg hatch rates and increased frequency of deformed hatchlings on one hand and elevated PCB concentrations in such eggs on the other.

B. MONSANTO KNEW PCBS WERE DANGEROUS CONTAMINANTS AT THE TIME OF MANUFACTURE, MARKETING, SALE, AND DISTRIBUTION

117. Old Monsanto developed an early, sophisticated understanding of the dangers associated with PCB compounds.

118. In 1936, many workers at a New York facility using PCBs operated by Halowax Corporation were afflicted with severe chloracne. Three workers died and autopsies revealed severe liver damage in two of them.

119. Halowax Corporation asked Harvard University researcher Cecil K. Drinker to investigate the issue, and Dr. Drinker's analysis was presented at a 1937 meeting attended by high-level personnel employed by Old Monsanto.

120. Dr. Drinker's investigation revealed that rats exposed to PCBs suffered severe liver damage. Dr. Drinker's results were published in a September 1937 issue of the *Journal of Industrial Hygiene and Toxicology*.

121. That same year, Old Monsanto admitted in an internal report that PCBs produce "systemic toxic effects" as a result of prolonged exposure to PCB vapors or oral ingestion, and

that bodily contact with PCBs produces "an acne-form skin eruption."[1]

122. Old Monsanto subsequently retained Dr. Drinker to conduct further animal studies. In September 1938, Dr. Drinker confirmed liver damage in rats exposed to various formulations of PCB compounds.[2]

123. Other studies also explored and confirmed the toxicity of chlorinated hydrocarbons like PCBs. A 1939 study published in the *Journal of Industrial Hygiene and Toxicology*, for example, referenced the worker fatalities investigated by Drinker and went on to conclude that pregnant women and persons previously affected by liver disease are particularly susceptible to adverse effects from chlorinated hydrocarbons, such as PCBs.

124. In 1944, another set of studies, this time on the acute toxicity in guinea pigs, rabbits, and rats exposed to PCBs, was published in *Public Health Reports* and further confirmed PCB toxicity. The study, conducted by the Industrial Hygiene Research Laboratory of the National Institutes through then-US Health Service surgeon J. W. Miller, reported liver damage in animals who were fed PCBs during periods of 30 to 90 days and likewise observed liver damage where animals received subcutaneous injections or applications of PCBs to the skin.

125. In February 1950, Old Monsanto Medical Director Dr. R. Emmet Kelly acknowledged that when workers fell ill at an Indiana factory that used PCBs in the manufacturing process, he immediately "suspected the possibility that the Aroclor fumes may have caused liver damage."[3]

126. A 1955 report on the production of Aroclor prepared by Old Monsanto likewise

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[1] *See* Exhibit 1, October 11, 1937 memorandum from L.A. Watt (MONS 061332).

[2] *See* Exhibit 2, September 15, 1930 Cecil K. Drinker report to Monsanto (MONS 048123), at -27-30.

[3] *See* Exhibit 3, Feb. 14, 1950 Letter from Elmer Wheeler (M11678).

acknowledged that in the "early days of development," workers at a plant in Anniston, Alabama processing PCBs had developed chloracne and liver problems.

127. In 1955, Dr. Kelly further documented the company's clear understanding: "We know Aroclors are toxic[.]"[4] Dr. Kelly also appeared to recognize the scope of Old Monsanto's potential legal liability, explaining that "our main worry is what will happen if an individual develop[s] any type of liver disease and gives a history of Aroclor exposure. I am sure the juries would not pay a great deal of attention to [maximum allowable concentration levels]."[5]

128. Old Monsanto's Medical Department at the Krummrich Plant prohibited workers from eating lunch in the Aroclor department in November 1955. The Department memorandum explained that "Aroclor vapors and other process vapors could contaminate the lunches unless they were properly protected" and that "[w]hen working with this material, the chance of contaminating hands and subsequently contaminating the food is a definite possibility."[6]

129. Because of PCBs' toxicity and attendant risk to the workers handling PCBs, Old Monsanto specifically instructed its customers to vent PCB vapors directly into the atmosphere, inevitably putting the environment at risk.[7]

130. In January 1957, Dr. Kelly reported that the U.S. Navy had refused to use Old Monsanto's PCB products in submarines: "No matter how we discussed the situation, it was impossible to change their thinking that Pydraul 150 [a PCB product marketed by Old Monsanto]

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[4] *See* Exhibit 4, Sept. 20, 1955 Letter from R. Emmet Kelly (MONS 095196).

[5] *See id*.

[6] *See* Exhibit 5, Nov. 14, 1955 memo from Jack T. Garrett to H.B. Patrick.

[7] Exhibit 6, 1949 Monsanto Application Data Bulletin No. P-115 (PCB-ARCH-EXT0013531), at -550

is just too toxic for use in a submarine."[8]

131. Notably, at the same time it was manufacturing PCBs, Old Monsanto also manufactured—and researched the toxicological profile and environmental effect of—DDT, another now infamous chlorinated hydrocarbon similar to PCBs.

132. By the late 1940s, Old Monsanto had already researched and compiled an extensive toxicological profile of DDT showing that it is extremely toxic to human and environmental health. Indeed, by then, scientific researchers had established that DDT and other chlorinated hydrocarbons are absorbed and stored in fatty tissue of living organisms exposed to them and pass these contaminants on to their offspring.

133. For instance, the *American Journal of Public Health* published a 1950 report warning that "chlorinated hydrocarbons, such as DDT and chlordane, are soluble in fats and are stored in the fatty tissues of the body. These compounds possess a high order of toxicity, and their uncontrolled or unwise use is not desirable." As Old Monsanto knew, or at a minimum should have known, the same was and is true of its PCB compounds.

134. Extensive scientific research establishing the toxicity and bioaccumulative and biopersistent nature of DDT and other chlorinated hydrocarbons was published from the 1940s to the 1960s. Old Monsanto produced DDT and was acutely aware of this research. Old Monsanto was also acutely aware of the similarities between DDT and PCBs.

135. Despite its early knowledge of the human health and environmental hazards PCBs posed, Old Monsanto for decades went to great lengths to protect its profitable PCB franchise, and aggressively manufactured, marketed, sold, and distributed its commercial PCB formulations (and discharged PCB wastes generated during production directly into the environment), deceiving

[8] *See* Exhibit 7, Jan. 21, 1957 Letter from R. Emmet Kelly (MONS 095640).

regulators and the public in the process.

C. EVEN AFTER PCBS WERE WIDELY DISCOVERED IN THE ENVIRONMENT, MONSANTO DOUBLED DOWN ON A CAMPAIGN OF DECEPTION TO PROTECT ITS PCB FRANCHISE

136. In 1966, the *New Scientist* published a short article ("Report of a New Chemical Hazard"), summarizing recent research by Søren Jensen, a Swedish chemist at Stockholm University's Institution of Analytical Chemistry, which estimated that PCBs may be spreading through environments in high volumes due to their use by manufacturing interests.

137. Søren Jensen had accidentally found enormous quantities of PCB compounds in wildlife while analyzing DDT accumulations. Dr. Jensen presented his findings to the scientific community in 1966, including that PCBs "appear[] to be the most injurious chlorinated compounds of all tested." Dr. Jensen reported that the "main characteristic[s]" of PCBs include their "very high stability," lack of "metaboliz[ation] in living organism[s]," and their non-flammability.

138. Old Monsanto's Medical Director, Dr. Kelly, was aware of Dr. Jensen's findings at the time.

139. In December of 1968, *Nature* published an article by Dr. Richard Risebrough of the University of California entitled, "Polychlorinated Biphenyls in the Global Ecosystem." The article assesses PCB presence in marine wildlife and reports high concentrations of PCBs detected in peregrine falcons and 34 other bird species, drawing an immediate connection between PCBs and the catastrophic decline of peregrine falcon populations in the United States.

140. Old Monsanto personnel took note of Dr. Risebrough's article, recognizing the public-relations disaster it portended. W.R. Richard, manager of Old Monsanto's Research and Development of Organics Division, wrote in early 1969 that the article shows not only that PCBs are "toxic substance[s]" but also because they are easily and broadly distributed in air and water, they are "an uncontrollable pollutant … causing [the] extinction of [the] peregrine falcon … [and]

endangering man himself."[9]

141. Also in 1969, Dr. Jensen published the formal results of his years-long research into PCBs in the environment. Dr. Jensen's research demonstrated very high PCB concentrations in Baltic Sea fauna such as white-tailed sea eagles. As a recent commentator observed, summarizing the implications of Dr. Jensen's results, "PCBs had entered the environment in large quantities for more than 37 years and were bio-accumulating along the food chain."

142. In September 1969, W.R. Richard wrote a memorandum titled, "Defense of Aroclor." Richard's memo notes that critics of PCBs have raised a multitude of different issues with the compounds, so "[w]e can't defend vs. everything. Some animals or fish or insects will be harmed. Aroclor degradation rate will be slow. Tough to defend against. Higher chlorination compounds will be worse [than] lower chlorine compounds. Therefore, we will have to restrict uses and clean-up as much as we can, starting immediately."[10]

143. In the same document, Richard admitted that PCBs will leak from virtually all applications, including such "closed" applications as air compressor, heat transfer, and capacitor fluids.[11]

144. That same month, Old Monsanto formed what it dubbed the "Aroclor Ad Hoc Committee" to strategize about defending its PCB business against growing public outcry and growing evidence of PCBs' toxicity and environmental harms. The minutes of the Committee's first meeting observed that PCBs had been found in fish, oysters, shrimp, and birds, along the coasts of industrialized areas including Great Britain, Sweden, the Rhine River, Lake Michigan,

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[9] *See* Exhibit 8, March 6, 1969 Monsanto memo re: Aroclor Wildlife Accusations (MONS 096509).

[10] *See* Exhibit 9, Sept. 9, 1969 Monsanto memo re: Defense of Aroclor (DSW 014256).

[11] *See id.* at -57-59.

Pensacola Bay, and in wildlife throughout the Western hemisphere.[12]

145. The Committee acknowledged that normal and intended uses of PCB-containing products were the cause of the contamination: "In one application alone (highway paints), one million lbs/year are used. Through abrasion and leaching we can assume that nearly all of this Aroclor winds up in the environment."[13]

146. The Committee worked to formulate a response to growing concerns over PCBs, including those reflected by the U.S. Department of the Interior's Fish and Wildlife Service (which found PCBs in dead eagles and marine birds), the Bureau of Commercial Fisheries (which found PCBs in the river below Monsanto's Pensacola plant), and the U.S. Food and Drug Administration (which found PCBs in milk supplies).

147. The Committee's constitutive agenda was to: "1. Protect continued sales and profits of Aroclors; 2. Permit continued development of new uses and sales; and 3. Protect the image of the Organic Division and the Corporation as members of the business community recognizing their responsibilities to prevent and/or control contamination of the global ecosystem."[14]

148. As the minutes reflect, "there is little probability that any action that can be taken will prevent the growing incrimination of specific polychlorinated biphenyls … as nearly global environmental contaminants leading to contamination of human food (particularly fish), the killing of some marine species (shrimp), and the possible extinction of several species of fish-eating birds." However, while "there is no practical course of action that can so effectively police the uses of these products as to prevent environmental contamination … [t]here are … a number of

[12] *See* Exhibit 10, Sept. 5, 1969 Minutes of Aroclor "Ad Hoc" Committee (MONS 030483).

[13] *See id*. at -85.

[14] *See* Exhibit 11, Oct. 2, 1969 Report of Aroclor "Ad Hoc" Committee (DSW 014612), at -14.

actions which must be undertaken to prolong the manufacture, sale and use of these particular Aroclors as well as to protect the continued use of other members of the Aroclor series."[15]

149. In keeping with the corporate strategy reflected in the Aroclor Ad Hoc Committee meeting minutes and elsewhere, Old Monsanto not only continued producing Aroclors through 1969, but increased production that year and again in 1970, which were the highest volume production years in the history of PCBs.

150. Old Monsanto likewise vigorously protected its Aroclor brand from regulatory intrusion. Old Monsanto falsely told regulators that it "d[id] not believe the polychlorinated biphenyls to be seriously toxic," that Old Monsanto could not "conceive of how the PCBs can become widespread in the environment,"[16] and that, in light of PCBs' chemical inertness, Old Monsanto "would anticipate no problems associated with the environment from refuse dumps."[17]

151. Elmer Wheeler, in Old Monsanto's Medical Department, circulated laboratory reports discussing results of animal studies in January 1970, in which Dr. Wheeler noted that "PCBs are about the same as DDT in mammals[,]" the other toxic chlorinated hydrocarbon about the dangerous characteristics and environmental threats of which Old Monsanto had known for decades.[18]

152. At the same time that it was internally acknowledging that PCBs are "about the same" as DDT, in January 1970, the journal *Environment* published a note authored by Old Monsanto: "Monsanto Statement on PCB." The company note acknowledged that recent studies,

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[15] *See id*. at -15.

[16] *See* Exhibit 12, July 23, 1969 Letter to NJ Department of Conservation and Economic Development (NCR-FOX-0575899), at -900-01.

[17] *See* Exhibit 13, March 27, 1969 Letter from H.S. Bergen (NEV 031051), at -52.

[18] *See* Exhibit 14, Jan. 29, 1970 Letter from Elmer Wheeler (MONS 098480).

including Dr. Jensen's studies, indicated PCBs' widespread presence in the natural environment, and expressed the company's "concern[] over the situation."[19]

153. However, the note defended PCBs by deploying a variety of false statements that Old Monsanto used on multiple occasions in the late 1960s and early 1970s to minimize the negative impacts of PCBs.

154. In particular, Old Monsanto claimed that (a) PCBs cannot escape so-called "closed applications" where PCBs are "completely sealed in metal containers"; (b) PCBs cannot escape applications such as adhesives, elastomers, and surface coatings; (c) PCBs are not "to our knowledge" used in "household products"; and (d) it is simply "not true" that PCBs are "highly toxic."[20]

155. Old Monsanto knew that all of these statements were untrue and would tend to mislead regulators and the public when they published them.

156. Similarly, Old Monsanto falsely asserted in the note that research it conducted into PCB toxicity in fish and mammals and PCB presence in waters and soils provided "[v]ery early results . . . that PCBs are not highly toxic."[21]

157. Contrary to their published claims, Old Monsanto knew PCBs would leach, leak, off-gas, and escape their ordinary and intended applications, including open and closed applications, and cause significant injury to natural resources and human life.

