ORIGINAL

IN THE MATTER OF:

Transwestern Pipeline Company
vs.
Monsanto Company, et al.

Cause No. BC 026959

The Deposition of Winthrop R. Corey
May 29, 1992

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SUPERIOR COURT

FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

TRANSWESTERN PIPELINE
COMPANY,

Plaintiff,

vs. NO. BC 026959

MONSANTO COMPANY AND
DOES 1 THROUGH 200
INCLUSIVE,

Defendants.

Deposition of WINTHROP R. COREY, taken on behalf of the Plaintiff, at the offices of Bryan Cave, One Metropolitan Square, in the City of St. Louis, State of Missouri, on the 29th day of May, 1992 before Ronald A. Gore, Registered Professional Reporter and Notary Public.

APPEARANCES OF COUNSEL:

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WINTHROP R. COREY,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories propounded as follows, to-wit:

EXAMINATION

QUESTIONS BY MS. WELCH:

Q: Would you please state your name for the record?

A: Winthrop R. Corey, C-o-r-e-y.

Q: And your business address?

A: I'm retired.

Q: And your home address?

A: Number 4 Foxboro, F-o-x-b-o-r-o, 63124.

Q: Before we begin the deposition, we have some housekeeping matters to straighten out.

MR. MAYER: That's correct. Kevin Mayer for Monsanto Company. During the deposition of Ray Ford, counsel for Transwestern made a request upon us to produce a document which was attached to

another document, or allegedly attached to another document that had been produced by Monsanto in discovery in this case. On May 17, the Shearman and Sterling law firm sent a letter to Evelyn Heilbrin of our office in San Francisco requesting two documents. One referenced attachments to a December 10, 1971 memorandum from Howard Bergen to R.C.E. Sprague, S-p-r-a-g-u-e, which purported to attach, and an enclosed letter which had not been produced along with the original of that memorandum. We have today given to Ms. Welch a copy of that letter which has been Bates stamped Tran 085933. The Shearman and Sterling letter of May 17 also made reference to a list of customers that was identified in the December 10, 1971 Bergen memorandum. We have ascertained that no such list of customers was ever prepared nor exists currently, so, of course, we have nothing to produce in that regard. Also, on May 17 the Shearman and Sterling firm sent a second letter to Ms. Heilbrin of our office --

MS. WELCH: May I correct you? I

believe it's may 27th.

MR. MAYER: I'm sorry, you're correct. I couldn't tell from the copy that I received. But I guess you're right, it does look like May 27th. What about this letter here, does that look like the 27th or the 17th?

MS. WELCH: I believe they're both May 27th, they were sent this week.

MR. MAYER: The second letter also made request to a document which would have been attached to a January 4, 1972 memorandum from T.L. Gossage, G-o-s-s-a-g-e, to various recipients at Monsanto, which purported to attach a memorandum from Mr. Corey to C.P. Cunningham concerning the PCB, PCT implementation program. We have also today produced that document, which has been Bates stamped Tran 085934 through 085942. It's Monsanto's position that this document was not requested during the course of discovery in the case, we're simply producing it out of the spirit of cooperation.

MS. WELCH: Just for the record, I dispute that contention. I believe that it is -- from my review of the document, it is responsive to previous requests. We'll now commence the deposition. Mr. Corey, have you ever been deposed before?

A: No. Yes, I have, one time. One time.

Q: And do you recall when you were deposed?

A: Well, I've been retired for 12 years, and it would be two or three years before that, so it would be in 1977.

Q: And were you deposed in your capacity as an employee of Monsanto?

A: Yes.

Q: And was that a case that involved anything to do with PCB products?

A: No.

Q: What did that case involve?

A: Dioxin. It was a railroad train wreck.

Q: Before we begin the deposition, I wanted to explain to you a little bit about the process. Your attorney may have

explained it to you. But a few ground rules. One thing is, we are on the record here, so any questions that I ask you, you should wait until I finish the question and then respond. And I will do the same, I'll wait until you finish your answer to ask another question. And the reason for that is a simple courtesy to the court reporter. The second rule, which I'm sure you understand, is that you're under oath today, and even though this is an informal setting, you are to testify truthfully just as if you were in court. The third rule is that if you don't understand a question I ask or if it's unclear, please ask me to rephrase it, and I will attempt to make it more clear. I don't intend to confuse or obfuscate. But if you answer a question, I will assume that you've understood the question. Fourth, you will have an opportunity after the transcript is prepared in a few weeks to review the transcript and make any changes that you may wish to make, if there are any errors or any changes that you wish to make.

However, I should caution you that if you do make the changes, an attorney from Transwestern, whether it be myself or another attorney, may have the opportunity to point out those inconsistencies in court during the trial of this action. Please feel free to tell me if you want to take a break, whether in the deposition process or to talk to your attorney. And as your attorney might have explained to you previously, the process of the deposition involves my asking questions, your answering questions and your attorney interposing objections when he feels appropriate. Some of those objections are objections for the record, to preserve the rights of Monsanto to object to the admission of certain evidence. Some of them may be instructions not to answer. But once those objections are interposed, you're still free to answer the question unless you're instructed not to answer by your attorney. Did you understand that whole sequence?

A: I do.

Q: Thank you. And, as well, all of your responses should be audible, yes or no, that's the only way we can make the record clear. Mr. Corey, could you please explain to me your educational background?

A: I graduated from Tufts University in Boston in 1935 as a chemical engineer.

Q: And what was your degree in?

A: BS.

Q: In what field?

A: Chemical engineering.

Q: Any specific specialty in chemical engineering?

A: No.

Q: Did you have any postgraduate work?

A: No postgraduate work.

Q: Have you ever been a member of any societies of chemical engineers in the course of your career?

A: No.

Q: Did you come to work at Monsanto directly after graduation from Tufts?

A: No. I came to work with Monsanto in 1945.

Q: Can you explain --

A: In October.

Q: Can you explain to me what you did from 1935 to 1945?

A: All right. I graduated, of course, in June of '35. And I went directly to work for the American Agricultural Chemical Company, whose headquarters were in New York. I worked for them for about five years.

Q: And what happened in 1940?

A: In 1940 and -- 1941, probably, I went to work at Washington in the War Production Board at the request of the board. And I remained in Washington until October of 1945.

Q: And in these two positions were you a chemist?

A: No. But I was --

MR. MAYER: You've answered the question, sir.

A: No.

MS. WELCH: What were you?

A: My job was to make sure that the chemical warfare service had enough

phosphorus, which they used for smoke screens and so forth, during the war, and the other part of my responsibility was to allocate the remaining amount of phosphorus available for domestic use by five different companies, each month. So it was a continuing job of making sure that the military had their part and making sure that the companies had equal opportunity to share in the balance.

Q: Okay. And in 1945 you came to work for Monsanto?

A: October of 1945.

Q: Did you join Monsanto in St. Louis?

A: Yes.

Q: Can you please explain to me what your first position at Monsanto was?

A: The first position was district manager for this area.

Q: And what is this area?

A: Primarily St. Louis, but it went as far as Denver. We covered some territory, but sparsely. Most of it was here in St. Louis.

Q: And that was from 1945 until what time?

A: I don't remember.

Q: What were your responsibilities as district manager?

A: We had three salesmen in the field and they reported to me.

Q: So you were a sales manager?

A: Right.

Q: What products were you the sales manager for?

A: Primarily phosphoric acid and its derivatives. They were called phosphates.

Q: Did you at this time in this position have any responsibility for any PCB-containing products?

A: No.

Q: What was your next position subsequent to that?

A: Subsequent to my job as district manager I became a product manager.

Q: Do you recall approximately when that was?

A: It was probably in 1947.

Q: And what were you a product

manager for?

A: Phosphates and synthetic detergents.

Q: Did any of those products contain PCBs?

A: No.

Q: And how long did you work as a product manager?

A: Well, I was there -- let's see. I continued to be a product manager for another five years, I think.

Q: So, until sometime in the early 1950's?

A: Yes.

Q: And what position did you assume at that point?

A: Well, Monsanto was having some mergers at that point in time. There was a phosphate division, there was an organic division, and these were merged into a general chemical division. I think I then became -- I'm having difficulty with dates. I'm not sure I can answer that question.

Q: Even if you can't specify the

dates, do you recall what job you assumed after you stopped being product manager?

