

**OHIO PCB ADVISORY BOARD**  
**MEMORANDUM OF UNDERSTANDING**

*Whereas*, the people of the State of Ohio, its natural resources, and its communities have been harmed by the concealment, failure to warn, marketing, manufacturing, sale, and distribution of polychlorinated biphenyls (“PCBs”) as alleged in *Dave Yost, ex rel. State of Ohio v. Monsanto Co., et al.*; and

*Whereas*, the State of Ohio, through its Attorney General, has engaged in litigation seeking to hold Monsanto Co., et al. legally accountable for the harm caused by their concealment, failure to warn, marketing, manufacturing, sale, and distribution of PCBs); and

*Whereas*, the State of Ohio, through its Governor and Attorney General, share a common desire to abate and alleviate the impacts of concealment, failure to warn, marketing, manufacturing, sale, and distribution of PCBs throughout the State of Ohio; and

*Whereas*, certain state agencies have technical expertise applicable to the environment and public health, have been impacted by the litigation, and have the statewide organization to identify projects and eligible entities that would be candidates for grant recipients.

Now, therefore, the State enters into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of settlement funds.

**A. Definitions**

As used in this MOU:

1. “*The State*” shall mean the State of Ohio acting through its Governor and its Attorney General.
2. “*PCB Advisory Board*” shall mean the Attorney General (or his designee) and the Directors of the Ohio Environmental Protection Agency (“EPA”), the Ohio Department of Natural Resources, the Ohio Department of Health, and the Ohio Department of Agriculture (or their respective designees) acting under this MOU.
3. “*Settlement*” shall mean the negotiated resolution of legal and equitable claims against the Defendants in *Dave Yost, ex rel. State of Ohio v. Monsanto Co., et al.*
4. “*Settlement Funds*” shall mean the monetary amounts, after fees, costs, and expenses, that have been obtained through the Settlement and allocated to the Natural Resource Damages Fund and the Environmental Protection Remediation Fund.
5. “*Approved Purposes*” shall mean the grant of Settlement Funds from the Natural Resource Damages Fund in accordance with R.C. 3734.282 and from the Environmental Protection Remediation Fund in accordance with R.C. 3734.281 to public, nonprofit, or college and university applicants for the planning, design, and construction of environmental projects, including but not limited to source controls, remedial measures, and other actions that address environmental harm or benefit public health, as well as administrative expenses. Priority shall be given to environmental projects that address impacts to

waterways and drinking water sources from PCBs. Nothing prohibits the transfer of monies between these two funds with proper authorization. "Approved Purposes" shall include project strategies that are long-term, sustainable, science-based, and cost-effective and may also include for grants for innovation, research, and education related to source controls, remedial measures, and associated actions.

6. "Grant Recipient" shall mean public, nonprofit, and college and university applicants under R.C. 3747.282 and R.C. 3734.281 that receive Settlement Funds for Approved Purposes.

**B. Grant of Settlement Funds and PCB Advisory Board**

1. All Settlement Funds shall be utilized in a manner consistent with the Approved Purposes. This may also include reimbursement of past remedial project expenditures, so long as the expenditures were consistent with the Approved Purposes.

3. The PCB Advisory Board shall utilize their staff technical expertise in soil, surface water, and ground water contamination, source control, remediation, and public health to advise and make recommendations to the Director of Ohio EPA (or her designee) for projects that meet Approved Purposes.

4. The PCB Advisory Board may receive and review other technical and scientific information and provide or advise the Director of Ohio EPA with its recommendations related to Approved Purposes. In doing so, the PCB Advisory Board may confer with education, research, conservation, environmental, public, private, and government entities that have relevant technical and scientific expertise.

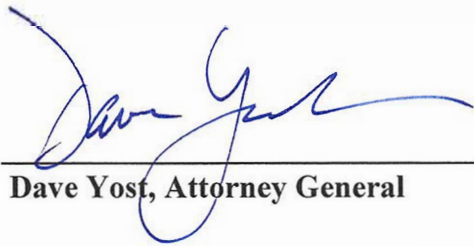
5. The PCB Advisory Board may provide scientific and technical advice upon the request of the Director of Ohio EPA for the purpose of determining Approved Purposes.

6. The PCB Advisory Board shall operate in a transparent manner. In accordance with Ohio law, meetings shall be open and documents shall be public to the same extent they would be under Ohio Open Meetings and Public Records laws.

**Acknowledgment:**



Mike DeWine, Governor



Dave Yost, Attorney General

MARCH 16, 2022

Date

Date