158. Old Monsanto also knew that the PCBs they produced were used in "household products" and that Old Monsanto aggressively promoted the use of PCBs in "household products."

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[19] Exhibit 15, Monsanto Statement on PCB published in *Environment* Vol. 12, No. 1.

[20] *Id*.

[21] *Id*.

For example, in a 1960 brochure, Old Monsanto promoted the use of Aroclors in a wide variety of household and personal products including home appliances, food cookers, potato chip fryers, thermostats, automotive transmission oil, insecticides, waxes used in dental casting, jewelry, lubricants, adhesives, moisture-proof coatings, printing inks, papers, sealants and caulking compounds, tack coatings, asphalt, paints, varnishes, lacquers, masonry coatings for swimming pools, stucco homes, and protective or decorative coatings for a number of other finishes.[22]

159. A 1961 brochure published by Old Monsanto explained that Aroclors are used in "lacquers for women's shoes," as a "wax for the flame proofing of Christmas trees," as "floor wax," as an adhesive for bookbinding, leather, and shoes, and as invisible marking ink used to make chenille rugs and spreads.[23]

160. Old Monsanto also knew that PCBs were used in products certain to directly result in contamination of the environment, such as highway paints and other exterior applications.

161. Old Monsanto knew its PCB compounds were highly toxic as early as 1937. Old Monsanto also knew well before 1970 that a number of studies, both internal and external, had demonstrated human and animal toxicity and prevalent contamination of waters and soils.

162. In February 1970, Old Monsanto's high-level personnel circulated a talking-points memorandum to be used in engaging with customers raising concerns over PCB toxicity. Although Old Monsanto had reformulated certain high-chlorine congeners (Aroclor 1254 and 1260) to lower the chlorine content, it instructed employees to resist product returns of the more toxic congener formulations, explaining that Old Monsanto "can't afford to lose one dollar of

[22] *See* Exhibit 16, 1960 Monsanto Brochure (LEXOLDMON004616).

[23] *See* Exhibit 17, 1961 Monsanto Brochure (0627503).

business."[24] The memo instructed employees to advise customers to use up their existing Aroclor 1254 and 1260 stock before topping up with new fluids: "We don't want to take fluid back."[25]

D. MONSANTO FAILED TO WARN AND ACTIVELY DECEIVED REGULATORS AND THE PUBLIC CONCERNING THE HAZARDS OF PCBS

163. Despite knowing that PCBs are toxic to human and environmental health, that it had been releasing PCB waste indiscriminately directly into the environment, and that its commercial PCB products would leach, leak, off-gas, and escape their ordinary and intended applications and from disposal sites—regardless of the nature of the application—to contaminate waters, soils, biota, and the atmosphere, Old Monsanto issued no public warning or instruction about PCBs or the health and environmental safety hazards they present. Instead, Old Monsanto expressly denied the harmfulness and environmental toxicity of PCBs.

164. Old Monsanto made no public disclosure of the high risk that PCBs posed to the environment and continued to recommend disposal of PCB waste materials in local landfills.

165. Old Monsanto itself failed to take adequate precautions in disposing of PCBs and PCB-contaminated waste that it generated. Its staff routinely disposed of PCB wastes in an unsafe manner. For example, the company's sanitation staff handling on-site spills would routinely sweep PCB materials into the drainage system rather than collect it for proper disposal.

166. Moreover, Old Monsanto operated or used open outdoor dump sites, such as the "Monsanto Landfill," the "Sauget-Monsanto Landfill," and the "Sauget Landfill" in Sauget, Illinois, as more fully discussed below, where it would routinely dispose of PCB wastes and other hazardous substances.

167. Process wastes from PCB production operations at the Krummrich Plant were also

[24] *See* Exhibit 18, Feb. 16, 1970 Monsanto "Pollution Letter" (MONS 100123), at -24.

[25] *See id*.

discharged or released directly into surface waters, soils, groundwater, the atmosphere, and other natural resources, as detailed below.

168. Old Monsanto executive William Papageorge wrote in a letter dated March 6, 1970 that, "All waste containing PCB's [*sic*] is at present hauled to the dumps the plants have been using for other plant waste. We recognize this is not the ultimate, since PCB's [*sic*] could eventually enter the environment, but we will continue this practice until better methods of disposal are available."

169. Mr. Papageorge further acknowledged in testimony provided in 1975 to the Wisconsin Department of Natural Resources that Old Monsanto generally recommended disposal of PCB-contaminated wastes in landfills.

170. As government investigations and formal inquiries into the dangers of PCBs amplified in the late 1960s and early 1970s, Old Monsanto doubled down on its campaign of misinformation and denial.

171. For example, Howard S. Bergen, from Old Monsanto's Functional Fluids division, sent a letter dated March 27, 1969, to the Regional Water Quality Control Board of the San Francisco Bay Region, in which he claimed that PCBs are associated with "no special health problems," and that due to PCBs' chemical inertness, "we would anticipate no problems associated with the environment from refuse dumps."[26] Both of those statements were false and Old Monsanto knew they were false.

172. Dr. Wheeler, Assistant Director of Old Monsanto's Medical Department, told a representative of the National Air Pollution Control Administration in May 1969 that Old Monsanto "cannot conceive how the PCBs can be getting into the environment in a widespread

[26] *See* Exhibit 13, at -52.

fashion." The representative promised to convey this message to Congress.

173. Old Monsanto similarly claimed ignorance of how PCBs could be entering the environment in large quantities to a number of other public entities, regulators, and authorities, including the New Jersey Department of Conservation. In July 1969, the company claimed that, "[b]ased on the available data, manufacturing and use experience, we do not believe PCBs to be seriously toxic," adding that, "we are unable at this time to conceive of how the PCBs can become widespread in the environment. It is certain that no applications to our knowledge have been made where the PCB's would be broadcast in the same fashion as the chlorinated hydrocarbon pesticides have been."[27] Those statements were false.

174. Old Monsanto's Dr. Kelly communicated with the Ohio State Board of Health in March 1970 regarding the detection of PCBs, particularly Aroclor 1254, in samples of milk from at least three herds in Ohio. The Board traced this contamination back to Aroclor-containing paint flaking off and possibly leaching from the interior walls of the silos in which the milk was stored. The Board reported to Old Monsanto that it would have to destroy about 150 tons of milk, valued at about $30 per ton. The Board also reported that there may be 50 other silos similarly contaminated in the state that were painted with the same formulation.

175. In response, Dr. Kelly communicated to other Old Monsanto officials:

> All in all, this could be quite a serious problem, having legal and publicity overtones. This brings us to a very serious point. When are we going to tell our customers not to use any Aroclor in any paint formulation that contacts food, feed, or water for animals or humans? I think it is very important that this be done.[28]

176. Old Monsanto never heeded Dr. Kelly's admonition to warn of the dangers of

[27] *See* Exhibit 12, at -900-01.

[28] *See* Exhibit 19, March 30, 1970 Letter from Emmet Kelly to W.B. Papageorge (PCB-ARCH0743477).

similar applications of Aroclors.

177. An internal memorandum prepared by Dr. Kelly dated February 10, 1967, continued to express his concern about PCB contamination: "We are very worried about what is liable to happen in the [United States] when the various technical and lay news media pick up the subject [of PCB contamination]. This is especially critical at this time because air pollution is getting a tremendous amount of publicity in the United States." The memo noted that some of Monsanto's largest PCB customers, such as NCR (National Cash Register), had been pressing Monsanto to furnish more information on PCB safety, but that Monsanto had dodged their inquiries.[29]

178. Old Monsanto's misrepresentations and omissions to public entities and others were designed to conceal the toxicity and hazardousness of its PCB formulations to humans and the natural environment in order to salvage what Monsanto repeatedly emphasized was "one of Monsanto's most profitable franchises," generating tens of millions of dollars in annual revenues.

179. An internal presentation to the Corporate Development Committee generated in or around 1969 advised against exiting the Aroclor market despite clear knowledge of its dangers because "there is too much customer/market need and selfishly too much Monsanto profit to go out."[30]

180. Another internal Monsanto memorandum remarked, "There can not [*sic*] be too much emphasis given to the threat of curtailment or outright discontinuance of the manufacture and sales of this very profitable series of compounds."[31]

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[29] *See* Exhibit 20, Feb. 10, 1967 Letter from Emmet Kelly (MONS 031358), at -58-59.

[30] *See* Exhibit 21, "PCB Presentation to Corporate Development Committee" (MONS 058730), at -37.

[31] *See* Exhibit 11, Oct. 2, 1969 Report of Aroclor "Ad Hoc" Committee (DSW 014612), at -24.

181. In short, though Old Monsanto had a complete and comprehensive record of all PCB-related scientific research and general reportage during the relevant time period (an August 6, 1971 internal memorandum noted that the company "ha[s] probably the world's best reference file on the PCB situation"), and though Old Monsanto itself had adduced a thorough understanding of the chemical and physical properties of PCBs going back to the 1930s and had studied the behavior of PCBs in environmental media, the company failed to timely alert regulators and the public of the dangers of its PCBs, nor did it take adequate steps to stave off the impending environmental disaster, all to shield its sales, profits, and reputation.

182. Rather than admit the hazards associated with widespread PCB usage, Old Monsanto elected to finally withdraw from certain markets in around 1972. Old Monsanto continued producing and marketing PCB products for limited applications until 1977.

E. THE ORDINARY AND INTENDED USE OF MONSANTO'S PCB MIXTURES HAS CAUSED WIDESPREAD PCB CONTAMINATION IN ILLINOIS

183. The ordinary and intended application of Old Monsanto's commercial and household PCB products (in, for instance, paints, caulks, lubricants, hydraulic and heat-transfer fluids, transformer and capacitor fluids, and so on) has also resulted in the release of significant amounts of PCBs into Illinois waters, sediment, soils, air, and other natural resources.

184. Releases of PCBs from their ordinary and intended applications is due principally to the chemical compounds' tendency, well-known by Old Monsanto, to volatilize or redistribute itself across different environmental media.

185. Old Monsanto acknowledged that the normal and intended uses of PCB-containing products were often the cause of environmental contamination with PCBs. Indeed, in an internal memorandum from 1969, Old Monsanto recognized that "[i]n one application alone (highway paints), one million lbs/year are used. Through abrasion and leaching we can assume that nearly

all of this Aroclor winds up in the environment."[32]

186. PCBs may be released to the atmosphere from landfills and hazardous waste sites (including contaminated surface waters), incineration of PCB wastes, or leakage and runoff from existing inventories of PCB-containing products such as older electrical equipment in use or PCB-laden exterior building paints.

187. PCBs may also be released to water from spillage of PCB-containing hydraulic fluids, historic disposal with insufficient safeguards, combined sewer overflows or storm water runoff, from organic petroleum products used as dust suppressants (e.g., on dirt roads), and from runoff and leachate from PCB-contaminated sewage sludge applied to farmland.

188. PCBs may further be released to soil from leaks and spills, releases from contaminated soils in landfills and hazardous waste sites, deposition of vehicular emissions near roadway soil, and land application of sewage sludge containing PCBs.

189. PCBs are predominantly redistributed from one environmental medium to another—soil to water, water to the atmosphere, the atmosphere to water, sediment to water—so the majority of PCBs in the atmosphere, for example, results from volatilization of PCBs from soil and water.

190. Although Old Monsanto internally acknowledged that PCBs would inevitably contaminate the environment due to their uncontrollable environmental circulation, the company continued to increase the production of PCBs and market its PCB mixtures for an ever-increasing range of uses, all while concealing or denying any association of adverse human health and ecological effects with PCBs.

191. From 1960 to the mid-1970s alone, Old Monsanto sold nearly 50 million pounds

[32] *See* Exhibit 10, at -85.

of commercial PCB mixtures to customers in Illinois. Approximately 40% of these PCB mixtures were sold to customers in Cook County—far more than any other county in the State.

192. Old Monsanto's continued aggressive production and marketing of PCB formulations is remarkable particularly because, as Old Monsanto recognized, these PCB mixtures were not necessary for many of the uses for which Old Monsanto marketed them nor superior over alternative products.

193. Indeed, Old Monsanto's internal documents acknowledge that its PCB-containing dielectric fluids never offered any real advantage to non-PCB fluids. For example, a document concerning the company's product strategy for dielectric fluids reports: "[T]he incidence of explosion with mineral oil was actually lower than with askarel! This in addition to the economic disadvantage of askarel leads to the embarrassing question of why bother to use askarel, and lends an ear to complaints from the workers who dislike the odor, irritating and toxic qualities of our material."[33]

194. Likewise, many chemicals could perform the function of PCBs in various "open use" applications, such as adhesives or varnishes, that there was never any need to introduce environmentally hazardous PCBs for these types of uses.

F. MONSANTO'S MANUFACTURE AND RELEASE OF MASSIVE AMOUNTS OF HAZARDOUS SUBSTANCES, INCLUDING PCBS, AT THE KRUMMRICH PLANT HAS CAUSED SIGNIFICANT ENVIRONMENTAL CONTAMINATION IN ILLINOIS

195. Illinois' environment suffers extreme environmental contamination with PCBs not only due to the ordinary and intended use of PCB mixtures designed, manufactured, marketed,

[33] Exhibit 22, Monsanto document titled "A Total Product Strategy Transformer Askarel" (PCB-ARCH0534755), at -812.

sold, and distributed by Monsanto, but also due to Monsanto's decades-long operations and misconduct at the Krummrich Plant in Sauget, Illinois.

1. Monsanto's Activities At and Around the Krummrich Plant

196. Old Monsanto owned and operated the Krummrich Plant from 1917 to 1997.

197. In 1997, Old Monsanto spun off its chemicals business to form Solutia, and the Krummrich Plant became part of Solutia. Solutia currently manages environmental response activities at the Plant.

198. Sauget is the quintessential "company town." It was initially incorporated by a handful of higher ups at Old Monsanto as the Village of Monsanto in 1926; a village created by and for Old Monsanto. The village retained that name for decades until it was renamed Sauget in 1964 after the former long-time village mayor.

