

SUMMARY OF PROPOSED NATURAL RESOURCE DAMAGES SETTLEMENT
RELATED TO THE INDUSTRI-PLEX SUPERFUND SITE, WOBURN, MA

The U.S. Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), and the Massachusetts Office of Energy and Environmental Affairs ("EOEEA") (DOI, NOAA and EOEEA are collectively referred to as the "Trustees") propose to enter into a settlement with Pharmacia Corporation and Bayer-CropScience Inc. ("Settling Defendants") to resolve the Trustees' natural resource damages claims at the Industri-plex Superfund Site in Woburn, Massachusetts ("Site"). The monies to be recovered by the Trustees in the proposed settlement will be used to reimburse the Trustees for their unreimbursed assessment costs and to restore, replace or acquire the equivalent of the natural resources injured by the hazardous substances at the Site. Remedial actions for the Site, which are intended to address current threats to human health and the environment posed by hazardous substances at the Site, were selected by EPA in 1986 and 2006 and are being implemented pursuant to settlements approved by the United States District Court for the District of Massachusetts in 1989 and 2008.

The proposed natural resource damages settlement requires the Settling Defendants to make a total payment of \$4.25 million, plus interest from the date of lodging of the settlement. Of the \$4.25 million, \$3,812,127 will be deposited in DOI's Natural Resource Damage Assessment and Restoration Fund and will be used by the Trustees to plan, implement and monitor natural resource restoration projects which will be selected by the Trustees (after public participation); \$357,319 will be paid to DOI to compensate it for its past assessment costs; \$42,815 will be paid to NOAA to reimburse it for its past assessment costs; and \$37,739 will be paid to EOEEA to reimburse it for its past assessment costs. The payments to the Trustees for their past assessment costs will fully reimburse them for such costs. The payment of \$3,812,127 for the restoration projects is about 70% of the Trustees' estimate of the cost of projects that will be sufficient to compensate for the natural resources injury. The Trustees agreed to the settlement amount due to various uncertainties that they would have faced had the matter been litigated.