A: There was a merger of the phosphate division and the organic division, and we had separate marketing functions. I became a general product manager for the new industrial chemicals company that was formed.

Q: Do you mean new company or new division?

A: This was the division. We're talking about the industrial chemicals company. I was product manager for about half the products. And there was another product manager parallel to me that had the balance of it. Most of those were organic chemicals. My work was with inorganic chemicals.

Q: And that was within Monsanto Company?

A: Yes.

Q: At this point in time did any of those products encompass PCBs?

A: No.

Q: When you finished that job as

general product manager for the inorganic division, what job did you assume?

A: I don't know. I don't remember.

Q: Okay. Do you recall how long you were in that job?

A: It would have been three or four years.

Q: So we're up to sometime still in the '50's?

A: Yes.

Q: Okay. Well, let me ask you this way, do you recall when, if at all, you assumed a job that had anything to do with PCB products?

A: Yes. I can remember that. It was in 1971.

Q: And what was that job?

A: This is when I was made group director of specialty chemicals. That included -- Kevin, is it 51?

MR. MAYER: You mean '71? I can't testify. Okay? It was your recollection that it was '71?

MS. WELCH: I want your recollection.

A: Okay. I think it was '71.

Q: Okay. Let's try and work backwards from 1971. What was your job immediately preceding the 1971 job, if you can recall?

A: There were a lot of reorganizations that went on in the '60's and the early '70's, but the group I was in which started out in the phosphate division was merged into an inorganic division, and then it included all of the products that were manufactured by the Monsanto industrial chemicals company.

Q: Objection. What was your position directly preceding the 1971 change?

A: My job was assistant general manager. And my responsibility was marketing and commercial development.

Q: Do you recall for what products you were responsible for?

A: Well, this would be for all products in the industrial chemical company.

Q: And did those include PCB products?

A: Yes.

Q: And that was prior to 1971?

A: It was in the -- yes.

Q: And do you recall when you began that job?

MR. MAYER: Do you want to take a break for a moment?

(Recess).

MR. MAYER: I'd like to have Mr. Corey clear up his prior answer concerning when he took the position as group manager of the specialty chemicals division and the position that he held prior to that, because he was confused, counsel, by the questions that were being posed.

MS. WELCH: Okay. Well, we were talking about the position you held prior to 1971. You told me you were assistant general manager of marketing and commercial development for all products. And I asked -- the question was, did those products include PCB products?

A: The answer to that is no. Let me explain why. Monsanto organized the company in two ways. There was the

Monsanto industrial chemical company, inorganic, and there was another one, industrial chemicals company, organic chemicals. My job was assistant general manager in the inorganic group, which I had grown up with all the way. PCB was not in that group, PCB was in the organic chemical company.

Q: Okay.

MR. MAYER: Sir, do you recall the date on which you assumed the group directorship?

A: I assumed responsibility for the functional products division on January 1, 1952.

MR. MAYER: 1952 or 1972?

A: '72, I'm sorry.

MS. WELCH: He earlier testified it was 1971. Which is it, 1971 or 1972?

A: '72. January 1, '72.

Q: When did you become group director of specialty chemicals?

A: That's what I'm talking about.

Q: Okay. Was that the first contact you ever had with PCB products, was January

1, 1972?

MR. MAYER: You have to answer audibly.

A: Yes.

MS. WELCH: When was the first time you ever heard of PCBs?

A: Oh, I was aware of PCBs, I suppose -- I don't know. I can't answer that. I don't know when it was.

Q: Okay. Do you recall hearing about PCBs when you were in the inorganic division?

A: Yes. But only by hearsay. I was not involved in it.

Q: Okay. Do you recall anything about what you heard about them prior to your direct involvement?

A: No. I have no feel for what they were doing. I was never involved in it.

Q: Okay. Did you hear anything about toxicity concerns with PCBs prior to your direct involvement?

A: I was aware of the fact that there were some questions about buildup in the atmosphere or in the --

Q: Do you recall approximately the time period that you became involved about the -- concerned about the buildup in the atmosphere?

MR. MAYER: Well, objection, mischaracterizes his testimony. He didn't say he was concerned about it, he said he was aware of some concern about it.

MS. WELCH: Go ahead and answer.

A: It's difficult to answer, because we would all have lunch together and everything, and the subject would come up. But it's superficial, as far as I was concerned.

Q: By we all, who do you mean?

A: Well, people in the organic division and the inorganic division -- company, rather. But we knew each other, obviously, from prior jobs and so forth. Anything I heard about PCBs would be just hearsay, casual conversation with people involved in it.

Q: Prior to your direct involvement?

A: Right.

Q: Okay. Who reported to you when

you became group director of specialty chemicals?

A: Well, the first one was Howard Bergen, who was product manager for all functional fluids.

Q: And what time period did he report to you?

A: 1952 to 19 -- 1972 to 1975.

Q: And during this time period who did you report to?

A: I was assistant -- I was reporting to -- I can't remember.

Q: Did you report --

A: There were some immediate changes. Let me back up a minute. The inorganic company and the organic company merged, and I think it was Pres Cunningham who was president of the combined company.

Q: And did you report to him?

A: And I reported directly to him.

Q: Is Mr. Cunningham still alive?

A: Yes. I want to revise that. I'm not sure, it was either Cunningham or John Eck.

Q: E-c-k?

A: E-c-k. But we had two companies reporting to one -- well, we reported to both of them, but I can't remember which one came first and which one came second.

Q: Was there a merger of these two companies in around 1971, 1972?

A: No.

Q: These two companies or divisions always stayed completely separate?

A: Yes.

Q: And going pack to Mr. Cunningham, do you know where he is now?

A: He's retired and living in St. Louis.

Q: Did Mr. Bill Papageorge ever report to you?

A: He reported to me directly through Howard Bergen, who was in charge of PCBs. There was an occasion -- well, the answer was Bill Papageorge reported to me.

Q: What years did Bill Papageorge report to you?

A: Probably 1972, but I -- Bill Papageorge never reported directly to me. He worked for Howard Bergen in the

functional fluids product group. Bill reported to me on peripheral subjects, if he wanted some information or some confirmation of what he was doing.

Q: Okay. What did the peripheral issues that he reported to you involve?

A: Mostly environmental issues.

Q: And were those environmental issues concerning PCB products?

A: They could have been. There could be many others, too.

Q: Did you have any role in selecting Mr. Papageorge for his position?

A: No.

Q: When you became group director of specialty chemicals, what products did those -- did you become group director for?

A: The first one was functional fluids. Howard Bergen, which included the PCBs.

Q: Did that include all the PCB products?

A: Yes. Another one, another product group was put together with swimming pool

chemicals. There was another product group that reported to me on chemicals for forest fire control. And then we had another group involved with silica products, which was, I think, one -- which was silica in various forms.

Q: What were your job responsibilities as group director for specialty chemicals?

A: Well, my first responsibility, of course, would be to report on a monthly basis to the president of the company.

Q: And who was that?

A: Which would be either Pres Cunningham or John Eck, the two names I gave you.

Q: And what would that report be based on?

A: Financial, primarily.

Q: Okay. Any other responsibilities?

A: No.

Q: So all of your work consisted of reporting on a monthly basis to the president of the company?

A: Well, the activities, of course,

included day-to-day supervision and discussion with the four group leaders that I've named for you. We would have daily conversations with them.

Q: Were you acquainted with the PCB products that you were group director for?

A: In a general way, yes.

Q: Have you ever heard of the product Turbinol?

A: I'm not sure I knew very much about Turbinol.

Q: Do you have any recollection of what percentage of your sales Turbinol represented?

A: No.

MR. MAYER: Objection, over-broad.

MS. WELCH: Do you know what Turbinol was used for?

A: No.

Q: In your job as group director, did you ever have contact with customers?

A: Not really, no.

Q: When you said not really, were there occasions when you did?

A: There was a period -- there was at least one, I think only one contact with Westinghouse, that I did have contact with. But that was all of it. I never did get involved in the marketing of the PCBs.

Q: What was the contact you had with Westinghouse?

A: There was some discussion about the environmental effects of PCBs.

Q: Do you recall when this meeting or contact with Westinghouse took place?

A: I don't remember offhand. Do you?

Q: I only want your recollection. He's not under oath.