199. Currently, Sauget is home to about 160 people and its population never exceeded a few hundred residents.

200. Sauget is ringed by economically depressed, majority-minority communities like East. St. Louis and the City of Cahokia Heights, which bear the brunt of the environmental contamination caused by Monsanto's decades-long reckless practices in Sauget.

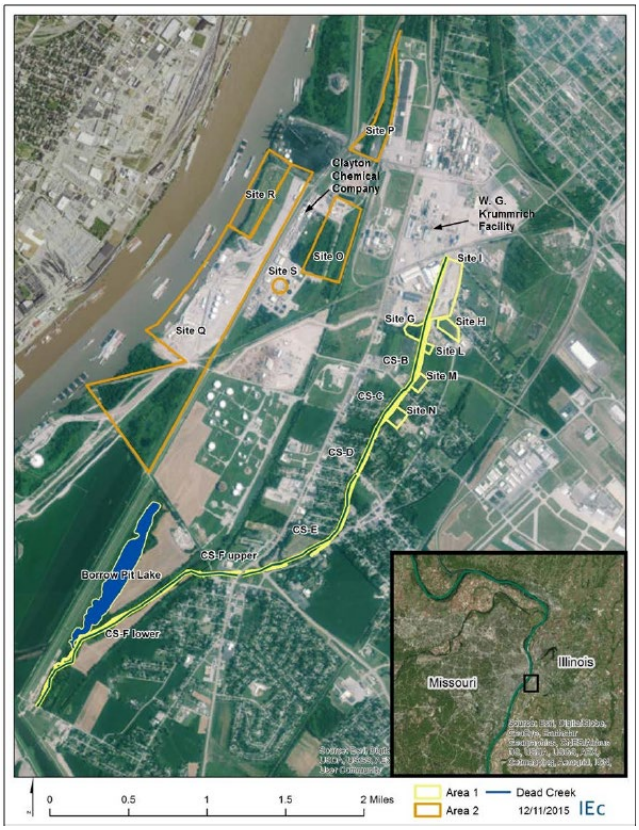
201. Although Sauget spans barely five square miles, it is so contaminated that it is home to two EPA Superfund sites.

202. Indeed, the State and the U.S. EPA have investigated contamination in Sauget and nearby East St. Louis and Cahokia since the 1980s. Two locations, Sauget Area 1 and Sauget Area 2, have been designated EPA Superfund sites. Both have been proposed for inclusion on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA").

203. Sauget Area 1 encompasses three closed landfills (for purposes of the State's and EPA's environmental investigation and natural resource damages assessments, these have been designated as sites G, H, and I), two former surface impoundments (designated as site L), one flooded and one filled borrow pit (designated as sites M and N, respectively), and the stream Dead Creek (designated in Creek Segments or "CS").

204. Sauget Area 2 encompasses four former sludge dewatering lagoons (designated as site O) and four former waste disposal areas (designated as sites P, Q, R, and S).

205. The Krummrich Plant and Sauget Areas 1 and 2, along with another chemical manufacturing site, form what has become known as the Sauget Industrial Corridor ("SIC").



206. Old Monsanto has owned, operated, and/or discharged hazardous wastes, including PCBs, at all of the SIC sites.

207. The State, through the Illinois EPA and IDNR, and other natural resources trustees are currently developing a natural resource damages assessment to address the natural resource injuries in the SIC attributable to Monsanto, among others. Information concerning this assessment is available to the public through dedicated websites, including at https://www2.illinois.gov/dnr/programs/NRDA/Pages/Sauget---Assessment-Documents-for-Surface-Resources.aspx.

208. The Krummrich Plant is located at 500 Monsanto Avenue in Sauget, about a mile east of the Mississippi River.

209. The Plant spans 314 acres, with the former active plant area covering approximately 131 acres.

210. The Plant sits just north of Dead Creek, a 17,000 foot long stream that runs through Sauget and Cahokia and ultimately discharges into the Mississippi River.

211. For many decades, Old Monsanto manufactured industrial chemicals, chemical intermediates, agriculture intermediates, and rubber chemicals at the Krummrich Plant.

212. Beginning in 1917, Old Monsanto manufactured heavy acids, zinc chloride, as well as Phenol, Salt Cake and Nitric Cake at the Plant.

213. Beginning in 1925, Old Monsanto began producing chlorine and caustic soda at the Plant.

214. Expanding rapidly, during the 1930s, Old Monsanto added PCBs, nitrated organic chemicals, chlorophenols, benzyl chloride, hydrogenated products, phosphorous halides, phosphoric acid to its product line manufactured at the Plant.

215. In 1947, Old Monsanto began to produce 2,4-D and 2,4,5-T weed and brush killers at the Plant.

216. Old Monsanto's expansion at the Krummrich Plant continued in the 1950s, when it began to produce potassium phenyl acetate (1950), monochloroacetic acid (1951), tricresyl phosphate (1954), adipic acid (1954), phosphorus pentasulfide (1955), fatty acid chloride (1956), and Santolube (1956) there.

217. In 1960, Old Monsanto added the production of germicide and an oil additive to the production line at the Krummrich Plant.

218. By 1963, facilities for the production of chlorinated cyanuric acid compounds went live and a new chlorine unit expanded output to 100 tons of chlorine, 70 tons of caustic soda, and 55 tons of potash per day.

219. A new ortho-dichlorobenzene unit was completed in 1964.

220. Also in 1964, Old Monsanto made major capital investments at the Krummrich Plant to increase the production of Aroclor plasticizers and functional fluids, including increasing the capacity of chlorinators and adding external cooling systems. Aroclor production capacity at the Plant increased from 20.4 million 28.6 million pounds per year thereafter.

221. Old Monsanto further expanded production of sulfuric acid, para-nitrochlorobenzene, nitrochlorobenzene, ortho-nitrophenol, and Aroclors at the Plant in the mid to late 1960s and began to produce calcium benzene sulfonate by 1968.

222. From the 1930s until the 1970s, Old Monsanto handled a significant portion of its PCB production at the Krummrich Plant.

223. As late as 1974, total PCB production at the Plant was still 40 million pounds, and, as late as 1976, 24 million pounds.

224. For decades, Old Monsanto discharged massive amounts of hazardous wastes, including vast quantities of PCB waste, chlorobenzenes, nitrochlorobenzene and benzene

compounds, mercury contaminated wastes, phenols, phosphorus, dioxins, and aromatic nitro compounds, among many others, generated at the Krummrich Plant or shipped to the Krummrich Plant, into the surrounding environment, damaging Illinois natural resources.

225. Beginning in 1917, Old Monsanto disposed of its manufacturing waste, including a broad range of hazardous substances, on and off site.

226. Among other things, Old Monsanto disposed of hazardous wastes by burying drums filled with such wastes at or near the Plant, including in unlined locations. For example, in the 1940s, Old Monsanto buried approximately 5,000 55-gallon drums of nitrochlorobenzene about 500 feet west-southwest of the southwest corner of the Krummrich Plant. When the drums were excavated in or around 1985, many drums were no longer intact and their content had mixed with the surrounding soil.

227. In 1932, the Krummrich Plant was connected to a sewer system that discharged directly to the Mississippi River. Old Monsanto released untreated liquid industrial waste, including PCB waste, in this manner for over 30 years, until a treatment plant was constructed in 1966.

228. Beginning in 1966, Old Monsanto discharged hazardous waste into the sewer system at the Krummrich Plant that were routed through the Sauget wastewater treatment plant.

229. The treatment plant, however, did not remove all or even most of the PCBs funneled through it, such that treated wastewater discharged from the plant into the Mississippi River was still laced with PCBs.

230. As late as October 1969, Old Monsanto still discharged PCB waste from the Krummrich Plant into the sewer system at a rate of approximately 700 pounds per day.[34] Even thereafter, more than 230 pounds of PCBs were drained into the sewer from the Plant per day.[35]

231. Internal discussions concerning whether and to what extent Old Monsanto should focus on reducing the amount of PCBs in its effluent were reckless at best, even after PCBs had been proven by third parties to be a potent environmental hazard.

232. In an internal memorandum from 1969, a committee of senior level Old Monsanto personnel tasked with addressing PCB contamination said simply: "The question of exactly how far to reduce (how much money to spend) is not yet clear and expenditures to date have been comparatively small." Pointing the finger at its own customers, whom Old Monsanto had not adequately warned and instructed about the environmental hazards posed by PCBs, the committee concluded that "until the problems of gross environmental contamination by our customers have been alleviated, there is little object in going to expensive extremes in limiting discharges from the plants [including the Krummrich Plant]."[36]

233. Old Monsanto also disposed of enormous amounts of hazardous substances, including PCBs, in local landfills. From there, dangerous contaminants leached, leaked, and off-gassed into the surrounding soil, sediment, and the atmosphere, and migrated to nearby waterbodies, including the Mississippi River.

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[34] Exhibit 23, Jan. 12, 1970 Monsanto memo titled "1970 Objectives Reduction of Quantity of Aroclor to Sewer" (PCB-ARCH-130420).

[35] *Id*.

[36] *See* Exhibit 10 (MONS 030483) at -85.

234. Indeed, what used to be known as the "Sauget-Monsanto Landfill" (designated as sites I and H for purposes of the SIC assessments) was located just south of the Plant. This landfill operated from 1931 to 1957 and Old Monsanto used it to dispose of Plant waste.

235. Just west of the Plant, adjacent to the Mississippi River, was what was known as the "Sauget Landfill" or "Old Milam Landfill" (designated as site Q). The landfill was used for waste disposal from the 1950s to the 1970s and Old Monsanto disposed of Plant waste there.

236. Right next to the "Sauget Landfill" was another waste disposal area owned and/or operated by Old Monsanto, known as the "Monsanto Landfill," "Sauget Toxic Dump," and "Rivers Edge Landfill" (designated as Site R). Old Monsanto disposed of Plant and other wastes, including PCB wastes, at this landfill from 1957 to 1977.

237. As late as 1970, Old Monsanto acknowledged in internal documents that "[a]ll waste containing PCBs is at present hauled to the dumps the plants have been using for other plant waste."[37]

238. Old Monsanto has also been identified as responsible for hazardous substances detected in various other locations along the SIC, including at the sites designated G (a waste disposal area), L (area for disposal of tanker truck water), and M (sand and gravel borrow pit) for purposes of the SIC environmental investigations and assessments.

239. Further still, what is designated as site O in the SIC assessments houses four former sludge dewatering lagoons. These unlined lagoons were used from 1966 to 1978 to dry sludge from the Sauget wastewater treatment plant, which in turn had treated wastewater from the Krummrich Plant.

[37] Exhibit 24, March 6, 1970 Monsanto document titled "Aroclor Environmental Program" (MONS099591).

240. Significant quantities of PCBs and other hazardous substances traceable to Old Monsanto's operations have been detected in the soil, sediment, water, biota, and other natural resources at and near all of these sites.

241. From 1971 to 1977, Old Monsanto operated a commercial waste incinerator at the Krummrich Plant.

242. Old Monsanto burned significant amounts of PCB waste that it had generated at the Krummrich Plant (and other plants) or that its customers had returned to Old Monsanto.

243. Monsanto charged its customers on a per-pound basis for PCB waste incineration. Monsanto eventually closed the incinerator because it was not sufficiently profitable.

244. Old Monsanto burned more than 15 million pounds of PCB waste at the Krummrich Plant just between 1971 to 1975.[38]

245. Significant amounts of PCBs were dispersed into the atmosphere in Illinois during the incineration process.

246. Old Monsanto showed little concern for the air pollution traceable to its plants. Indeed, as late as September of 1969, Old Monsanto executives agreed that "a comprehensive air sampling and testing program would be very expensive and is probably not justified at this stage of the problem."[39]

247. Old Monsanto also stored hazardous waste in what the company described as a "PCB warehouse" adjacent to the incinerator until about 1981/82.

[38] *See* Exhibit 25, Monsanto document titled "Item 5" (PCB-ARCH0269456).

[39] *See* Exhibit 10 (MONS 030483), at -85.

248. Old Monsanto ceased PCB production at the Krummrich Plant in 1977 in light of increased regulatory and public scrutiny following the publication of evidence of widespread environmental PCB contamination.

249. Old Monsanto continued to produce chlorine compounds at the Plant until at least the 1980s.

250. Old Monsanto continued to produce ortho-nitrophenol and phosphorus trichloride at the Plant until at least the early 1990s.

251. Monsanto continued to produce mono- and dichlorobenzene at the Plant until at least 2004.

252. In addition, Monsanto has disclosed at the least the following purportedly unintentional spills and releases of hazardous substances at the Plant through August 2000:

a. 1987:
    i. 300 gallons of ortho-dichlorobenzene released to a concrete pad; and
    ii. 300 pounds of para-nitrochlorobenzene released from a railcar.
b. 1988:
    i. 2,500 pounds of phosphorus trichloride released while loading a railcar; and
    ii. 150 gallons of hydrochloric acid released to a concrete dike and flushed to the department process sewer.
c. 1989:
    i. 7,000 pounds of benzene released due to leak in overhead pipeline.
d. 1990:
    i. 10 gallons of benzene released to ground from a leak in valve;

ii. 150 pounds of para-dichlorobenzene released from a railcar;

iii. 37 pounds of benzene released to a concrete pad and flushed to a process sewer; and

iv. 2,400 pounds of mixed dichlorobenzene released to a concrete pad.

e. 1991:

i. 200 gallons of para-nitroaniline released to concrete pad;

ii. 5,480 pounds of mixed dichlorobenzene released after gasket failure;

iii. 1,000 pounds of benzene, monochlorobenzene, and crude monochlorobenzene released to concrete dike following pipe failure; and

iv. 700 pounds of crude dichlorobenzene released to concrete pad.

f. 1992:

i. 1,470 pounds of benzene released to dike; and

ii. 10,750 pounds of mixed dichlorobenzene released to dike.

g. 1993:

i. 3,180 gallons of hydrochloric acid released to concrete pad;

ii. 13,500 pounds of 4-Aminodiphenylamine released to pad following pump failure; and

iii. 5,480 pounds of Calgon CL-47 released to ground following tank failure.

h. 1994:

i. 25 pounds of benzene released to asphalt pad following pump failure.

i. 1996:

i. 300 pounds of 4-nitrodiphenylamine released during railcar unloading.

j. 1997:

i. 5,000 pounds of methyl isobutyl ketone released from tank after damage to valve.

k. 1999:

i. 6,250 pounds of ortho-nitrochlorobenzene released after damage to valve.

l. 2000:

i. 25 gallons of monochlorobenzene and benzene mixture released to ground after damage to pipe nipple.

