

RESOLUTION No.

Authorize the City Attorney to take legal action against Monsanto Company and its successor entities to recover public funds that have been and will be expended by the City as a result of the manufacture and distribution of polychlorinated biphenyls (PCBs).
(Resolution)

WHEREAS, Monsanto Company was the exclusive manufacturer of PCBs in the United States from 1935 until the United States Environmental Protection Agency banned the manufacture of PCBs in 1979; and

WHEREAS, PCBs are a persistent biological toxin that accumulate in fish tissue and are persistent in the environment for decades; and

WHEREAS, PCBs interfere with human uses and ecological health of waterbodies in Portland to the detriment of Portlanders; and

WHEREAS, court documents show that Monsanto Company knew that PCBs were toxic to the natural environment and to fish, humans and other living organisms but nonetheless continued to manufacture, sell and distribute PCBs; and

WHEREAS, the Oregon Department of Environmental Quality is requiring the City to increase its efforts to identify sources and reduce discharges of PCBs into the City drainage system; and

WHEREAS, contamination from PCBs has been found in sediments within the City of Portland in the Columbia Slough and the Willamette River; and

WHEREAS, as a result of PCB contamination the City has expended public funds for remedial action costs in the Columbia Slough, Willamette River and other water bodies in Portland and will continue to incur costs and expend public funds to address the effects of this contamination; and

WHEREAS, the law provides a remedy for the City to recover costs attributable to the acts and omissions of those responsible for the contamination; and

WHEREAS, it is in the public interest for the City to recover the public funds expended as a result of Monsanto's manufacture, sale and distribution of PCBs;

NOW, THEREFORE, BE IT RESOLVED, that, the City Attorney or her designee is authorized to commence an action in any competent tribunal in order to protect the City's rights and recover damages and/or any other relief against Monsanto Company and its successors, and to pursue to conclusion in any higher tribunal and to make any stipulation, agreement, or admission as in her judgment may be in the best interest of the City.

Adopted by the Council:

Commissioner: Mayor Hales
Prepared by: Tracy Reeve
Date Prepared: March 7, 2016

Mary Hull Caballero
Auditor of the City of Portland

By

Deputy