A: No, I don't remember.

Q: And why did you have that contact with that particular customer?

A: Well, because we wanted to get out of the business, but we could not discontinue the manufacture of dielectric fluids because Westinghouse and G.E. knew of no substitute. So the purpose of the visit would be to say yes, we will continue to make it for you, Mr. Westinghouse, but

we need a disclaimer from you if anything goes wrong with them.

Q: You said that we wanted to get out of the business, do you recall when you became conscious that Monsanto wanted to get out of the business of PCB production?

A: No, I can't. I don't remember.

Q: Did you become conscious of that the first day you assumed your job as group director?

A: No, before that.

Q: Can you tell me why Monsanto wanted to get out of the business?

MR. MAYER: Objection, calls for speculation.

MS. WELCH: Go ahead. To the extent that you know.

A: Well, at the time, I think it was the EPA who was becoming quite concerned with it.

Q: Concerned with what?

A: Environmental buildup of PCBs.

Q: Do you remember how you became conscious, by you I mean you, Mr. Corey, of the EPA's concern?

A: Well, probably because of conversations I would have with Bill Papageorge.

MR. MAYER: Sir, let me caution you, by the way, that she's entitled to your best recollection of things, but not to speculation. If you're causing yourself to speculate about things when you say "probably", "maybe", that suggests that you don't really know, so I would caution you to -- if you have personal knowledge, personal memory of things, you can testify to that. If you're speculating, you should tell her that.

A: No, I have personal recollection of that.

MS. WELCH: Were these casual conversations you had with Mr. Papageorge?

A: Yes.

Q: Was he a social friend of yours?

A: No.

Q: A colleague at work?

A: Yes.

Q: And this was prior to your assumption of your position as group

director, is that correct?

A: Yes.

Q: Prior to your assumption of your position as group director, were you ever told that PCBs might cause liver damage?

A: No.

Q: Were you ever told that PCBs might cause chloracne?

A: No.

Q: Were you ever told that PCBs might be hazardous to wildlife or birds?

A: No.

Q: Do you have any recollection of when you were first told that PCBs might persist in the environment?

A: I can't tell you any dates. I don't know.

Q: Turning to the time period from 1968 to 1972, and I know you had two different jobs during that period, were you on any committees at Monsanto?

A: I don't understand what you mean by committees.

Q: Any corporate committees?

A: Corporate committees?

Q: Yes.

A: No, I was never on any corporate committees.

Q: Okay. Have you ever heard of an ad hoc committee on PCBs?

A: No.

Q: Have you heard of the corporate management committee?

A: No.

Q: Do you know who Mr. John Mason is?

A: Yes.

Q: Who is Mr. John Mason?

A: Well, John Mason was a counterpart of mine back when the two companies were separated.

Q: Was he responsible for organic chemicals?

A: Yes.

Q: And that would include PCBs?

MR. MAYER: Is that a yes, sir?

A: Yes.

MS. WELCH: What happened when you assumed your position as group director of specialty chemicals, what did Mr. Mason become?

A: I don't know. I don't remember.

Q: Did you have reporting responsibilities to Mr. Mason when you became group director?

A: No.

Q: I assume since you don't know what the corporate management committee is, you were never present at any presentations about PCBs there?

A: No.

Q: In the time period 1968 to 1972 were you ever at any presentations, internal presentations about PCBs?

A: No.

Q: Did you ever participate in any educational programs about PCBs?

A: No.

Q: How did you obtain your understanding or knowledge about the products that you were group director for?

A: Are you talking about all the products, now?

Q: I want to focus in on PCB products.

A: Repeat it, please.

(The requested portion of the record read by the reporter).

MR. MAYER: Objection, vague.

A: I don't remember.

MS. WELCH: Have you ever heard about the Yushow incident in Japan?

A: Was that -- yes. Yes, I did.

Q: Do you recall when you first heard about the Yushow incident?

MR. MAYER: Other than information imparted by your attorneys, you may respond.

A: How did I find out? I guess I read it in the papers somewhere.

Q: Okay. Do you have any recollection of the time period that you heard that?

A: No, I don't.

Q: Are you aware that the Yusho incident involved a heat transfer system?

A: I did not know what it was used for.

Q: What did you hear about the Yushow incident at the time?

A: Well, I just vaguely remember that

it got into foodstuffs and people got sick from it. That's all.

Q: Okay. Are you aware that it was PCB products that got in the foodstuff?

A: I was, yes.

Q: Did you hear at the time that the PCB products in the foodstuff caused acute poisoning?

MR. MAYER: Objection, the question lacks foundation.

A: No.

MS. WELCH: Did you ever hear that the PCB poisoning caused birth defects?

MR. MAYER: Same objection. The question also assumes facts not in evidence.

A: No.

MS. WELCH: I'd like to introduce Exhibit 261.

(Plaintiff's Deposition Exhibit Number 261 mark'd for identification).

MS. WELCH: Exhibit 261 has an identifying mark of Tran 071536. And it has a partially obscured date that appears to be September 25, and it's unclear

whether it's '72.

MR. MAYER: Where are you looking, counsel?

MS. WELCH: On the right, if you turn the corner.

MR. MAYER: Okay.

MS. WELCH: And Mr. Corey's name appears in a marginalia, handwritten marginalia. And it appears to be some kind of communication from Steven Chantell in London, attention E.V. John, St. Louis. Please take a minute to review this document, Mr. Corey. Okay?

A: Yes.

(Discussion off the record).

MS. WELCH: Does this refresh your recollection about the Yushow incident?

A: No. I don't remember this at all.

Q: Okay. Do you know from your own personal knowledge whether any action was taken by Monsanto in 1968 in response to the Yusho incident?

A: No.

MR. MAYER: Let me caution you, sir, to permit counsel to complete her

entire question before you respond so that the court reporter doesn't have to take down two people.

A: Okay.

MS. WELCH: Do you know whether there was any internal education of the sales force in 1968 in response to the Yusho incident?

A: No.

MR. MAYER: No, you do not know?

A: No, I do not know.

MS. WELCH: Do you know whether Monsanto notified its customers in 1968 in response to the Yusho incident?

A: No, I do not.

Q: Okay. Do you know who Mr. John is, E.V. John that's referred to in this document?

A: No, I do not know.

Q: How about PJA Marsh?

A: I do not know.

Q: J.D Carr?

A: Do not know.

Q: How about Steven Chantell?

A: No, I do not know.

Q: Do you know who Mr. Wheeler is?

A: No, I don't.

Q: Do you recall being in any group or committee with Mr. Bergen and Mr. Wheeler?

A: No.

Q: If I told you that his name is Elmer Wheeler, would that refresh your recollection?

A: Yes, that refreshes my -- I remember the name, Elmer Wheeler. I do not know what his position was or what did he.

Q: I assume from that that you did not have much contact with Mr. Wheeler?

MR. MAYER: Well, objection, mischaracterizes his testimony.

MS. WELCH: You can answer.

A: Do I owe you something?

MR. MAYER: She wants to know if you recall that that indicates that you had no general contact with Mr. Wheeler?

A: No, I did not.

Q: Mr. Court reporter, please mark this as Exhibit 262.

(Plaintiff's Deposition Exhibit Number

262 mark'd for identification).

MS. WELCH: Exhibit 262 appears to be a copy of a news article from, it appears to be The Guardian, September 25, 1972. Identifying number Tran 070980. And at the top of the document it says "From the desk of E.V. John." There is a list of people that appears there, including Mr. Corey. Please take a moment to review this document. Okay?

A: Yes.

Q: First, Mr. Corey, do you recall who Mr. Stapleton is?

A: Yes.

Q: Could you tell me who he is?

A: He was a lawyer for Monsanto Company.

Q: How about Mr. Easley?

A: He was the Washington representative for Industrial Chemicals Company.

Q: So, did he lobby on behalf of Monsanto?

MR. MAYER: Objection, calls for speculation.

A: I don't know.

MS. WELCH: Was he a sales person?

A: Well, he was our eyes and ears of what's going on in Washington for all of us.

Q: Did this collection of people that's reflected in the upper right-hand corner reflect some kind of PCB committee?

A: Well, Papageorge, Bergen --

MR. MAYER: Sir, I think the question calls for a yes or no answer.

A: Will you repeat it?