2. Monsanto's Actions At the Krummrich Plant Have Had An Outsized Impact on Disadvantaged Communities Near the Sauget Industrial Corridor

253. In all, Monsanto's operations at the Krummrich Plant have caused extensive contamination with dangerous toxic chemicals, including PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, and dioxins, among many others, within the SIC. These environmental hazards also reverberate far beyond this corridor, impacting particularly the neighboring low income communities.

254. Just north of Sauget is East St. Louis, Illinois. East St. Louis is a majority-minority community of about 26,000 residents. More than 95% of East St. Louis residents are Black or African American. The median household income is about $25,000 and more than 33% of East St. Louis residents live in poverty.

255. To the south, Sauget is neighbored by the newly formed City of Cahokia Heights, home to roughly 22,000 residents. Cahokia Heights was formed on May 6, 2021 by merger of the

Villages of Cahokia and Alorton, as well as the City of Centreville. Each of the former Cahokia, Alorton, and Centreville are majority-minority communities, with more than 58%, 97%, and 95% of Black or African American residents, respectively. Each of these communities suffers from significant poverty. More than 30% of residents of the former Cahokia live in poverty. So do nearly 58% of the residents of the former Alorton and more than 34% of the former Centreville. The median household income for these communities ranges from $19,000 (Alorton) to $23,000 (Centreville), and $35,000 (Cahokia).

256. These low-income and neglected communities have borne and continue to bear the brunt of the Monsanto's decades-long manufacture and discharge of hazardous substances into the local groundwater, surface water, soil, sediment, and air, and the related impact on resident health, property values, and economic opportunity. Indeed, studies have already found highly elevated concentrations of dioxins and PCBs throughout East St. Louis, resulting in an increased risk of developing adverse health effects and a significant reduction of property values.

257. The State is mindful of the outsized impact Monsanto's actions have had on some of Illinois' poorest and most disadvantaged residents. It is the State's declared goal to protect the health of the citizens of Illinois and its environment and to achieve environmental equity for *all* of the citizens of Illinois.

G. MONSANTO HAS SEVERELY DAMAGED NATURAL RESOURCES ACROSS ILLINOIS WITH PCBS

258. The quality of the State's water resources, sediments, fish and aquatic life, soils, and wildlife directly and significantly affects the quality of life of Illinois residents. The State's natural resources have suffered tremendously due to Monsanto's decades-long misconduct.

259. From the 1930s to 1977, Old Monsanto manufactured hundreds of thousands of metric tons of PCBs at the Krummrich Plant, burying or dumping massive amounts of hazardous

wastes resulting from its operations or washing them down the sewer, such that they would enter the Mississippi River or the groundwater aquifer. During this time, the company also disposed of enormous quantities of PCB waste into nearby landfills, from which PCBs leached, leaked, and off-gassed into the surrounding environment. Beginning in 1971 and at least until 1977, Old Monsanto also operated an incinerator at the Krummrich Plant, burning millions of pounds of its own PCB waste and PCBs returned by its customers. Large quantities of PCBs were emitted into Illinois air during the incineration process.

260. In addition, for decades, Old Monsanto also sold large volumes of commercial PCBs and PCB-containing products to customers, including retail and secondary manufacturers, within Illinois. Monsanto's PCB mixtures and PCB-containing products were used in countless applications within Illinois and leached, leaked, off-gassed, and escaped their ordinary and intended applications to contaminate the State's waters, sediments, soils, air, and fish and wildlife. Because Monsanto's PCBs are environmentally persistent and volatile, they continue to circulate in the State's natural resources to this day.

261. Monsanto never advised the State or the public that its PCB mixtures are toxic to human and environmental health. Nor did it issue public warning or instruction about PCBs or the health and environmental safety hazards they present and indeed, as alleged above, denied that such hazards exist in their communications with public entities and the general public.

262. Instead, when Monsanto provided any information concerning the use and disposal of PCBs, Monsanto denied toxicity concerns and adverse human and environmental health effects, and advised that PCBs were safe for their intended uses and wastes should be deposited in landfills, despite knowing this would result in environmental contamination and human and ecological hazards.

263. The State has already taken significant (and costly) steps to address PCB contamination of surface water bodies and other natural resources, but widespread contamination continues to extensively damage Illinois natural resources and poses current and future threats to human health and the well-being of the State's environment and economy.

1. Impaired Waterbodies and Other Natural Resources in Illinois

264. In general, PCBs are one of the principal causes of impairment of Illinois waterbodies.

265. Like other states, Illinois prepares water quality monitoring and assessment reports to satisfy its listing and reporting obligations under the Clean Water Act, sections 303(d) and 305(b), 33 U.S.C. §§ 1313(d) and 1315(b).

266. The most recent Illinois Integrated Water Quality Report and Section 303(d) List (the "Integrated Report") identifies more than 2,900 Illinois stream miles, more than 27,000 Illinois inland lake acres, as well as 64 miles of Lake Michigan shoreline and 196 square miles Lake Michigan open water as PCB-impaired—that is, impaired for one or more beneficial uses due to excessive PCB contamination.

267. The Integrated Report identifies portions of the following Illinois waterbodies, a disproportionate number of which is located in Cook County, Illinois' most populous county, as impaired by excessive levels of PCBs:

a. Addison Creek (Cook County)

b. Big Bureau Creek (Bureau County)

c. Big Muddy River (Franklin County)

d. Bluff Lake (Lake County)

e. Busse Woods Lake (Cook County)

f. Calumet River (Cook County)

g. Calumet Sag Channel (Cook County)

h. Campus Lake (Jackson County)

i. Casey Fork (Jefferson County)

j. Cedar Creek (Henderson, Knox, and Warren Counties)

k. Chain Of Rocks Canal (Madison County)

l. Channel Lake (Lake County)

m. Chicago River (Cook County)

n. Chicago Sanitary and Ship Canal (Cook and Will Counties)

o. Crab Orchard Lake (Williamson County)

p. Des Plaines River (Cook, Lake, and Will Counties)

q. Diversey Harbor (Cook County)

r. Du Page River (Will County)

s. East Branch Du Page River (Du Page and Will Counties)

t. Elkhorn Creek (Carroll and Whiteside Counties)

u. Fox Lake (Lake County)

v. Fox River (Kane, Kendall, Lake, LaSalle, and McHenry Counties)

w. Frank Holten Lake 1 (St. Clair County)

x. Frank Holten Lake 2 (St. Clair County)

y. Frank Holten Lake 3 (St. Clair County)

z. Galena River (Jo Daviess County)

aa. Grand Calumet River (Cook County)

bb. Grass Lake (Lake County)

cc. Henderson Creek (Henderson County)

dd. Herrin Old (Williamson County) – Assessment Unit ID (IL_RNZD)

ee. Horseshoe Lake (Madison County)

ff. Illinois River (Calhoun, Grundy, LaSalle, Marshal, Mason, Peoria, Putnam and Counties)

gg. Jackson Harbor (inner harbor, and outer harbor) (Cook County)

hh. Kankakee River (Kandakee and Will Counties)

ii. Kaskaskia River (Champaign, Coles, Douglas, and Moultrie Counties)

jj. Kickapoo Creek (Peoria County)

kk. Kishwaukee River (Boone, McHenry, and Winnebago Counties)

ll. Lake Bracken (Knox County)

mm. Lake Calumet (Cook County)

nn. Lake Catherine (Lake County)

oo. Lake Centralia (Marion County)

pp. Lake Decatur (Macon County)

qq. Lake DePue (Bureau County)

rr. Lake Fork (Douglass and Piatt Counties)

ss. Lake Marie (Lake County)

tt. Lake Marion (Williamson County)

uu. Lake Michigan Beaches:

a) 12th St. Beach (Cook County)

b) 31st St. Beach (Cook County)

c) 49th St. Beach (Cook County)

d) 57th St. Beach (Cook County)

e) 67th St. Beach (Cook County)

f) Albion Beach (Cook County)

g) Armitage Beach (Cook County)

h) Calumet Beach (Cook County)

i) Clark Beach (Cook County)

j) Elder Beach (Cook County)

k) Foster Beach (Cook County)

l) Fullerton Beach (Cook County)

m) Gilson Beach (Cook County)

n) Glencoe Beach (Cook County)

o) Greenwood Beach (Cook County)

p) Hollywood/Ostermann Beach (Cook County)

q) Howard Beach (Cook County)

r) Illinois Beach State Park North (Lake County)

s) Illinois Beach State Park South (Lake County)

t) Jackson Park/63rd Beach (Cook County)

u) Jarvis Beach (Marion Mahoney Griffin Beach) (Cook County)

v) Juneway Terrace (Cook County)

w) Kenilworth Beach (Cook County)

x) Lake Bluff Beach (Lake County)

y) Lake Forest Beach (Lake County)

z) Lee Beach (Cook County)

aa) Lighthouse Beach (Cook County)

bb) Lloyd Beach (Cook County)

cc) Loyola (Greenleaf) Beach (Cook County)

dd) Maple Beach (Cook County)

ee) Montrose Beach (Cook County)

ff) North Ave. Beach (Cook County)

gg) North Point Beach (Lake County)

hh) North Shore/Columbia (Cook County)

ii) Northwestern University Beach (Cook County)

jj) Oak St. Beach (Cook County)

kk) Ohio St. Beach (Cook County)

ll) Park Ave. Beach (Cook County)

mm) Pratt Beach (Cook County)

nn) Rainbow Beach (Cook County)

oo) Rogers Beach (Cook County)

pp) Rosewood Beach (Cook County)

qq) Schiller Beach (Cook County)

rr) South Boulevard Beach (Cook County)

ss) South Shore Beach (Cook County)

tt) Thorndale Beach (Cook County)

uu) Touhy (Leone) Beach (Cook County)

vv) Tower Beach (Cook County)

ww) Waukegan North Beach (Lake County)

xx) Waukegan South Beach Lake County)

yy) Webster Beach (Cook County)

vv. Lake Michigan Nearshore (Cook and Lake Counties)

ww. Lake of Egypt (Williamson County)

xx. Lake of the Woods (Champaign County)

yy. Little Calumet River North (Cook County)

zz. Mackinaw River (McLean, Tazewell, and Woodford Counties)

aaa. Mazon River (Grundy County)

bbb. McKinley Park Lagoon (Cook County)

ccc. Middle Fork North Branch Chicago River (Cook County)

ddd. Midlothian Reservoir (Cook County)

eee. Mississippi River (Adams, Alexander, Jersey, Madison, Monroe, Rock Island, and Whiteside Counties)

fff. Nippersink Creek (McHenry County)

ggg. Nippersink Lake (Lake County)

hhh. North Branch Chicago River (Cook County)

iii. North Point Marina Harbor (Lake County)

jjj. North Shore Channel (Cook County)

kkk. Ohio River (Alexander, Gallatin, Hardin, Massac, and Pulaski Counties)

lll. Pecatonica River (Stephenson and Winnebago Counties)

mmm. Petite Lake (Lake County)

nnn. Pettibone Creek (Lake County)

ooo. Pistakee Lake (McHenry County)

ppp. Powderhorn Lake (Cook County)

qqq. Raccoon Lake (Marion County)

rrr. Rock River (Lee, Ogle, Rick Island, Whiteside, and Winnebago Counties)

sss. Saganashkee Slough (Cook County)

ttt. Salt Creek (Cook and DuPage Counties)

uuu. Sangamon River (Macon, Mason, Menard, and Sangamon Counties)

vvv. Sauk Trail Lake (Cook County)

www. Sawmill Creek (DuPage County)

xxx. Schiller Pond (Cook County)

yyy. South Branch Chicago River (Cook County)

zzz. South Branch Pettibone Creek (Lake County)

aaaa. South Branch Kishwaukee River (DeKalb County)

bbbb. Spring Creek-West (Sangamon County)

cccc. Sugar River (Winnebago County)

dddd. Sycamore Lake (DeKalb County)

eeee. Thorn Creek (Cook County)

ffff. Vermilion River (Vermillion County)

gggg. Wabash River (Crawford and White Counties)

hhhh. Waukegan Harbor (Lake County)

iiii. Waukegan River (Lake County)

jjjj. Wolf Lake (Cook County)

268. Like Illinois waterbodies, other Illinois natural resources, including sediments and biota, also suffer significant PCB contamination due to Monsanto's misconduct.

269. Indeed, in Sauget alone, PCBs have been detected at staggeringly high levels in the

soil and sediment near the Krummrich Plant and at various former waste disposal areas near the Plant where Old Monsanto had discarded PCB waste.

270. PCBs have been detected at up to **10 million parts per billion** ("ppb") in the sediment in Dead Creek segment B, the segment closest to the Krummrich Plant. For comparison, the probable effect concentration threshold for PCBs in sediment, that is, the level of PCBs above which adverse effects on the ecosystem are expected to occur frequently, is a mere **676 ppb**.

271. Aroclor 1260 has been detected in the soil at the "Sauget-Monsanto Landfill" (designated as sites I and H for purposes of the SIC assessments) at an astonishing **18 million ppb** and Aroclor 1248 at **342,900 ppb**.

272. Aroclor 1260 has been detected in the soil at what was known as the "Sauget Landfill" or "Old Milam Landfill" (designated as site Q) at **16 million ppb**, Aroclor 1254 at **360,000 ppb**, and Aroclor 1248 at **70,000 ppb**.

273. Right next to the "Sauget Landfill" was another waste disposal area owned and/or operated by Old Monsanto, known as the "Monsanto Landfill," "Sauget Toxic Dump," and "Rivers Edge Landfill" (designated as Site R). Old Monsanto disposed of Plant and other wastes, including PCB wastes, at this landfill from 1957 to 1977.

274. Aroclor 1248 has been detected in the soil at this former Old Monsanto landfill at **4.8 million ppb**, Aroclor 1254 at **1.1 million ppb**, and Aroclor 1260 at **100,000 ppb**. Contaminant leachate has been discovered to seep from this site into the Mississippi River.

