

My name is Eric Peoples. I was born in Joplin, Missouri and raised in Carthage, Missouri where I presently reside. I am 35 years old and have been married to Cassandra Peoples for 14 years. I have two children, Adrianna, age 13 and Brantley, age 11. I have bronchiolitis obliterans. Bronchiolitis obliterans is a severe, progressive disease of the lung which has robbed me of my health, deprived my wife of a husband and my children of a Daddy. A jury awarded me \$20 million dollars for my injuries.

I went to work at the Jasper Popcorn Company in the fall of 1997 and left in March, 1999. I would give anything to have known then what I know now. At that time I was in perfect health, looking forward to a long, healthy life. The plant was run by local people and was one of the best jobs in the area. My co-workers were kind, honest people and treated me well the entire time I worked there.

The plant manufactured microwave popcorn. The process combined popcorn, oil, butter flavor and salt into microwaveable bags. I was promoted soon after I started there and became a mixer.

The following facts are only known to me because they were discovered in my lawsuit in 2004. What the Jasper Plant did not know was that the butter flavor they were using had an increased quantity of diacetyl, a ketone that imparts a buttery taste. Many butter flavors contain about 3% diacetyl. This butter flavor contained 10%.

The company that supplied the butter flavor, Bush Boake Allen, a subsidiary of International Flavors & Fragrances (IFF) had extensive notice about the hazards of butter flavor. They treated butter flavor as a hazardous chemical within their own plant. Since at least 1994 their own workers were required to wear respiratory protection when working around the butter flavor. Despite wearing full-face respirators many of their employees suffered severe eye injuries. Because of the dangers of the product the entire manufacturing process was enclosed so no one could be exposed to the vapors.

In addition, information had come to IFF about the respiratory effects of exposure to diacetyl. In 1986, two employees of a baking company had been diagnosed with bronchiolitis obliterans while mixing a butter flavoring for use on cinnamon rolls. IFF's trade organization, the Flavoring and Extract Manufacturers Association (FEMA), supplied experts to the defendants in the case. The case was settled before trial.

In 1994 BASF Chemical Company, a supplier of diacetyl sent IFF a Material Safety Data Sheet (MSDS) which disclosed rats that had inhaled the chemical diacetyl developed severe respiratory problems including emphysema. Additionally, another flavor company, Givaudan, had reported to FEMA in 1996 that flavoring chemicals were causing bronchiolitis obliterans in their plant. FEMA had a seminar in 1997 warning flavoring companies about this danger.

Despite all this information the buckets containing this product said the product was safe. The Material Safety Data Sheets said the product had “no known health hazards” and that’s what I believed.

Let me bring it home to you if I can. I have a 24% lung capacity. I am currently on the inactive Lung Transplant registry. One case of pneumonia could cause me to need the transplant now. The average rate of survival for someone with a lung transplant is about five years. 75% of lung transplant patients are dead after 10 years.

One of the doctors who worked on the first case involving the two workers with bronchiolitis obliterans in 1990 said that the flavoring industry was using workers as “blue collar guinea pigs.”

I played by the rules. I worked to support my family. This unregulated industry virtually destroyed my life. Don’t let it destroy the lives of others. These chemicals that are used on food in large scale production must be tested and proper instructions and labeling supplied with their sale.