(The requested portion of the record read by the reporter).

MR. MAYER: I'll also object, it calls for speculation as to the author's intent.

A: I don't know anything about this.

MS. WELCH: Okay. Do you have any idea what all of these people had in common, why they would have been cc'd on this document?

A: No. No, I do not.

Q: Mr. Stapleton, did he have responsibility for legal issues concerning

PCBs?

MR. MAYER: Objection, calls for speculation.

A: I'd say no.

MS. WELCH: Do you recall which lawyer did have responsibility for PCB issues?

A: No, I do not.

Q: Does reviewing this document refresh your recollection that you ever heard that PCBs might cause birth defects?

MR. MAYER: Objection. The question lacks foundation, assumes facts not in evidence.

A: I never saw this before, so it doesn't add anything to what I knew.

MS. WELCH: Okay. I think the question is, does it refresh your recollection about something that you may have known?

A: No.

Q: Okay. Does it refresh your recollection that exposure to PCBs may cause gross skin eruptions?

MR. MAYER: Same objections.

A: No.

MS. WELCH: Does it refresh your recollection that PCBs may cause liver damage?

MR. MAYER: Same objections.

A: No.

MS. WELCH: Does it refresh your recollection that PCBs are not biodegradable?

MR. MAYER: Same objections.

A: No.

MS. WELCH: Did you ever hear of a Swedish researcher by the name of Sven Jensen?

A: No.

Q: Did you ever hear reports that a Swedish researcher had found that PCBs persist in the environment?

A: No.

Q: Please mark this as Exhibit 263.

(Plaintiff's Deposition Exhibit Number 263 mark'd for identification).

MS. WELCH: Exhibit 263 has the identifying stamp Tran 064256, and it's entitled "Public Relations Department."

Date, November 18, 1971. And Mr. Corey's name appears on a list of people who it's addressed to. Please take a minute to review this document. Okay?

A: Okay.

Q: First, some identification. Do you know who Lloyd R. Cole is?

A: Yes. I know Lloyd Cole. I don't remember what his job was. I don't know what area he covered.

Q: Do you remember generally what his job was?

A: No, I really don't.

Q: Is Mr. Cole still alive?

A: I don't know.

Q: How about Sam Pickard?

A: Sam Pickard was in charge of our Washington office, corporate Monsanto vice-president.

Q: Now, this is something I'm a little confused on. Earlier you testified that you first gained responsibility for PCB products on January 1, 1972, and yet this document predates that. Do you have any idea why you would have received a

document that related to PCBs prior to the time that you obtained responsibility for those products?

MR. MAYER: Let me clarify that. I'll object to the question as mischaracterizing his testimony. He said he first gained direct involvement and responsibilities for PCBs as of January 1, 1972. Go ahead and answer the question, sir.

A: Will you rephrase the question a little bit?

(The requested portion of the record read by the reporter).

A: The answer to that is yes. It was announced, I guess -- I don't remember when, but as of January 1st I would take on this responsibility. Copies did come to me before that for informational purposes.

Q: Okay. Do you know what a heat transfer system is?

A: I vaguely understand it, yes.

Q: Did you know at this time, and by this time I mean 1971, 1972, that a heat transfer system was considered a closed

system?

A: Did I know it was a closed system?

MR. MAYER: I'll object to the question, assumes facts not in evidence and lacks foundation.

A: I don't think I could -- I don't know -- some of them were, I think, but I don't know if all of them.

MS. WELCH: What's your understanding of what a closed system is?

A: Well, a closed system is something that doesn't release any PCBs, if the PCBs are in the closed system.

Q: Doesn't release the PCBs where?

A: Into whatever, the heating apparatus is trying to heat something.

Q: Okay. Do you know if there is any completely closed heat transfer system?

MR. MAYER: Objection, calls for speculation and lacks foundation.

A: I don't know.

MR. MAYER: Do you want to take a break now?

A: I'm ready.

MS. WELCH: I would like to at least finish the document.

MR. MAYER: I'm sorry.

MS. WELCH: Are you aware that as of the time of this document, which is November 1971, that there were still sales of PCB-containing products to pipeline companies?

A: I don't know.

Q: Do you know whether a gas compressor is considered a closed system?

A: No, I don't.

MS. WELCH: Okay, if you want to take a break.

MR. MAYER: Let's take a couple minutes.

(Recess).

MS. WELCH: Mr. Corey, have you ever heard the name Dr. Robert Risebrough?

A: No.

Q: Did you ever hear of any studies that were done out on the west coast about PCBs with Peregrine Falcons?

A: No.

Q: Did you ever hear about any

studies done on the effect of PCBs on falcon egg shells?

A: No, I do not.

Q: Introduce Exhibit 264.

(Plaintiff's Deposition Exhibit Number 264 mark'd for identification).

MS. WELCH: Exhibit 264 is identified with the number Tran 066678. And it appears to be a memo from W.B. Papageorge to a list of people which includes Mr. Corey, and it's dated December 29, 1971. Please take a minute to review this.

MR. MAYER: For the record, I believe that Mr. Corey is not a direct addressee of the memorandum, but a copy.

MS. WELCH: It's difficult to tell, because it doesn't say cc.

A: No, this means nothing to me.

Q: Okay. Well, let me ask you some questions about it and we'll see. Who is Cumming Paton, do you recall?

A: I don't recall.

Q: How about W.R. Richard?

A: I recall him. He was a research

director.

Q: Did you have any contact with Dr. Richard?

A: Not at this time.

Q: What time did you have contact with him?

A: Well, January 1, 1972 was when I took over. I don't remember when I had it, but I knew him prior to that.

Q: When you did have contact with him subsequent to this, what was the nature of that contact?

A: Just the research projects that he was working on in his group. He was a group leader.

Q: Would he report to you?

A: No. Howard Bergen.

Q: In other words, he reported to Howard Bergen?

A: Right.

Q: Who then reported to you?

A: Right.

Q: Do you have any recollection of a meeting with Dr. Risebrough on January 21 and 22, 1972?

A: No, I do not.

Q: Okay. How about, have you ever heard of a Dr. Harvey?

A: No, I do not.

Q: How about Dr. Edward Goldberg?

A: No.

Q: Do you have any recollection of any discussions with Mr. Papageorge about Dr. Risebrough or any of the participants?

A: No. I don't remember anything.

Q: Okay. Or about this meeting that occurred in January?

A: No.

Q: Just let me ask you one more question, and that is, have you ever heard of Aroclor 1242?

A: Not specifically, no. I don't know what that means.

Q: Okay. As part of your job responsibility as group director, did you need to have an understanding of the different chlorinated Aroclors?

A: No. It wasn't necessary for me.

Q: Did you need to have an understanding of the different properties

of the various products?

MR. MAYER: Objection, vague as to properties.

A: No.

MS. WELCH: Was your primary responsibility as group director the termination of PCB sales? Again, I'm speaking about in the PCB product area. I know you had responsibility for various products, but let's focus it.

MR. MAYER: Would you read the question back?

(The requested portion of the record read by the reporter).

A: I held Howard Bergen responsible for this, therefore, I have to also assume responsibility for it as the boss.

Q: Okay. Was that the primary purpose of the group that you headed at the time?

A: No.

Q: Okay. What was the primary purpose?

A: The primary purpose of each one of the product groups, or are you talking

about --

Q: Just the PCB products.

MR. MAYER: She means the functional fluids group, I take it.

A: Yes. Can I have that back?

(The requested portion of the record read by the reporter).

A: Of contacts with Bergen, is this the question?

Q: No. Specifically relating to the PCB products.

A: My responsibility, which I held Papageorge and these others responsible, was to see that the corporate guidelines on all of the matters that must be taken on PCBs. My responsibility was that Howard Bergen and his group would be responsible for it, because I want to be assured by them that they are following the corporate requirements.

Q: Okay. And were the corporate requirements beginning January 1, 1972 the termination of sales of PCBs?

MR. MAYER: Objection, the question lacks foundation.

A: Repeat that, please.

(The requested portion of the record read by the reporter).

MR. MAYER: Same objection. It also calls for speculation.

A: I don't know. I don't understand the question, I don't think.

MS. WELCH: I'm going to mark this as Exhibit 265.

(Plaintiff's Deposition Exhibit Number 265 mark'd for identification).