275. Old Monsanto has also been identified as having disposed of hazardous wastes in various other locations along the SIC, including at sites designated G (a waste disposal area), L (area for disposal of tanker truck water), and M (sand and gravel borrow pit) for purposes of the SIC environmental investigations and assessments.

276. At site G, Aroclor 1260 has been detected in soil at up to **5.3 million ppb**. Aroclor 1248 has been detected at **174,419 ppb**.

277. At site L, PCBs have been detected in soil at up to **500,000 ppb.**

278. At site M, PCBs have been detected in soil at up to **1.1 million ppb**.

279. At the four former sludge dewatering lagoons (site O), at which sludge from the Sauget waste water treatment plant, which treated wastewater from the Krummrich Plant, was dried, Aroclor 1242 has been detected in the soil at up to **1,871,795 ppb** and Aroclor 1232 at **30,366 ppb**.

280. Air contamination with PCBs, particularly in and around Sauget, presents yet another public health problem in Illinois. As noted above, Old Monsanto burned many millions of pounds of PCB waste at the Krummrich Plant (more than 15 million pounds between 1971 to 1975 alone),[40] causing significant amounts of PCBs to be dispersed into the atmosphere in Illinois in the process.

281. Significant amounts of PCBs were also released into the atmosphere in Illinois during the PCB manufacturing processes at the Plant and when Old Monsanto's Illinois customers, pursuant to Old Monsanto's express instructions, vented PCBs directly into the atmosphere without emission controls, as well as through volatilization of PCB vapors from contaminated soils, sediments and waterbodies, PCB wastes, and from the ordinary and intended applications of PCB products throughout the State.

282. Re-suspension of contaminated particulate matter (i.e. dust) from sediments and local dump sites has been recognized as a significant source of PCBs, particularly in the Sauget area.

[40] Exhibit 25, Monsanto document titled "Item 5" (PCB-ARCH0269456).

283. A study published in 2010 in *Urban Environmental Pollution* demonstrates the significant impact Monsanto's PCB emissions at the Krummrich Plant have had (and continue to have) on air quality in and around Sauget. Samples of indoor attic dust collected from seven residential dwellings and seven churches located in the former Cahokia and East St. Louis, Illinois, less than two miles distance from the Plant, showed concentrations of PCBs in the dust of up to 197 times the U.S. EPA screening level for residential soil. Because attic dust can be seen as a surrogate for human exposure to ambient air pollutants over time, the contamination found in the attic dust samples also demonstrates that residents of the community were historically exposed to the PCBs emitted from Monsanto's facilities.

284. Because PCBs resist degradation, the air in and around Sauget remains burdened with excessive PCB contamination, continuing to expose Illinois residents to unreasonable risks of harm.

2. PCB Fish Advisories in Illinois

285. The State, through the Illinois Fish Contaminant Monitoring Program ("FCMP"), monitors fish in Illinois waters for PCBs. The FCMP is made up of four state agencies including the Illinois EPA, Illinois Department of Public Health ("IDPH"), IDNR, and Illinois Department of Agriculture ("IDOA"). Where appropriate, the State, through IDPH, issues fish consumption advisories alerting the public not to eat or to eat only limited quantities of certain species of fish from identified waterbodies due to PCB contamination.

286. Illinois issues PCB-specific fish consumption advisories under a tiered structure, as follows: a 1 meal per week advisory issues where a PCB concentration between 0.06 to 0.22 parts per million ("ppm") has been observed in fish tissue; a 1 meal per month advisory issues for PCB concentrations between 0.23 to 0.95 ppm; a 6 meals per year advisory issues for PCB concentrations between 0.96 to 1.9 ppm; and a do not eat advisory will issue for any PCB

concentration exceeding 1.9 ppm.

287. PCB levels in fish are a significant concern for public health and vitality of ecosystems in Illinois, with PCBs having been detected at concentrations in excess of 10 ppm in a number of fish species in various Illinois waterbodies, and even at concentrations as high as 83 ppm.

288. Many Illinois waterbodies have been subject to PCB-specific fish consumption advisories for many years. For example, since at least 2002 and to the filing of this Complaint, the public has been advised not to eat any channel catfish of any size from Illinois Lake Michigan open waters, any carp larger than 12 inches from the Calumet and Chicago River systems, or any carp 18 inches or longer from certain segments of the Des Plaines River due to PCB contamination.

289. PCB contamination of fish tissue remains a significant problem in Illinois. The 2021 Illinois fish consumption advisories included the following PCB-specific advisories:

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
Border Waters					
Lake Michigan (PCBs) Cook and Lake Counties					
	Brown Trout		All Sizes		
	Channel Catfish				All Sizes
	Chinook Salmon		All Sizes		
	Coho Salmon	Less than 24"	24" or Longer		
	Common Carp		All Sizes		
	Lake Whitefish	All Sizes			
	Lake Trout	Less than 22"	22" to less than 30"		30" or Longer
	Rainbow Trout	All Sizes			
	Smelt	All Sizes			
	Yellow Perch	All Sizes			
Waukegan North Harbor (PCBs) – Includes all species listed above as well as: Lake County					
	Black Bullhead			All Sizes	
	Rock Bass		All Sizes		
	Sunfish		All Sizes		
	White Sucker		All Sizes		
Mississippi River (PCBs) ***Entire River Entire River Except Pool 15*** ***Pool 15*** ***Lock and Dam 22 to***					
	Channel Catfish	All Sizes			
	Common Carp	All Sizes			
	Common Carp		All Sizes		
	Sturgeon		All Sizes		

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
Cairo					
Ohio River (PCBs) Gallatin, Hardin, Pope, Massac, Pulaski, and Alexander Counties					
	Blue Catfish	Less than 20"	20" or Longer		
	Channel Catfish	15" or Longer			
	Common Carp	Less than 22"	22" or Longer		
	Freshwater Drum	Less than 14"	14" or Longer		
	Sauger	Less than 14"			
Wabash River (PCBs) Wabash, White, and Gallatin Counties					
	Common Carp	All Sizes			
	Freshwater Drum	All Sizes			
	Shovelnose Sturgeon		27" or Longer		
	Shovelnose Sturgeon		Eggs		
	White Bass	All Sizes			
Lakes					
Busse Lake (PCBs) Cook County					
	Black Bullhead	All Sizes			
	Channel Catfish	All Sizes			
	Common Carp	Less than 23"	23" or Longer		
Campus Lake (PCBs) Southern Illinois University Jackson County					
	Bluegill	All Sizes			
	Largemouth Bass	All Sizes			
Centralia Lake (PCBs) Marion County					
	Channel Catfish	17" or Longer			
	Common Carp		27" or Longer		
Crab Orchard Lake (PCBs) Williamson County					
East of Wolf Creek Road	Channel Catfish	All Sizes			
	Common Carp	All Sizes			
West of Wolf Creek Road	Channel Catfish	All Sizes			
Fox Chain-O-Lakes (PCBs) Lake and McHenry Counties					
	Channel Catfish	18" to 25"	26" or Longer		
	Common Carp	17" to less than 24"	24" or Longer		
Frank Holten State Lakes (PCBs) St. Clair County					
	Common Carp	All Sizes			
Herrin Lake #1 (PCBs) Williamson County					
	Channel Catfish		All Sizes		
	Common Carp				All Sizes
Horseshoe Lake (PCBs) Madison County					
	Common Carp	All Sizes			
	Channel Catfish	Less than 23"	23" or Longer		
Lake Bracken (PCBs) Knox County					
	Common Carp	Less than 23"	23" or Longer		

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
	Largemouth Bass	Less than 17"			
Lake Calumet (PCBs) Cook County					
	Channel Catfish		All Sizes		
	Common Carp	All Sizes			
	Freshwater Drum		All Sizes		
	Largemouth Bass	Less than 14"	14" or Longer		
	White Bass		All Sizes		
	White Perch	All Sizes			
Lake Decatur (PCBs, Chlordane) Macon County					
	Channel Catfish	All Sizes			
	Common Carp	All Sizes			
	Flathead Catfish		All Sizes		
Lake Depue (PCBs) Bureau County					
	Channel Catfish		Less than 17"	17" to 23"	24" or Longer
	Common Carp	All Sizes			
	White Bass		12" or Longer		
Lake of Egypt (PCBs) Johnson and Williamson Counties **Lake of the Woods (PCBs)** Champaign County					
	Common Carp Common Carp	23" or Longer All Sizes			
Marion City Reservoir (PCBs) Williamson County					
	Common Carp		All Sizes		
	Yellow Bullhead	9" or Longer			
McKinley Park Lagoon (PCBs) Cook County					
	Common Carp	All Sizes			
Midlothian Reservoir (PCBs) Cook County					
	Common Carp	Less than 20"			20" or Longer
	Largemouth Bass				
Powderhorn Lake (PCBs) Cook County					
	Common Carp	All Sizes			
Powerton Lake (PCBs) Tazewell County					
	Channel Catfish	15" to 18"	19" or Longer		
Raccoon Lake (PCBs) Marion County					
	Common Carp	Less than 23"	23" or Longer		
Saganashkee Slough (PCBs) Cook County					
	Channel Catfish	18" or Longer			
Sycamore Lake (PCBs) DeKalb County					
	Channel Catfish	23" or Longer			
	Common Carp	All Sizes			

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
Wolf Lake (PCBs) Cook County					
	Common Carp		All Sizes		
	Channel Catfish	All Sizes			
Rivers					
Big Muddy River (PCBs) Franklin County					
Rend Lake to Route 149	Common Carp	All Sizes			
Big Rock Creek (PCBs) Kane and Kendall Counties					
	Common Carp	20"or Longer			
Bureau Creek (PCBs) Bureau County					
	Channel Catfish	Less than 25"	25" or Longer		
	Common Carp		25" or Longer		
Calumet River, Cal Sag Channel, and Little Calumet River from Cal Sag Channel to the Calumet River (PCBs) Cook County					
	Black Bass		All Sizes		
	Channel Catfish			18" or Longer	
	Common Carp		Less than 12"		12" or Longer
	Sunfish	All Sizes			
	Yellow Bass		Less than 8"	8" or Longer	
Casey Fork Creek (PCBs) Jefferson County					
	Channel Catfish	All Sizes			
	Common Carp		All Sizes		
Cedar Creek (PCBs) Warren County					
	Channel Catfish		All Sizes		
	Common Carp			All Sizes	
Chicago River, North and South Branches, North Shore Channel, and Chicago Sanitary and Ship Canal (PCBs) Cook County					
	Common Carp			Less than 12"	12" or Longer
	Channel Catfish		18"or Longer		
	Largemouth Bass		All Sizes		
	Sunfish	All Sizes			
Crab Orchard Creek (Dioxins) Jackson County					
	Channel Catfish	All Sizes			
Des Plaines River (PCBs) Cook, Lake, and Will Counties					
Route 120 to Hoffman Dam	Channel Catfish	All Sizes			
	Common Carp		19"or Longer		
Hoffman Dam to Lockport	Channel Catfish		All Sizes		
	Common Carp		All Sizes		
	Channel Catfish		All Sizes		

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
Lockport to Kankakee River	Common Carp			Less than 18"	18" or Longer
	Freshwater Drum		All Sizes		
DuPage River (PCBs) Dupage and Will Counties ***Headwater to Route 6***					
	Common Carp	All Sizes			
	Channel Catfish		All Sizes		
Route 6 to Des Plaines River	Common Carp		All Sizes		
	Smallmouth Bass		All Sizes		
East Branch of the DuPage River (PCBs) Dupage and Will Counties					
	Common Carp	All Sizes			
Elkhorn Creek (PCBs) Carroll, Ogle, and Whiteside Counties					
	Channel Catfish	16" or Longer			
Fox River (PCBs) Lake, LaSalle, Kane, Kendall and McHenry Counties ***Above I-90***					
	Channel Catfish	20" or Longer			
	Common Carp	20" or Longer			
I-90 to Dayton Dam	Channel Catfish	All Sizes			
	Common Carp	Less than 15"	15" or Longer		
	Freshwater Drum				
	Channel Catfish		All Sizes		
Below Dayton Dam	Common Carp	Less than 15"	15" or Longer		
Galena River (PCBs) Jo Daviess County					
	Channel Catfish		All Sizes		
	Common Carp	Less than 20"	20 to 23"		24" or Longer
Henderson Creek (PCBs) Henderson County ***Below Junction with Cedar Creek***					
	Common Carp	All Sizes			
Illinois River (PCBs) ***Dresden Island Dam to Marseilles Dam***					
	Channel Catfish		All Sizes		
	Common Carp			All Sizes	
	Smallmouth Bass		All Sizes		
Marseilles Dam to Starved Rock Dam	White Bass	All Sizes			
	Channel Catfish		All Sizes		
	Common Carp		All Sizes		
Starved Rock Dam to Peoria Pool	White Bass	All Sizes			
	Channel Catfish	Less than 14"	14" or Longer		
	Common Carp		All Sizes		
	Largemouth Bass	All Sizes			
	White Bass	All Sizes			

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
Peoria Dam to Mississippi River	Carp, including Common, Bighead, and Silver Carp	All Sizes			
	Channel Catfish	16" or Longer			
Kankakee River (PCBs) Kankakee and Will Counties ***Wilmington Dam to Illinois River***					
	Common Carp		All Sizes		
Kaskaskia River (PCBs) Champaign, Coles, Douglas, and Moultrie Counties ***Above Lake Shelbyville***					
	Common Carp	18"or Longer			
Kickapoo Creek (PCBs) Peoria County ***Illinois River near Peoria***					
	Channel Catfish	Less than 17"	17" or Longer		
	Common Carp	19"or Longer			
Kishwaukee River (PCBs) Boone, McHenry, and Winnebago Counties					
	Channel Catfish	18" or Longer			
	Common Carp	All Sizes			
Kishwaukee River South Branch (PCBs) DeKalb and Winnebago Counties					
	Channel Catfish	Less than 20"	20"or Longer		
	Common Carp	Less than 22"	22" or Longer		
	Freshwater Drum	All Sizes			
Kyte River (PCBs) Ogle County					
	Channel Catfish	15" or Longer			
Lake Fork Creek (PCBs) Douglas and Piatt Counties					
	Common Carp	All Sizes			
Mackinaw River (PCBs) Ford, McLean, Tazewell, and Woodford Counties					
	Common Carp	17" or Longer			
Mazon River (PCBs) Grundy County					
	Channel Catfish	All Sizes			
	Common Carp	All Sizes			
Nippersink Creek (PCBs) McHenry County					
	Channel Catfish	All Sizes			
	Common Carp	All Sizes			
Rock River (PCBs) Henry, Lee, Ogle, Rock Island, Whiteside, and Winnebago Counties ***State Line to Fordam Dam***					
	Channel Catfish	16" or Longer			
	Common Carp	Less than 23"	23" or Longer		
Rockford Dam to Milan Steel Dam	Channel Catfish	16" or Longer			
	Common Carp		20"or Longer		
Milan Steel Dam to Mississippi River	Channel Catfish	All Sizes			
	Common Carp		All Sizes		

Water	Fish Species	1 meal/week	1 meal/month	6 meals/year	Do Not Eat
	White Bass	All Sizes			
Salt Creek - Des Plaines River Basin (PCBs) Cook and DuPage Counties					
	Common Carp		Less than 24"	24" or Longer	
Sangamon River (PCBs) Macon and Sangamon Counties ***Lake Decatur to Roby Lake Decatur to Illinois River***					
	Common Carp		All Sizes		
	Channel Catfish	Less than 21"	21"or Longer		
Spring Creek (PCBs) Sangamon County					
	Common Carp	All Sizes			
Vermilion River - Wabash River Basin (PCBs) Vermilion and Champaign Counties					
	Channel Catfish	16" or Longer			
	Common Carp	26" or Longer			

290. Illinois subsistence and recreational anglers interested in collecting and consuming fish from Illinois waterbodies, and the related economy, have been adversely affected by fish consumption advisories compelled by PCB contamination.

291. Residents of Cook County, Illinois' most populous county, are particularly affected as a host of waterbodies in the county is designated as PCB impaired, subject to a PCB-specific fish consumption advisory, or both.

292. Moreover, PCBs do not only adversely impact fish in Illinois. PCBs in fish are taken up by other animals that consume aquatic animals as food, posing a threat to aquatic and other wildlife higher up in the food chain, including waterfowl and a host of other fish-eating species.

293. PCB contamination of fish and other aquatic animals and wildlife adversely affect not only the health of such animals and Illinois residents' ability to enjoy their consumption, but also limit recreational opportunities available within Illinois.

294. Contamination of Illinois' waterbodies and aquatic life attributable to Monsanto's misconduct has for decades (and will continue to well into the future) curtailed the ability of

Illinoisans to consume local fish and enjoy recreation at and near the State's impacted waterbodies at great cost to Illinois subsistence and sport fishers, as well as the Illinois public and the State itself.

295. The State has also spent considerable time and money to implement and educate the public about its PCB fishing advisories, none of which would have been necessary but for Monsanto's sale and dissemination of toxic PCB mixtures, which, when used as intended, would inevitably contaminate natural resources and endanger people, animals, and the environment.

3. The State Is Investing In The Development of TMDLs Driven by PCB Contamination

296. The State has invested (and continues to invest) time, effort, and money in a variety of efforts to assess, investigate, and implement strategies designed to reduce, control, or eliminate PCB contamination of Illinois' waters.

297. In July 2015, Illinois EPA's Bureau of Water Watershed Management Section crafted and submitted to the U.S. EPA the Illinois Long-Term Vision for Assessment, Restoration, and Protection Under the CWA Section 303(d) Program (the "Long-Term Vision").

298. The Long-Term Vision, which covers the years 2015 through 2022, describes the State's plan for prioritizing impaired waterbodies for TMDL development to meet their designated uses and applicable water quality standards, noting that "the Agency hopes to develop statewide mercury and PCBs (Toxics) TMDLs at some point in the near future."

299. A TMDL specifies the maximum amount of a pollutant that may be allowed to enter a waterbody on a daily basis so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. A TMDL plan determines a pollutant reduction target and allocates load reductions for the various pollutant sources identified during the TMDL development process.

300. Consistent with the Long-Term Vision, Illinois EPA and the U.S. EPA completed a PCB TMDL for the Lake Michigan Nearshore Watershed in 2019.

301. This TMDL covers 56 water segments, including 51 shoreline segments, 1 nearshore open water segment and 4 harbors, all of which had been identified as impaired due to PCB concentrations in fish. Nearly all of these water segments are located in Cook County.

302. The State, through Illinois EPA, participated in and expended resources for the development of the Lake Michigan Nearshore Watershed TMDL.

303. In 2018, the Illinois EPA further designated a 40-mile stretch of the Mississippi River as "high priority" for TMDL development due to PCB contamination.

304. In all, the State has dedicated resources including funding and personnel time, to develop and implement PCB TMDLs.

305. Relatedly, the State has incurred and continues to incur costs related to monitoring and enforcing compliance by NPDES permit holders with PCB permit limits or other Clean Water Act obligations.

4. Further State Expenditures to Address PCB Contamination

306. The State has also invested in a variety of site-specific efforts to assess, investigate, strategize, and implement remediation plans designed to remove PCBs from Illinois waters, soils, and air or otherwise minimize the impact of PCBs on those media.

307. None of these expenditures would have been necessary absent Monsanto's dumping of PCB waste into the Illinois environment and sale and dissemination of toxic PCB mixtures, which, when used as intended, would inevitably contaminate natural resources and endanger people, animals, and the environment.

308. Indeed, the State, along with other natural resources trustees, has investigated, monitored, and assessed contamination in the SIC traceable to Monsanto's misconduct since the

1980s and has overseen multiple remedial efforts to address contamination traceable to Monsanto. For the last several years, the State has further participated in the preparation of an NRDA to address natural resource injuries resulting from Monsanto's releases and disposal of hazardous PCB waste in Sauget, among other things, at significant expense.

309. The State has also already addressed or is in the process of addressing PCB-contamination at a number of sites throughout Illinois and is continuing to investigate, assess, and monitor PCB contamination at many others.

H. MONSANTO HAS SEVERELY DAMAGED ILLINOIS NATURAL RESOURCES IN AND AROUND SAUGET WITH A SLEW OF OTHER HAZARDOUS SUBSTANCES

310. Not only are Illinois natural resources contaminated with PCBs statewide due to Monsanto's design, manufacture, marketing, sale, and distribution of commercial PCB mixtures, as well as Monsanto's discharge and disposal of PCB products and PCB wastes from its Krummrich Plant, but natural resources in and around Sauget, including surface water, groundwater, wetlands, sediment, soil, and aquatic life and other biota, are further heavily contaminated with a host of non-PCB hazardous toxic substances due to Monsanto's decades-long operations at the Krummrich Plant.

311. As more fully discussed above, in addition to PCBs, Monsanto generated at least the following products and wastes at its Krummrich Plant: chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines, and nitroamines, maleic anhydride, acids and caustics, among others.

312. Monsanto particularly used copious amounts of chlorobenzene at the Krummrich Plant to manufacture PCBs, pesticides, and other products.

313. Hazardous substance contamination consistent with the chemicals Monsanto produced at the Krummrich Plant beginning in 1917 have been detected in the surface water, groundwater, soil, and/or sediment at all of the SIC sites, as well at the Krummrich Plant.

314. The State has spent significant resources to monitor, investigate, and remediate contamination traceable to Monsanto's operations in Sauget since the 1980s and for several years, the State has participated in the preparation of an NRDA to address natural resource injuries resulting from Monsanto's releases and disposal of hazardous wastes at the Krummrich Plant and various SIC sites.

315. To date, published NRDA analyses for the SIC have focused on injury to groundwater and surface water (including terrestrial components) in and near Sauget.

316. The Phase I Groundwater Injury Assessment generated for and on behalf of IDNR (the "Groundwater Assessment") concluded in February 2018 that "[b]enzene and chlorobenzene are the most widespread contaminants in SIC groundwater."

317. The Groundwater Assessment further makes clear that "[t]he majority of the groundwater contamination [in the SIC] stems from historical waste disposal from Monsanto's manufacturing activities at the W.G. Krummrich facility." Indeed, the assessment concludes that "[m]ost or all of the chlorobenzene in SIC groundwater comes from spills and waste disposal from the W.G. Krummrich facility."

318. The groundwater in and near Sauget is so significantly contaminated that local ordinances in East St. Louis, Sauget, and the former Cahokia prohibit the use of groundwater as a potable water supply. The groundwater in the area is not even a viable option for industrial use due to contamination.

319. Surface water, sediment, and soils are likewise heavily contaminated in and around the SIC.

320. The Surface Water Resources Injury Determination prepared as part of the SIC NRDA and published on May 12, 2021 demonstrates that surface water and sediment in the SIC, including at Dead Creek, Borrow Pit Lake, and the ponds in what has been designated as site Q, continue to be contaminated with a host of toxic chemicals consistent with those manufactured and used at the Krummrich Plant, including a range of metals, such as arsenic, copper, lead, and mercury, volatile and semi-volatile organic chemicals, including benzene, chlorobenzene, and others.

321. Leachate from hazardous wastes deposited by Monsanto in various landfills within the SIC has further reached and contaminated the waters and sediment of the Mississippi River.

322. The assessment of harm done to natural resources in and around Sauget and attributable to Monsanto is ongoing, and future assessment activities will target the evaluation of injuries to resources in addition to surface- and groundwater resources, including terrestrial and biological resources, including bird s and other wildlife.

323. The State has expended and is expending significant resources to monitor, assess, and remediate the contamination of Illinois natural resources in and around Sauget caused by Monsanto.

324. Monsanto has not cleaned up hazardous substances and pollutants at the SIC to pre-discharge conditions (known as primary restoration), or compensated the State to do so. There has not been primary restoration of the contaminated natural resources at SIC.

325. There has not been compensatory restoration of the contaminated natural resources at the SIC, i.e., compensation for the injured natural resources. Monsanto has not compensated the

State for the loss-of-use value to mitigate, restore, or replace, any natural resource of this State that has been, or may be, injured as a result of the discharge of hazardous substances at the SIC by Monsanto.

326. This Complaint does not seek, and should not be interpreted to seek, that Defendants undertake any cleanup, removal or remedial action at the SIC in response to this Complaint. Such cleanup, removal or remedial action is occurring pursuant to separate administrative proceedings. Concerning injuries to natural resources at the SIC caused by Monsanto, this Complaint seeks only monetary relief, including compensation for the costs of restoring natural resources of the State to their pre-discharge condition; the costs of replacing natural resources and/or their associated ecosystem services; the loss of use and value (including existence value) of natural resources; the costs of assessing natural resource injuries and damages; and funding for public health monitoring, to proceed under State supervision, to detect, assess, and treat health conditions known to be associated with exposure to hazardous substances released, discharged, or emitted at or from the Krummrich Plant.

V. CAUSES OF ACTION REGARDING STATEWIDE PCB CONTAMINATION

FIRST CAUSE OF ACTION
STRICT LIABILITY—DESIGN DEFECT

327. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

328. At all relevant times, Defendants were in the business of designing, engineering, manufacturing, developing, marketing, selling, and distributing commercial PCB formulations and PCB-containing products.

329. Defendants' PCB mixtures and PCB-containing products were not reasonably safe as designed at the time they left Defendants' control.

330. Defendants' PCB mixtures' toxicity, volatility, tendency to bioaccumulate, inability to be contained, and environmental persistence rendered them unreasonably dangerous at all times.

331. With respect to Defendants' PCB-containing products composed of PCBs and hydrocarbon solvents or other components in which PCBs are soluble, such products were additionally defective in that their formulations enhanced the environmental risk posed by PCBs as they allowed PCBs to more easily escape their applications to cause environmental contamination.

332. Defendants' PCB mixtures and PCB-containing products were unsafe as designed, as demonstrated by numerous studies as well as the U.S. Congress' and U.S. EPA's prohibition on the production and sale of commercial PCBs in 1979 pursuant to the TSCA.

333. Defendants knew or should have known their PCB mixtures and PCB-containing products were not safe and were likely to contaminate natural resources within Illinois and cause toxic contamination of Illinois' natural resources.

334. Defendants knew or should have known their PCB mixtures and PCB-containing products were unsafe to an extent beyond that which would be contemplated by an ordinary person because of the information and evidence available to them associating PCB exposure with adverse human and animal health effects as well as the overwhelming seriousness of creating widespread environmental contamination.

335. These risks were not obvious to the State or the public.

336. Defendants manufactured, distributed, marketed, promoted, and sold PCB mixtures and PCB-containing products despite such knowledge to maximize their profits despite the foreseeable and known harms.

337. The seriousness of the environmental and human health risk posed by Defendants' products far outweighs any purported social utility of Defendants' conduct in manufacturing their commercial PCB mixtures and PCB-containing products and concealing the dangers posed to human health and the environment.

338. The rights, interests, and inconvenience to the State and general public far outweigh the rights, interests, and inconvenience to Defendants, which profited heavily from the manufacture, sale, and distribution of its commercial PCB mixtures and PCB-containing products.

339. Practical and feasible alternative designs capable of reducing the State's injuries were available. Such alternatives include alternative chemical formulations and/or additional chemical processing measures Defendants could have taken to enhance the safety of their PCB mixtures. Alternative chemical formulations that would have reduced the State's injuries include a reduction of chlorine content in all PCB products, which would have materially decreased the environmental persistence and toxicity of PCBs without eliminating their typical applications or utilities. Moreover, products combining PCBs and hydrocarbon solvents in which PCBs are soluble could have been designed with components in which PCBs are not soluble, mitigating the risk of environmental harm.

340. Viable and readily available alternatives to PCBs vary by application, and include non-chlorinated plasticizers and solvents (such as monoisopropyl biphenyl, phthalate esters, or epoxy compounds) as well as mineral oils, silicone fluids, vegetable oils, esters, and nonfluid insulating chemicals for electrical applications, as evidenced by the rapid replacement of PCBs by such alternatives upon the prohibition of PCBs.

341. Defendants' conduct caused the presence of PCBs in Illinois and subsequent injury to the public interest, including the physical and economic health and well-being of Illinois'

residents and the public's free use and comfortable enjoyment of Illinois' natural resources for commerce, navigation, fishing, recreation, aesthetic enjoyment, and other ecosystem services.