MS. WELCH: Exhibit 265 is a compilation of a number of documents. The first document appears to be a draft which is dated November 2, 1971, its stamped number Tran 065396. The next document appears to be a draft dated 11/4/71, Bates stamp number Tran 065399 through 065400. And there appears to be another draft dated November 4, 1971, 065401 to 065403, and there appears to be another draft of the same letter that's attached to that, Tran 064694 to 064696. And then attached to those are two letters, one from a Dr. Robert Risebrough, Tran 064685 and the

second letter from Dr. Herman, dated April 6, 1971, Tran 063615 to 17. And I might note that on one of these drafts of the letter from either -- from Mr. Papageorge, Mr. Corey is bcc'd, and that's noted at Tran 064696. And I would like you, Mr. Corey, if you could -- I'm going to ask you questions about the first two pages of this compiled document.

MR. MAYER: So that would be what, 065396 and 397?

MS. WELCH: Yes. Although 397 is cut off, I believe that's 397. Then I'll ask you further questions, but let's start with that. Okay?

A: Okay.

Q: Does this refresh your recollection of the name Dr. Robert Risebrough?

A: No, not really.

Q: Do you recall seeing this letter before?

A: No.

Q: Do you recall a controversy or any discussion within Monsanto about the

release of production figures for PCBs?

MR. MAYER: Objection, over-broad.

A: No.

MS. WELCH: Do you recall if Monsanto ever released production figures for PCBs to the public?

MR. MAYER: Objection, over-broad. Also vague as to the public. Does that include the Federal Government?

A: The letter says we've revealed it to the government agencies.

MS. WELCH: I'm asking about your recollection.

A: No, not to my -- no.

Q: Okay. Did you have any discussion with Mr. Papageorge about the release of PCB usage numbers?

A: No.

Q: Please turn to the Bates stamp page which says Tran 065402, which has some handwritten marginalia, including John Mason's name.

MR. MAYER: I would caution you, sir, to ensure that you're familiar with

the entire document before responding to any questions concerning a portion of it.

MS. WELCH: Why don't I ask the question, if he needs to look at it -- it's a pretty simple question, actually. The second page. Do you know whether Mr. Mason or Mr. Papageorge primarily dealt with inquiries from scientists during this period?

MR. MAYER: Objection, vague and over-broad. As to what? PCBs?

MS. WELCH: PCBs, that's correct.

A: I do not know.

Q: Do you recognize this handwriting?

A: No.

(Plaintiff's Deposition Exhibit Number 266 mark'd for identification).

MS. WELCH: Exhibit 266 is entitled "Ralston Purina (Draft Release)," identifying number Tran 071599. In the corner there is handwritten marginalia which says "To," amongst other names, "Corey." Please take a minute to review this document.

A: Is there a date to this? July

3rd, what?

Q: The document just states July 3rd, but doesn't state the year. Okay?

A: Yes.

Q: Do you recall any announcement by Ralston Purina Company in conjunction with the United States Department of Agriculture?

A: No, I do not.

Q: Do you know whose initials are JFS, up in the corner?

A: Could be John Singleton, who was a lawyer. But I'm not sure of that.

Q: How about Park, do you know who Park is?

A: He was another lawyer.

Q: Okay. And WBP?

A: I assume that's Papageorge.

Q: Do you have any recollection of an incident with Ralston Purina company?

A: No.

Q: Do you know whose handwriting this is up in the corner?

A: No, I do not. Nobody signed it, did they?

Q: Have you ever seen this document before?

A: No.

Q: Please mark this as Exhibit 267.

(Plaintiff's Deposition Exhibit Number 267 mark'd for identification).

MS. WELCH: Exhibit 267 is dated 9/23, I believe it's '71, and it's Bates stamp Tran 064486, and it appears to be a couple of news releases, although it's unclear. Copies are to a number of people, including Mr. Corey, from Ed John.

MR. MAYER: For the record, I can't tell if that's 1971 or '72.

MS. WELCH: No, I can't tell, either. It looks like it's a '71. Okay?

A: Yes.

Q: Turning your attention to the list of names in the upper right-hand corner, does this reflect some kind of PCB committee?

MR. MAYER: Objection, the question calls for speculation as to the author's intent.

A: Repeat your question, please.

(The requested portion of the record read by the reporter).

A: I think the answer -- the answer is no, I do not believe this is a committee. This is an informational distribution to people.

Q: Who is Mr. Forrestal?

A: Public relations.

Q: And any recollection at this moment about who Ed John is?

A: No, I do not know.

Q: Okay. Do you have any recollection of William Ryan's activities in Congress during this period of time concerning PCBs?

A: No, I do not.

Q: Do you recall the incident with swift and Company that's described in this document?

A: Do not, no.

Q: You don't recall any meetings about the swift incident?

A: No.

Q: This is Exhibit 268.

(Plaintiff's Deposition Exhibit Number

268 mark'd for identification).

MS. WELCH: Exhibit 268 is Bates stamped Tran 064228, and it is entitled "Time, October 11, 1971," and copies of this document are listed as being sent to a number of individuals, including Mr. Corey. Please take a minute to review this. Okay? Have you ever seen this document before?

A: No, I haven't.

Q: Do you have any doubt that you received this document?

A: No. No, I do not.

Q: I'd like to turn --

A: I might add to this, this was before I had any direct responsibility. But this was, to me, informational of those concerned interested in PCBs.

Q: I'd like to turn your attention to the sentence right before, where it says "Polluted poultry," where it says, "Then, despite complaints from customers, Monsanto," et cetera. Do you see where I'm referring to?

A: "Then, despite complaints from

customers, Monsanto announced" -- I was aware of the fact that was what Monsanto was trying to do.

Q: Is it accurate that as of September 1970 Monsanto announced that it would stop sales of PCBs except for absolutely essential use in the electrical equipment?

A: I don't know. I can't answer that.

Q: Did you ever hear about the Campbell Soup incident in December 1970?

A: No.

Q: Did you ever hear about the North Carolina incident, presumably in the spring of 1971?

A: No.

MR. MAYER: For purposes of clarification, counsel. Sir, when you respond that you do not -- you did not hear about it, do you mean you do not recall hearing about it or you specifically recall not hearing about it?

A: I do not recall it. Good point. I never saw it before.

MS. WELCH: Okay. Do you recall any discussions within Monsanto about either the Campbell Soup incident or the North Carolina incident?

A: No, I do not.

Q: Do you recall any litigation over the Campbell Soup incident?

A: No, do not.

Q: Do you recall any litigation over the North Carolina incident?

A: Do not.

Q: Turning to the last paragraph in the middle column, the last line begins "Unlike DDT." Was it your understanding during this time period, by that I mean 1971 to 1972, that PCBs got into the environment accidentally?

A: I don't know. I can't answer that.

MR. MAYER: You've answered the question, sir.

MS. WELCH: Do you have anything to add to that answer.

A: No, I can't add anything.

Q: Okay. Mark this as Exhibit 269,

please.

(Plaintiff's Deposition Exhibit Number 269 mark'd for identification).

MS. WELCH: Exhibit 269 is Bates stamped Tran 065694, it is entitled "Public Relations Department," and has handwritten marginalia which says "PCB PR", and it appears to be dated October 5, 1971 from E.V. John to a list of recipients, including Mr. Corey. Okay?

A: Okay.

Q: Do you recall seeing this document before?

A: No, I do not.

Q: Okay. Do you have any doubt that you saw this document?

A: I have no reason to say that I didn't see it. I don't remember it.

Q: Do you recall any FDA press conference in the fall of 1971 concerning PCBs?

A: No, I do not.

Q: Turning your attention to the second sentence, which says "A: Not all forms of PCB are persistent. Only those

with higher chlorine content." Do you have an understanding of what is meant, or do you have an understanding of what higher chlorine content means?

MR. MAYER: Objection, the question lacks foundation.

A: I do not know.

Q: Okay. Have you ever heard that certain of the Aroclor formulations contain higher chlorine content than others?

A: I probably knew that just from a chemical point of view, you can chlorinate as high as you want to chlorinate.

Q: What does that mean to you, you can chlorinate as high as you want to chlorinate?

A: To be able to obtain some kind of differences in the end uses, I suppose.

MR. MAYER: I caution you, sir, not to speculate.

A: Do you want to go back to the original question, let me see if I can say yes or no.