342. The State has suffered and will continue to suffer injuries to its natural resources, and damages to its public treasury as a result of Defendants' conduct and the presence of PCBs within Illinois natural resources.

343. Defendants are under a continuing duty to act to correct and remediate the injuries their conduct has introduced and to warn the State, their customers, and the public about the human and environmental risks posed by its PCBs.

344. Defendants are strictly liable for all damages arising out of their defectively designed PCB mixtures and PCB-containing products.

SECOND CAUSE OF ACTION
STRICT LIABILITY—FAILURE TO WARN AND INSTRUCT

345. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

346. At all relevant times, Defendants were in the business of designing, engineering, manufacturing, developing, marketing, selling, and distributing commercial PCB formulations and PCB-containing products.

347. As designers, engineers, manufacturers, developers, marketers, sellers, and distributors of commercial PCB formulations and PCB-containing products, Defendants had a duty to provide reasonable instructions and adequate warnings about the environmental and health hazards posed by PCBs.

348. Defendants' PCB mixtures and PCB-containing products were not reasonably safe at the time they left Defendants' control because they lacked adequate warnings and instructions.

349. At the time Defendants manufactured, distributed, marketed, promoted, sold, and

distributed PCB mixtures and PCB-containing products, they knew their PCB mixtures and PCB-containing products were not safe and were likely to contaminate natural resources within Illinois and cause toxic contamination of Illinois' natural resources.

350. Despite Defendants' knowledge, Defendants failed to provide adequate warnings that their PCB mixtures and PCB-containing products were toxic and would contaminate the State's natural resources and water systems, and to provide adequate instructions to minimize, mitigate, reduce, control, or eliminate such risks.

351. Defendants could have warned of this danger but failed to do so and intentionally concealed information to maximize their profits.

352. Defendants continued to conceal the dangers of PCBs after they manufactured, distributed, marketed, promoted, and sold PCBs and PCB-containing products.

353. Without adequate warnings or instructions, Defendants' PCB mixtures and PCB-containing products were unsafe to an extent beyond that which would be contemplated by an ordinary person.

354. Defendants knowingly failed to issue warnings or instructions concerning the environmental and human health dangers of PCBs, contrary to the manner in which a reasonably prudent manufacturer would act in the same or similar circumstances.

355. Defendants' conduct caused and continues to cause injury to the physical and economic health and well-being of the State's residents, as well as the public's free use and comfortable enjoyment of Illinois' natural resources for commerce, navigation, fishing, recreation, aesthetic enjoyment, and other ecosystem services.

356. The State has suffered and will continue to suffer injuries to its natural resources, and damages to its public treasury as a result of Defendants' conduct and the presence of PCBs

within Illinois natural resources.

357. Defendants are under a continuing duty to act to correct and remediate the injuries their conduct has introduced and to warn the State and the public about the human and environmental risks posed by its PCBs.

358. Defendants are strictly liable for all damages arising out of their failure to provide adequate warnings and instructions.

THIRD CAUSE OF ACTION
NEGLIGENCE

359. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

360. Defendants had a duty to the State and its residents to exercise due care in the design, manufacture, formulation, marketing, sale, distribution, and labeling of their products.

361. Defendants had a duty not to contaminate or cause the contamination of Illinois' environment.

362. Defendants breached their duties when they designed, manufactured, formulated, marketed, sold, distributed, and labeled their commercial PCB mixtures and PCB-containing products in a manner that they knew or should have known would result in injury to Illinois natural resources, including its groundwater, surface water, sediments, soil, wetlands, fish and wildlife, biota, and air.

363. Defendants knew or should have known that their PCB mixtures and PCB-containing products were not safe and were likely to contaminate natural resources within Illinois and cause toxic contamination of Illinois natural resources.

364. Defendants knew or should have known their PCB mixtures and PCB-containing products were unsafe to an extent beyond that which would be contemplated by an ordinary person

because of the information and evidence available to them associating PCB exposure with adverse human and animal health effects as well as the overwhelming seriousness of creating widespread environmental contamination.

365. Defendants failed to exercise ordinary care because a reasonably careful company that knew or should have known that its products were toxic, carcinogenic, harmful to humans, and harmful to the natural environment would not manufacture or distribute those products, would warn of these products' toxic and environmentally hazardous properties and instruct on the proper use and disposal thereof to minimize or mitigate such risks, or would take steps to enhance the safety and/or reduce the toxicity, environmental persistence, and other effects of the products.

366. Defendants failed to exercise ordinary care because a reasonably careful company that knew or should have known that its products could not be contained during normal production and use would not continue to manufacture or distribute those products or would warn of their dangers.

367. Defendants further were grossly negligent because they failed to exercise even slight care, placing revenue and profit generation above human and environmental health and safety, as confirmed by documents attached to this Complaint.

368. Defendants' conduct was wanton, willful, and showed a reckless disregard or conscious indifference for the rights and safety of the State and its residents.

369. The seriousness of the environmental and human health risk posed by Defendants' conduct and products far outweighs any purported social utility of Defendants' conduct in manufacturing their commercial PCB mixtures and PCB-containing products and concealing the dangers posed to human health and the environment.

370. The rights, interests, and inconvenience to the State and general public far outweigh

the rights, interests, and inconvenience to Defendants, which profited heavily from the manufacture, sale, and distribution of its commercial PCB mixtures and PCB-containing products.

371. Defendants' negligent conduct caused and continues to cause injury to the physical and economic health and well-being of Illinois residents, as well as the public's free use and comfortable enjoyment of Illinois' natural resources for commerce, navigation, fishing, recreation, aesthetic enjoyment, and other ecosystem services.

372. The State has suffered and will continue to suffer injuries to its natural resources, and damages to its public treasury as a result of Defendants' negligent conduct.

373. Defendants are under a continuing duty to act to correct and remediate the injuries their conduct has introduced and to warn the State, their customers, and the public about the human and environmental risks posed by its PCBs.

FOURTH CAUSE OF ACTION
PUBLIC NUISANCE

374. Plaintiff realleges and reaffirms each and every allegation set forth in paragraphs 1 through 326 as if fully restated in this cause of action.

375. Defendants manufactured, sold, distributed, marketed, and promoted commercial PCB formulations and PCB-containing products in a manner that created or contributed to the creation of a public nuisance that is harmful to health and obstructs the free use and enjoyment of Illinois' natural resources, including groundwater, surface water, sediments, soil, land, fish, wildlife, biota, and air.

376. Defendants manufactured, sold, distributed, marketed, and promoted their commercial PCB formulations and PCB-containing products when they knew or should have known that PCBs were toxic to human and animal life and would, as ordinarily used, inevitably enter the Illinois environment.

377. Defendants' conduct and the presence of their PCBs annoys, injures, and endangers the comfort, repose, health, and safety of others.

378. Defendants' conduct and the presence of their PCBs in Illinois significantly interfere with and obstruct the public's free use and comfortable enjoyment of Illinois' natural resources for commerce, navigation, fishing, recreation, and aesthetic enjoyment.

379. Defendants' conduct and the presence of its PCBs in Illinois natural resources is injurious to human, animal, and environmental health.

380. An ordinary person would be reasonably annoyed or disturbed by the presence of toxic PCBs that endanger the health of fish, animals, and humans and degrade water quality and marine habitats as well as soils and sediments.

381. Defendants' conduct caused and continues to cause harm to the State and its residents.

382. The State has suffered and will continue to suffer damage from Defendants' conduct, including incurring costs to reduce Illinois' PCB load, to prevent PCBs from injuring additional Illinois natural resources, and to restore those natural resources whose use or value has been lost or impaired.

383. The State is incurring and will continue to incur costs to investigate, monitor, analyze, and addressing PCB contamination in Illinois' natural resources.

384. As a result of Defendants' conduct, the State suffers injuries to the public interest and the health and well-being of its environment.

385. Defendants were substantially certain, knew and/or should have known that their conduct would cause contamination of Illinois' environment with toxic PCBs.

386. Defendants were substantially certain, knew and/or should have known that their

conduct would contaminate water supplies, degrade fresh water and marine habitats, endanger birds and animals, and contaminate soils and sediments in Illinois.

387. Defendants were substantially certain, knew and/or should have known that their PCB products are associated with serious illnesses and cancers in humans and that humans may be exposed to PCBs through ingestion of fish and/or dermal contact. As a result, it was foreseeable to Defendants that humans would be exposed to PCBs through, e.g., swimming in contaminated waters or eating fish and shellfish from contaminated areas.

388. Defendants were substantially certain, knew and/or should have known that PCB contamination they introduced or caused would seriously and unreasonably interfere with the ordinary comfort, use, and enjoyment of contaminated natural resources, including Illinois waters.

389. Defendants' conduct in manufacturing, distributing, selling, and promoting commercial PCB formulations, as well as misrepresenting or omitting the dangers those compounds foreseeably posed, constitutes an unreasonable interference with a right common to the general public, i.e., the right to freely use Illinois' natural resources without obstruction and health hazard.

390. As a direct and proximate result of Defendants' creation of a public nuisance, the State has suffered, and continues to suffer, monetary damages, including loss of value and loss of use of the State's natural resources.

FIFTH CAUSE OF ACTION
TRESPASS

391. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

392. Defendants designed, manufactured, formulated, marketed, sold, distributed, and labeled their commercial PCB mixtures and PCB-containing products in a manner that Defendants

were substantially certain, knew, or should have known would wrongfully cause PCBs to enter, invade, intrude upon and injure and contaminate the natural resources of Illinois, trespassing upon Illinois' natural resources.

393. Defendants acted intentionally while knowing, or having reason to know, that the State did not give Defendants authorization to act in a manner that would cause injury to the State's natural resources.

394. As alleged in detail above, Defendants instructed PCB users to dispose of PCB-containing wastes in a manner that would certainly cause Defendants' PCBs to enter into Illinois natural resources, including by venting PCB vapors to the atmosphere, sewering PCB wastes, dumping PCB fluids from PCB-filled heat transfer and other systems, and disposing of PCB wastes in unlined landfills or pits, among others.

395. Due to Defendants' wrongful and intentional conduct, which caused injury to the natural resources of Illinois, the State and its residents have suffered and will continue to suffer damages, including impairment of the public's free use and comfortable enjoyment of the State's natural resources for commerce, navigation, fishing, recreation, and aesthetic enjoyment.

396. Defendants' wrongful and intentional conduct in causing PCBs to contaminate Illinois natural resources, including through its instructions and directions to customers, was and is the direct factual and legal cause of the injury to the State and its residents.

VI. CAUSES OF ACTION REGARDING KRUMMRICH PLANT OPERATIONS

SIXTH CAUSE OF ACTION
VIOLATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT 415 ILCS 5/12(a)

397. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

398. Under Section 12(a) of the Act, it is unlawful for any person to "[c]ause or threaten

or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act." 415 ILCS 5/12(a) (2020).

399. Among other things, the Act makes available civil penalties and renders any person that violates the Act and causes the death of fish or aquatic life liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. 415 Ill. Comp. Stat. Ann. 5/42(a), (c) (2020).

400. Under the Act, a contaminant "is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source." 415 ILCS 5/3.165 (2020).

401. The substances Defendants used, stored, manufactured, discharged, released, emitted, and/or disposed of at the Kummrich Plant, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics constitute contaminants under the Act.

402. Under the Act, the term "person" includes "any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns." 415 ILCS 5/3.315 (2020).

403. Defendants are persons under the Act.

404. Under the Act, "water pollution" means "such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any

contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life." 415 ILCS 5/3.545 (2020).

405. Under the Act, "waters" means "all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State" and encompasses the Mississippi River, Dead Creek, unnamed tributary to Dead Creek, Borrow Pit Lake, and groundwater, other surface waters, and wetlands in and around the SIC contaminated and polluted with hazardous substances by Defendants as alleged herein. 415 ILCS 5/3.550 (2020).

406. By causing or allowing the discharge of contaminants , including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, into the Mississippi River, Dead Creek, unnamed tributary to Dead Creek, Borrow Pit Lake, groundwater, and other surface waters, and wetlands in and around the SIC so as to cause or tend to cause water pollution, Defendants violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2020).

SEVENTH CAUSE OF ACTION
VIOLATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT
415 ILCS 5/12(d)

407. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

408. Under Section 12(d) of the Act, it is unlawful for any person to "[d]eposit any contaminants upon the land in such place and manner so as to create a water pollution hazard." 415 ILCS 5/12(d) (2020).

409. Among other things, the Act makes available civil penalties and further renders any person that violates the Act and causes the death of fish or aquatic life liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. 415 ILCS 5/42(a), (c) (2020).

410. Under the Act, a contaminant "is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source." 415 ILCS 5/3.165 (2020).

411. The substances Defendants used, stored, manufactured, discharged, released, emitted, and/or disposed of at the Kummrich Plant, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics constitute contaminants under the Act.

412. Under the Act, the term "person" includes "any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns." 415 ILCS 5/3.315 (2020).

413. Defendants are persons under the Act.

414. Under the Act, "water pollution" means "such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life." 415 ILCS 5/3.545 (2020).

415. Under the Act, "waters" means "all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State" and encompasses the Mississippi River, Dead Creek, unnamed tributary to Dead Creek, Borrow Pit Lake, and groundwater, other surface waters, and wetlands in and around the SIC contaminated and polluted with hazardous substances by Defendants as alleged herein. 415 ILCS 5/3.550 (2020).

416. By depositing contaminants, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, upon the land so as to create a water pollution hazard in the Mississippi River, Dead Creek, unnamed tributary to Dead Creek, Borrow Pit Lake, groundwater, and other surface waters, and wetlands in and around the SIC, Defendants violated Section 12(d) of the Act, 415 ILCS 5/12(d)(2020).

EIGHTH CAUSE OF ACTION
VIOLATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT
415 ILCS 5/9(a)

417. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

418. Under Section 9(a) of the Act, it is unlawful for any person to "[c]ause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act." 415 ILCS 5/9(a) (2020).

419. Among other things, the Act makes available civil penalties and renders any person that violates the Act and causes the death of fish or aquatic life liable to pay to the State an

additional sum for the reasonable value of the fish or aquatic life destroyed. 415 ILCS 5/42(a), (c) (2020).

420. Under the Act, a contaminant "is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source." 415 ILCS 5/3.165 (2020).