(The requested portion of the record read by the reporter).

A: The answer to that is yes, I knew that.

Q: Were you aware that Aroclor 1242 contained a certain proportion of higher chlorine content?

MR. MAYER: Let me object as vague. Higher than what?

MS. WELCH: The question stands.

A: I don't know.

Q: Were you aware as of this date, October 5, 1971, that Monsanto was still selling PCB products to gas compressors?

A: I have no knowledge.

Q: I'd like to introduce this as Exhibit 270.

(Plaintiff's Deposition Exhibit Number 270 mark'd for identification).

MS. WELCH: This is a document that's dated January 20, 1972, appears to be from a Mr. Benignus, Bates stamp Tran 021185, and Mr. Corey is listed as a recipient. Whether he is cc'd or not, I don't know. It's directly addressed to Mr. Papageorge. Please take a minute to review this. Okay?

A: Yes.

Q: Do you recall seeing this document?

A: No, I do not.

Q: Okay. This is dated after you assumed direct responsibility for PCB products, is that correct?

A: That's correct.

Q: Do you have any doubt that you received this document?

A: No.

Q: Does this help refresh your recollection that Aroclor 1242 contains a percentage of higher chlorinated PCBs, namely, five chlorinated and higher?

MR. MAYER: Objection, vague.

A: I don't know.

MS. WELCH: Do you have any idea when Monsanto had the capability of determining what percentage of chlorinated PCBs were included in each Aroclor?

A: I don't have any knowledge of that.

Q: Do you have any idea who would have knowledge of that?

A: Howard Bergen.

Q: I believe that Howard Bergen has passed away.

A: All right. Bill Papageorge.

Q: Anyone else?

A: Well, it could be any number of people. Anybody on that list probably would be able to answer it except me.

Q: Is that just because of your memory or do you believe you knew at one time?

A: I don't think I knew at one time. Can I say something off the record?

MR. MAYER: No, you cannot, unless you want to talk to me first.

MS. WELCH: Do you want to say it on the record?

MR. MAYER: No. There is no question pending.

MS. WELCH: Do you have any recollection of the development of Aroclor 1016?

A: No.

Q: Do you have any --

A: I don't know anything about that.

Q: Were you responsible for products that were sold to NCR?

A: I don't know.

Q: Do you recall a concern with carbonless carbon paper around the time of 1970 to 1972?

A: No, I do not.

Q: Do you recall a concern with developing a more biodegradable alternative to Aroclor 1242 around this time period?

A: No.

Q: Do you recall biodegradation studies being conducted in Ruabon, Wales?

A: No, I do not know.

Q: Do you have any idea when it was determined that Aroclor 1242 was not biodegradable?

A: No.

Q: Do you know who Mr. Benignus is?

A: Yes.

Q: Can you tell me?

A: I can't tell you what his official position was. I'd have to leave it at that.

Q: Do you know what his job was,

unofficially?

A: No, I don't.

Q: Is he a chemist?

A: No.

Q: Is he here in St. Louis, still?

A: I don't know.

Q: When was the last time you saw him?

A: 1980.

Q: And where was he then?

A: I guess he was still at Monsanto.

Q: Do you have any idea why, if you know, or if it's true, that MCS 1016 was only developed for dielectrics?

A: No, I do not.

Q: Document 271.

(Plaintiff's Deposition Exhibit Number 271 mark'd for identification).

MS. WELCH: Exhibit 271 is a document dated October 13, 1971, Bates stamped Tran 064087, from Mr. Papageorge to Messrs. Katayama and Unenco, with cc's to a number of people, including Mr. Corey. Take a minute to review this document.

A: Okay.

Q: Who is Mr. Danna, if you recall?
A: Danna? I do not know.
Q: How about Mr. Durland?
A: John Durland at that time was -- well, it says up here he was in Tokyo, but I can't tell you what his job was.
Q: How about Mr. Hashbarger?
A: I do know him.
Q: Do you know what his job was?
A: In 1971, no, I don't remember.
Q: Do you know what his job was after 1971?
A: No, I can't identify what he did.
Q: How about before 1971?
A: Either way. I do not know.
Q: Okay. Do you know who Mr. Murakami is?
A: No.
Q: How about Mr. Katayama?
A: Obviously, they're Japs.
Q: How about Mr. Uneno?
A: I do not know.
Q: Do you recall receiving this document?
A: No.

Q: Did you attend any of the PCB discussions that are listed here on October 18 and 19, 1971?

A: Not to my knowledge.

Q: Do you keep calendars for any length of time?

A: No.

Q: When do you discard your calendars; yearly, every five years?

A: Are you talking now?

Q: From this time period.

A: From this time period?

Q: Yes.

A: I don't think I could give you a generalization. It would depend on what kind of file I would want to keep. I can't answer that.

Q: Do you still have your calendars from the '71, '72 time period?

A: No.

Q: Did you have any discussions with any of these gentlemen who are listed on here about this series of meetings?

A: Not to my knowledge. No.

Q: Mark this as Exhibit 272.

(Plaintiff's Deposition Exhibit Number 272 mark'd for identification).

MS. WELCH: Exhibit 272 is dated November 15, 1971, with a Bates stamp number Tran 065036. It is a letter to a Mr. Paul Leach from Mr. John Mason, and Mr. Corey is, I believe, bcc'd on it, along with a number of other people. Please take a minute to review this letter. Okay? You ready?

A: Yes.

Q: Have you ever seen this letter before?

A: No.

MR. MAYER: Does that mean you don't recall having seen it?

A: I don't recall having seen it.

MS. WELCH: Do you have any doubt that you saw it?

A: This was signed by Cunningham/Corey, and I do not know whether we each got a copy, I don't know whether it was transmitted to me. I don't remember it.

Q: I'm going to ask you a few

questions about this letter. Turning to the paragraph that's enumerated 1, it says "1) we have discontinued sales of PCBs for all open system applications." Do you know which applications PCB sales were discontinued for as of November 15, 1971?

A: I think I can answer that by saying yes, I knew of one, which would be heat exchange.

Q: Okay.

A: That's the only one I can think of.

Q: Do you believe that a heat exchange system is an open system application, then?

A: I don't mean that. But there is the possibility that there would be a leak.

Q: Okay. So, in other words, even if it were a closed system, there would be a possibility that there would be a leak, is that correct?

A: I think there is always that chance.

Q: Always that chance in any closed system?

MR. MAYER: Objection, calls for speculation, lacks foundation.

MS. WELCH: You may answer.

A: I can't answer. I don't know.

Q: How about number 2, where it talks about phasing out PCBs as components of industrial hydraulic fluids. Do you know whether this included Turbinol?

A: I do not.

Q: Do you know whether Turbinol is an industrial or hydraulic fluid?

MR. MAYER: Objection, calls for speculation as to the author's intent in using those terms.

A: I don't know.

MS. WELCH: Turning to paragraph 5, do you know what Monsanto's research program was during this time period at developing alternatives to PCBs?

A: No, I don't. I cannot answer.

Q: Do you know when an alternative, a non-PCB alternative was available for Turbinol?

A: No.

Q: Did you have any contact with the

group that was developing that alternative to PCB-containing Turbinol?

A: No.

Q: Turning to the next page, page 3, do you recall a press release that was issued by the FDA during this time period?

MR. MAYER: Where are you referring to, counsel?

MS. WELCH: It's the middle of the second full paragraph.

MR. MAYER: Page 3.

A: I've read it.

Q: Do you recall seeing an FDA press release during this time period?

A: No, I do not.

Q: Counsel, I would like to request production, if Monsanto has this FDA press release. We don't have it and I've never seen it.

MR. MAYER: Sure.

MS. WELCH: I believe that it's responsive to various requests, including any communications or documents from any federal agencies. Turning --

MR. MAYER: I'm sorry, say that

again, please. It's responsive to what?

MS. WELCH: Read that back.

(The requested portion of the record read by the reporter).

MR. MAYER: I'm not sure I agree with the characterization of a press release.

MS. WELCH: Turning to the last page, Mr. Corey, it states here that John Mason's position is group director of the functional products group. This is November 15, 1971. What was his relationship with you in terms of job responsibilities at this time?

MR. MAYER: Objection, the question assumes facts not in evidence. It assumes there was a relationship.

MS. WELCH: If he had a relationship, what was the relationship?

A: I don't know how you're using the word relationship.

Q: Well, you were group director as of January 1, 1972 of the specialty chemicals group?

A: That's right.

Q: What's the difference between the functional products group and the specialty chemicals group?

A: Well, the specialty chemicals group included organic chemicals such as this, and -- boy, I'm getting a little tired now, let's start over again.

MR. MAYER: Do you want to take a break? Let's take a break. I want to make sure that you're functioning at the top of your capabilities, too.

MS. WELCH: I do, too. If you want to take a break, he'll just read back the question after we take a break.

(Recess).

(The requested portion of the record read by the reporter).

A: To the best of my recollection, the functional products group was primarily the Aroclor group. And it was different than the job I took over on January 1, 1972, because the functional products were strictly organic chemicals, and the group I took over, excluding Howard Bergen and his group of functional fluids, were inorganic

chemicals, such as swimming pool chemical, ammonium phosphates that we used to put out forest fires, silica products, those little things you put in a pill box. So the jobs are not the same.

Q: Is there any way that the jobs intersected or crossed over?

A: No. Wait a minute. No. That's right.

Q: Are Aroclors a trade name for PCBs?

A: Yes.

Q: You testified earlier that you had a responsibility for certain PCB products?

A: Right.

Q: How did you divide up responsibilities with Mr. Mason once you became director?

A: I did not have any responsibility when he was manager of functional fluids.

Q: Did he stop being manager of functional fluids on January 1, '72?

A: Yes.

Q: Okay. Do you have any idea what job he assumed at that point?

A: No, I don't remember.

Q: Did the functional products group cease to exist on January 1, 1972?

A: No. I think this probably became the group headed by Howard Bergen, which reported to me.

Q: So, in essence, Howard Bergen took over John Mason's job?

A: No, I don't think so. Because he was still the product manager. There were some --

MR. MAYER: I think you've answered the question, sir.

MS. WELCH: This really reflects organizational changes that took place during this period?

A: All I can say is that the functional fluids job that Mason had is different from the one that I took over in '72.

Q: Was he responsible for some of the same products that you were responsible for in '72?

A: Well, those Aroclors or PCBs, yes.

Q: Have you ever heard of Texas

Eastern Transmission Company?

A: No, I haven't.

Q: Have you ever heard of Transwestern Pipeline Company?

A: No, I never have.

Q: I'd like to have this marked as Exhibit 273.

(Plaintiff's Deposition Exhibit Number 273 mark'd for identification).

MS. WELCH: Exhibit 273 is marked as Tran 003997, and it's from Howard Bergen to R.C.E. Sprague, and cc's to a number of people, including Mr. Corey. Okay?

A: Okay.

Q: Is this Mr. Cunningham's handwriting up at the top, do you know?

A: I don't know. I do not know for sure.

Q: Do you know who Marge is?

A: I think it's his -- well, it's somebody's secretary, but I don't know who.

Q: Do you know who Mr. Sprague is?

A: He was in a group of people that handled orders.

Q: Do you know where Mr. Sprague is

now?

A: No, I do not.

Q: When did you last see him?

A: 1980.

Q: And was he still working for Monsanto at that time?

A: Yes.

Q: By the way, you retired from Monsanto in 1980?

A: Yes.

Q: Do you know if orders for PCB-containing products were acknowledged in writing before December 10, 1971?

A: No, I do not.

Q: Please mark this as Exhibit 274.

(Plaintiff's Deposition Exhibit Number 274 mark'd for identification).

MS. WELCH: Exhibit 274 is identified Tran 085933. It is a letter from Howard Bergen, and this is the letter that was -- or document that was produced this morning by counsel for Monsanto in response to our request for the letter that is referenced in the December 10, 1971 memo that is Exhibit 273. Okay. Have you ever

seen this letter before?

A: I don't recall it.

Q: Do you have any idea which customers this letter went out to?

A: No, I don't.

Q: Do you know whether customers of Monsanto were told prior to this letter, which I assume because it would be an attachment to the December 10, 1971, came out in December 1971, that they should take care to prevent the entry of PCBs into the environment?

A: I do not know.

Q: So I take it that you have no idea whether Texas Eastern Transmission Company or Transwestern Pipeline Company received this letter?

A: I have no idea.

Q: This is Exhibit 275.

(Plaintiff's Deposition Exhibit Number 275 mark'd for identification).

MS. WELCH: Exhibit 275 is a document from Mr. Corey to C.P. Cunningham, dated December 27, 1971, Bates stamp Tran 085934, with cc's to a number of people.

Please take a minute to review this document.

(Discussion off the record).

MS. WELCH: I know that you've had plenty of time to review this document now, Mr. Corey.

A: Yes. I didn't see the second page of this.

Q: Take a minute to look at that.

(Discussion off the record).

MS. WELCH: Okay?

A: Okay.

Q: Do you recall authoring this document?

A: No, I don't.

Q: Do you have any doubt that you authored the document?

A: I have no doubt.

Q: Is J.F. the initials of your secretary at the time? The second page.

A: I don't remember.

Q: Is this a document that you would have prepared in the normal course of business?

A: I personally? I think this is a

summary --

MR. MAYER: That's not the question, sir. The question is, is this a document you would have prepared in the normal course of business?

A: Yes.

MS. WELCH: Okay. Again, I'd like to ask you about the dates. You testified earlier that you assumed your position as head of specialty chemicals on January 1, 1972, and this predates this by a few days. Can you please explain to me why you were writing a document about this PCB/PCT implementation program before you assumed your responsibilities for PCBs?

A: This contains nothing that has not already been formed. I would have to say that this is a result of several people putting a corporate policy together.

Q: Okay.

A: Which I probably asked for.

Q: Okay. I still don't know that you've answered my question about why, before you assumed direct responsibility for PCBs, you were preparing a document

that had to do with PCBs?

MR. MAYER: Do you understand the question, sir?

A: Are you saying you don't know why I did it on December 27th instead of January 1st?

MS. WELCH: I guess my question is, were you participating in PCB related activities prior to your assumption of the position on January 1st?

A: Oh. I don't know. I don't know why that date is there.

Q: Okay. Turning to the page that's stamped Tran 085938, which begins with "Effective January 15, 1972." Please read the first paragraph.

A: The hold harmless?

Q: Yes. Do you recall the hold harmless agreements?

A: Yes.

Q: Do you know why Monsanto decided to require or seek customers to sign the hold harmless agreements during this time period?

MR. MAYER: If I may, counsel, let

me interpose an objection that the question is taking the document out of context. Subparagraph A that you've asked the witness to prefer to is part of Section Roman Numeral 2, which refers to sale and delivery of PCBs as dielectrics fluids. So I think the question should properly be confined to that analysis.

MS. WELCH: I'm not confining the question to that analysis.

MR. MAYER: In that case, I'll object to the question as mischaracterizing the document.

MS. WELCH: Do you remember the question?

A: Please review it again.

(The requested portion of the record read by the reporter).

MR. MAYER: I'll object to the question as mischaracterizing the document, lacking foundation and assuming facts not in evidence. You understand, sir, that her question is not confined to dielectric fluids?

A: You're both over my head now.

MS. WELCH: Let me rephrase the question. We'll restrict it to dielectrics, we'll start there. Do you know why Monsanto decided to require hold harmless agreements from dielectric customers in January 1972?

A: Well, because -- I would have to say that I think the reason for it is that they are manufacturing a product which they would prefer to discontinue, the customer insisted that we continue to supply, because there were no suitable substitutes, therefore, we would have to ask the customer to assume the risk of any possible problems as a result of our manufacturing for them.

Q: Do you know if, in the event a customer signed a hold harmless agreement, Monsanto continued to sell PCB-containing products to that customer?

MR. MAYER: Objection, over-broad. Are we going to all PCB products, counsel, or just the dielectrics?

MS. WELCH: Start with

dielectrics.

A: Start the question again.

(The requested portion of the record read by the reporter).

A: I think the answer is yes.

Q: Looking under sub-part C, "The determination of the customer's satisfactory financial responsibility." Your name is listed there along with Mr. Putzell's name. Who is Mr. Putzell?

A: He was chief counsel for Monsanto.

Q: Okay. How about J.J. Kerley?