421. The substances Defendants used, stored, manufactured, discharged, released, emitted, and/or disposed of at the Kummrich Plant, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics constitute contaminants under the Act.

422. Under the Act, the term "person" includes "any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns." 415 ILCS 5/3.315 (2020).

423. Defendants are persons under the Act.

424. Under the Act, "air pollution" means " the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property." 415 ILCS 5/3.115 (2020).

425. The Illinois Administrative Code likewise prohibits air pollution: "No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to

prevent the attainment or maintenance of any applicable ambient air quality standard." 35 Ill. Adm. Code 201.141.

426. By their conduct, including the use, storage, manufacture, discharge, release, emission, and/or disposal of various hazardous substances and contaminants, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, at the Krummrich Plant, Defendants caused or tended to cause air pollution in Illinois in violation of the Act, and Defendants are liable to the State as a result.

NINTH CAUSE OF ACTION
VIOLATION OF THE FISH AND AQUATIC LIFE CODE

427. Plaintiff realleges and reaffirms each and every allegation set forth in paragraphs 1 through 326 as if fully restated in this cause of action.

428. Under Section 1-150 of the Fish and Aquatic Life Code, "[t]he Department shall take all measures necessary for the conservation, distribution, introduction, and restoration of aquatic life" and "shall also bring or cause to be brought actions and proceedings, in the name and by the authority of the People of the State of Illinois, to enforce this Code, including administrative rules, and to recover any and all fines and penalties provided for." 515 ILCS 5/1-150 (2020).

429. Under Section 5-5 of the Fish and Aquatic Life Code, "[i]f any person causes any waste, sewage, thermal effluent, or any other pollutant to enter into, or causes or allows pollution of, any waters of this State so as to kill aquatic life, the Department, through the Attorney General, may bring an action against that person and recover the value of and the related costs in determining the value of the aquatic life destroyed by the waste, sewage, thermal effluent, or pollution." 515 ILCS 5/5-5 (2020).

430. Under the Code, aquatic life means "all fish, mollusks, crustaceans, algae, aquatic plants, aquatic invertebrates, and any other aquatic animals or plants that the Department identifies in rules adopted after consultation with biologists, zoologists, or other wildlife experts." 515 ILCS 5/1-120 (2020).

431. Under the Code, "person" includes "the plural 'persons', females as well as males, and shall extend and be applied to clubs, associations, corporations, firms, and partnerships as well as individuals." 515 ILCS 5/1-70 (2020).

432. Defendants are persons under the Fish and Aquatic Life Code.

433. By causing or allowing the discharge of pollutants, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, into the Mississippi River, Dead Creek, unnamed tributary to Dead Creek, Borrow Pit Lake, groundwater, and other surface waters, and wetlands in and around the SIC, creating hazards for and resulting in the destruction of aquatic life in violation of the Fish and Aquatic Life Code.

434. As a result of its conduct as alleged herein, Defendants are thus liable for the value of the adverse impact on aquatic life and the related costs in determining the value of the aquatic life adversely impacted by the release of contaminants as alleged herein, pursuant to Section 5-5 of the Fish and Aquatic Life Code, 515 ILCS 5/5-5 (2020).

TENTH CAUSE OF ACTION
PUBLIC NUISANCE

435. Plaintiff realleges and reaffirms each and every allegation set forth in paragraphs 1 through 326 as if fully restated in this cause of action.

436. Defendants handled, stored, transported, used, released, discharged, dumped,

spilled, leaked, disposed of, and burned hazardous substances and wastes, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, in and around the Krummrich Plant in a manner that created or contributed to the creation of a public nuisance that is harmful to health and obstructs the free use and enjoyment of Illinois natural resources, including groundwater, surface water, sediments, soil, land, fish, wildlife, biota, and air.

437. Defendants' conduct and the presence of the hazardous substances handled, stored, transported, used, released, discharged, dumped, spilled, leaked, disposed of, and burned by Defendants at or around the Krummrich Plant annoys, injures, and endangers the comfort, repose, health, and safety of others and significantly interferes with and obstructs the public's free use and comfortable enjoyment of Illinois' natural resources for commerce, navigation, fishing, recreation, aesthetic enjoyment, and other ecosystem services.

438. Defendants' conduct, and the presence in Illinois natural resources of hazardous substances traceable to Defendants' activities, is injurious to human, animal, and environmental health.

439. Defendants' conduct caused and continues to cause harm to the State and its residents.

440. The State has suffered and will continue to suffer damage from Defendants' conduct, including incurring costs to investigate, monitor, analyze, and remediate hazardous substances, to prevent hazardous substances from injuring additional Illinois natural resources, and to restore or replace those natural resources whose use or value has been lost or impaired.

441. As a result of Defendants' conduct, the State suffers injuries to the public interest

and the health and well-being of its environment.

442. Defendants' conduct in releasing, discharging, dumping, spilling, leaking, and burning hazardous substances and wastes, including without limitation PCBs, benzene, and chlorobenzene, constitutes an unreasonable interference with a right common to the general public, i.e., the right to freely use Illinois' natural resources without obstruction and health hazard.

443. As a direct and proximate result of Defendants' creation of a public nuisance, the State has suffered, and continues to suffer, monetary damages, including loss of value and loss of use of the State's natural resources.

ELEVENTH CAUSE OF ACTION
TRESPASS

444. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

445. For decades, Defendants released, discharged, dumped, spilled, leaked, disposed of, and burned hazardous substances and wastes, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, in and around the Krummrich Plant, such that they entered Illinois' natural resources, including its groundwater, surface water, sediments, soil, wetlands, fish and wildlife, biota, and air.

446. The hazardous substances and wastes, including without limitation PCBs, benzene, and chlorobenzene, released by Defendants from or around the Krummrich Plant and that now contaminate Illinois' groundwater, surface water, sediments, soil, wetlands, fish and wildlife, biota, and air constitute an entry onto the property of the State and its residents without consent or privilege.

447. Defendants acted intentionally while knowing, or having reason to know, that the State did not give Defendants authorization to act in a manner that would cause injury to the State's natural resources.

448. Due to Defendants' wrongful and intentional conduct, the State and its residents have suffered and will continue to suffer damages, including impairment of the public's free use and comfortable enjoyment of the State's natural resources for commerce, navigation, fishing, recreation, aesthetic enjoyment, and other ecosystem services.

449. Defendants' wrongful and intentional conduct was and is the direct factual and legal cause of the injury to the State and its residents.

TWELFTH CAUSE OF ACTION
NEGLIGENCE

450. Plaintiff realleges and reaffirms the allegations set forth in paragraphs 1 through 326 as if fully stated herein.

451. Defendants had a duty to the State and its residents to ensure that dangerous or hazardous substances, contaminants, and pollutants, including without limitation PCBs, chlorobenzenes, nitrochlorobenzene and benzene compounds, phenols, halogenated and non-halogenated solvents, mercury contaminated wastes, phosphorus, dioxins, aromatic nitro compounds, amines and nitroamines, maleic anhydride, acids, and caustics, were not discharged at or around the Krummrich Plant in a manner in which they would or were likely to injure Illinois' natural resources, including its groundwater, surface water, sediments, soil, wetlands, fish and wildlife, biota, and air.

452. Defendants had a duty not to contaminate Illinois' environment.

453. Defendants breached their duties when they handled, stored, transported, used, released, discharged, dumped, spilled, leaked, disposed of, and burned hazardous substances and

wastes, including without limitation PCBs, benzene, and chlorobenzene, in and around the Krummrich Plant in a manner that resulted in injury to Illinois natural resources, including its groundwater, surface water, sediments, soil, wetlands, fish and wildlife, biota, and air.

454. Defendants failed to exercise ordinary care because a reasonably careful company that knew or should have known that its industrial processes, products, and related wastes were harmful to humans, harmful to the natural environment, and certain to introduce persistent toxins and carcinogens into the environment, would not release, discharge, dump, spill, leak, dispose of, and/or burn process or product waste such that it entered the natural environment.

455. Defendants further were grossly negligent because they failed to exercise even slight care, placing revenue and profit generation above human and environmental health and safety, as confirmed by documents attached to this Complaint.

456. Defendants' conduct was wanton, willful, and showed a reckless disregard or conscious indifference for the rights and safety of the State and its residents.

457. Defendants' negligent conduct caused and continues to cause injury to the physical and economic health and well-being of Illinois residents, as well as the public's free use and comfortable enjoyment of Illinois' natural resources for commerce, navigation, fishing, recreation, aesthetic enjoyment, and other ecosystem services.

458. The State has suffered and will continue to suffer injuries to its natural resources, and damages to its public treasury as a result of Defendants' negligent conduct.

459. Defendants are under a continuing duty to act to correct and remediate the injuries their conduct has introduced, and each day on which it fails to do so constitutes a new injury to the State.

JURY DEMAND

Plaintiff respectfully requests trial by jury on all claims so triable.

PRAYER FOR RELIEF

Plaintiff prays for judgment against Defendants, jointly and severally, as follows:

A. Damages for injury to the State's natural resources, including the economic impact to the State and its residents from loss of use, value, benefits, ecological services, or other injuries resulting from the conduct alleged herein;

B. An award of past, present, and future costs to investigate, assess, analyze, monitor, restore, and/or replace natural resources and associated ecosystem services impaired or injured due to Defendants' conduct alleged herein;

D. An award of the reasonable value of the fish or aquatic life destroyed by Defendants' conduct and the related costs in determining the value of such aquatic life pursuant to 415 ILCS 5/42(c) and 515 ILCS 5/5-5;

E. Civil penalties pursuant to 415 ILCS 5/42(a);

F. An order requiring Defendants to fund a public health monitoring program designed to detect, assess, and treat health conditions known to be associated with exposure to hazardous substances released, discharged, or emitted at or from the Krummrich Plant, under State supervision;

G. Any other monetary relief, including punitive or exemplary damages, as permitted by law;

I. Litigation costs and attorneys' fees as permitted by law;

J. Pre-judgment and post-judgment interest on all monies awarded, as permitted by law; and

K. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

DATED: August 26, 2022 By: /s/ Larry R. Rogers, Jr.

THE PEOPLE OF THE STATE OF ILLINOIS,
ex rel. KWAME RAOUL, Attorney General of the State of Illinois
MATTHEW J. DUNN, Chief Environmental Enforcement/Asbestos Litigation Division
Stephen J. Sylvester (ARDC No. 6282241)
Gerald Karr (ARDC No. 6190750)
Elizabeth Dubats (ARDC No. 6308913)
OFFICE OF THE ILLINOIS ATTORNEY GENERAL
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
Tel.: (312) 814-2550
stephen.sylvester@ilag.gov
gerald.karr@ilag.gov
elizabeth.dubats@ilag.gov

Joseph A. Power (ARDC No. 2244276)
Larry R. Rogers, Jr. (ARDC No. 6220743)
Robert Thomas (ARDC No. 6307166)
Jonathan M. Thomas (ARDC No. 6181454)
James Power (ARDC No. 6324519)
POWER ROGERS LLP (65400)
70 West Madison Street, Suite 5500
Chicago, Illinois 60602
Tel.: (312) 236-9381
Fax: (312) 236-0920
Firm/Atty. No.: 65400
joepower@PowerRogers.com
lrogersjr@PowerRogers.com
rthomas@PowerRogers.com
jthomas@PowerRogers.com
jamespower@PowerRogers.com

Jay W. Eisenhofer (*pro hac vice* to be filed)
Kyle J. McGee (*pro hac vice* to be filed)
Viola Vetter (*pro hac vice* to be filed)
Jason H. Wilson (*pro hac vice* to be filed)
Juliana Carter (*pro hac vice* to be filed)
GRANT & EISENHOFER P.A.
123 S. Justison Street

Wilmington, Delaware 19801
Tel.: (302) 622-7000
Fax: (302) 622-7100
jeisenhofer@gelaw.com
kmcgee@gelaw.com
vvetter@gelaw.com
jwilson@gelaw.com
jcarter@gelaw.com

Counsel for Plaintiff

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, *EX REL.* KWAME RAOUL, ATTORNEY GENERAL,	)	Case No.
Plaintiff,	)	CIVIL ACTION
v.	)	
MONSANTO CO., SOLUTIA INC., and PHARMACIA LLC,	)	
Defendants.	)	

AFFIDAVIT

NOW comes Affiant, Larry R. Rogers, Jr., and being first duly sworn on oath, deposes and states:

1. That he is one of the attorneys representing the Plaintiff in the above cause.
2. That he is familiar with the facts in the above cause.
3. That he has reviewed the available information relating to the money damages in the above matter.
4. That based upon information and belief, the total money damages sought in the above cause are worth in excess of Fifty Thousand Dollars ($50,000.00).

__/s/ Larry R. Rogers, Jr._____
Larry R. Rogers, Jr.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, theundersigned certifies that the statements set forth in this instrument are true and correct.

__/s/ Larry R. Rogers, Jr._____
Larry R. Rogers, Jr.

Stephen J. Sylvester (ARDC No. 6282241)
Gerald Karr (ARDC No. 6190750)
Elizabeth Dubats
OFFICE OF THE ILLINOIS ATTORNEY GENERAL
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

Tel.: (312) 814-2550
stephen.sylvester@ilag.gov
gerald.karr@ilag.gov
elizabeth.dubats@ilag.gov

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POWER ROGERS LLP
70 West Madison Street, Suite 5500
Chicago, Illinois 60602
Tel.: (312) 236-9381
Fax: (312) 236-0920
Firm/Atty. No.: 65400
joepower@PowerRogers.com
lrogersjr@PowerRogers.com
rthomas@PowerRogers.com
jthomas@PowerRogers.com
jamespower@PowerRogers.com

Jay W. Eisenhofer (*pro hac vice* to be filed)
Kyle J. McGee (*pro hac vice* to be filed)
Viola Vetter (*pro hac vice* to be filed)
Jason H. Wilson (*pro hac vice* to be filed)
Juliana Carter (*pro hac vice* to be filed)
GRANT & EISENHOFER P.A.
123 S. Justison Street
Wilmington, Delaware 19801
Tel.: (302) 622-7000
Fax: (302) 622-7100
jeisenhofer@gelaw.com
kmcgee@gelaw.com
vvetter@gelaw.com
jwilson@gelaw.com
jcarter@gelaw.com

Counsel for Plaintiff