A: He was also -- I can't answer, I don't know. I don't remember.

Q: Did you, in fact, make any review or determination of the customer's satisfactory financial responsibility during this time period?

MR. MAYER: Again, counsel, are we talking about the dielectrics as referenced in this portion of the document?

MS. WELCH: We're talking about dielectrics.

A: I don't remember.

Q: Do you have a recollection of --

putting the document aside, do you have a recollection of whether hold harmless agreements were required of customers other than dielectric customers?

MR. MAYER: Objection, over-broad as to time.

A: I don't know.

MS. WELCH: Okay. Do you recall a hold harmless agreement being required of Texas Eastern Transmission Company?

A: No.

Q: I'll introduce this as Exhibit 276.

(Plaintiff's Deposition Exhibit Number 276 mark'd for identification).

MS. WELCH: Exhibit 276 is a January 7, 1972 letter from Larry Bradford to Ted Harrison of Texas Eastern Transmission Corporation, and in handwritten marginalia appears, amongst other names, Mr. Corey's name. It's Bates stamp number Tran 002452. Do you recall seeing this letter before, Mr. Corey?

A: No, I do not.

Q: Do you know who Larry Bradford is?

A: I do not.
Q: How about Mr. Gossage?
A: Yes.
Q: Who is Mr. Gossage?
A: Sales manager for hydraulic fluids for PCBs.
Q: And did he have a reporting relationship to you?
A: No. He reported to Bergen.
Q: Who then reported to you?
A: Yes.
Q: Was Mr. Gossage, to your knowledge, also sales manager for industrial fluids?
A: Yes.
Q: Do you understand the difference between industrial fluids and hydraulic fluids?
A: Yes, I do.
Q: Can you explain that difference to me?
A: Well, the difference between the two chemically?
Q: Applications.
A: Applications.

Q: Application-wise.

MR. MAYER: If you know.

A: I don't know. I really don't know.

MS. WELCH: Okay. What were you referring to earlier when you said that you did know the difference?

A: Well, which Aroclor were you talking about?

Q: Well, I know that it's composed of a variety of Aroclors, but I'm speaking in terms of broad product groups, and I suppose that that would refer to applications.

A: Let's start from the beginning, please.

(The requested portion of the record read by the reporter).

A: It's a different degree of chlorination of biphenyls, which results in different functional characteristics.

Q: Does that mean that industrial fluids are more or less chlorinated than hydraulic fluids?

A: I can't answer that question.

There would be a difference, but I cannot answer.

Q: Referring to this letter, first of all, do you recognize this handwriting up on the left?

A: No.

Q: Do you know whether there were instances when Monsanto went to customers to discuss the hold harmless agreement that Monsanto brought lawyers with them?

A: I can only speak for Westinghouse, I'm sure that there was a lawyer present there. I do not know any more.

Q: Do you know what the purpose of bringing the lawyer to these visits was?

A: I would only have to speculate. No, I don't.

MR. MAYER: We don't want you to do that, sir.

MS. WELCH: If you have your best recollection or your best estimation, I'd like that, but no speculation.

MR. MAYER: Again, sir, if you truly would be guessing --

A: Yes, I really don't know how to

answer the question.

MS. WELCH: Okay. Exhibit 277.

(Plaintiff's Deposition Exhibit Number 277 mark'd for identification).

MS. WELCH: This is a memo from Mr. Corey to file. cc, a list of people. Dated January 3, 1972. Bates stamp number Tran 069187.

A: Okay.

Q: Do you recall authoring this document?

A: Yes.

Q: Do you recall making this visit?

A: No, I do not.

Q: Do you recall why, of all the various customers that Monsanto had, you chose to visit Westinghouse?

MR. MAYER: Objection, the question assumes he chose to do it as opposed to being asked to do it or directed to do it, so it assumes facts not in evidence.

A: I would say that this -- anyone else that used a PCB for the same purpose that Westinghouse did would probably get

the same kind of a request from Monsanto.

Q: And what's the request that you're referring to?

A: Hold harmless letter.

Q: Okay.

A: The context of this memo.

Q: Did you visit other customers besides Westinghouse, you personally?

A: I have no recollection of visiting any others.

Q: Do you know why executives or a management personnel from the company went to visit Westinghouse as opposed to sales people?

MR. MAYER: Objection, calls for speculation.

A: No, I do not.

MS. WELCH: Did you have any contact before this time with Westinghouse?

A: Not on this subject, no.

Q: I'd like to introduce Exhibit 278.

(Plaintiff's Deposition Exhibit Number 278 mark'd for identification).

MS. WELCH: This is dated January

25, 1972 from C.L. Bradford to a list of personnel, with cc's to a list of personnel, including Mr. Corey. Bates stamp number Tran 004298. And it's entitled "Pydraul transition program." Okay?

A: Okay.

Q: Mr. Corey, do you recall seeing this document before?

A: No, I do not.

Q: Do you recall hearing about a Pydraul transition program?

A: Yes.

Q: And what do you recall hearing about the Pydraul transition program?

A: I guess to find a suitable alternate. I don't know how to answer your question any other way.

Q: What do you mean by suitable alternate?

A: Well, that functionally would be equivalent to satisfy the need.

Q: Would that be a non-PCB-containing fluid?

A: It could be.

Q: Do you recall any contact that you had with any of these -- any gentlemen about the Pydraul transition program?

A: No. I have no recollection whatsoever.

Q: Did you hear anything about the presentation of an alternate fluid to G.E. and Texas Eastern?

A: No.

Q: I'd like to have this marked as Exhibit 279.

(Plaintiff's Deposition Exhibit Number 279 mark'd for identification).

MS. WELCH: Exhibit 279 is from Bill Papageorge to Howard Bergen, cc'd to a number of people including Mr. Corey. Bates stamp number Tran 023759. Okay.

MR. MAYER: Are you ready, sir?

A: Yes.

MS. WELCH: Have you ever seen this document before?

A: I don't recall it.

Q: As part of your functions in the job that you began on January 1, 1972, were you involved with the labeling of PCB

products at all?

A: Not directly, no.

Q: Were you involved indirectly?

A: No.

Q: Were you involved at all?

A: No.

Q: Do you know whether the statement, which there is an indentation around, was used prior to February 8, 1972 by Monsanto?

A: No, I do not.

Q: Have you ever seen labels that have been put on any products containing PCBs?

A: No.

MR. MAYER: Does that mean, sir, you don't recall or no, you didn't see any?

A: I never saw them.

MS. WELCH: Introduce this as Exhibit 280.

(Plaintiff's Deposition Exhibit Number 280 mark'd for identification).

MS. WELCH: This is Bates stamp number Tran 069787. It's from P.G. Benignus to Mr. Papageorge, with cc's to a number of people, including Mr. Corey. Let

me ask you a question before you answer. Do you know anything about an L.A. Grand Jury investigation of PCBs?

A: No, I do not.

Q: Have you ever seen this document before?

A: No.

Q: You told me that you assumed the position as head of specialty chemicals --

MR. MAYER: Group manager.

MS. WELCH: Manager of specialty chemicals on January 1, 1972?

A: Right.

Q: How long did you remain in that position?

A: Until 1975.

Q: Okay. And was your direct report always Howard Bergen?

A: He directly reported to me.

Q: That's what I mean.

A: Yes.

Q: Did it ever change during that time period?

A: Not until he left.

Q: When did he leave?

A: I don't remember.

Q: And what happened on January 1, 1975?

A: I can't tell you on January 1st, but in 1975 I became director of administration for the Monsanto industrial chemicals company.

Q: And what were your job responsibilities in that position?

A: All staff positions reported to me.

Q: And what did all staff positions include?

A: Well, starting with the legal department, the order department, plant operations.

Q: Did you have any direct contact with the PCB termination program at that point, in that position?

A: No.

Q: Did you remain in that position until you retired?

A: No. In 1977, mid 1977 I moved over to the corporate headquarters.

Q: And what did you do there?

A: And I was assigned primarily to legislation, contacts with EPA, FDA. And, also, I became the coordinator for the Toxic Substances Control Act, once it was passed into law. And I taught the contents of that law to all of the organizations of the corporation.

Q: And did you stay in that position until you retired?

A: Yes.

Q: In your position when you were assigned to legislation, and particularly with your contacts with the EPA and FDA, did you have any discussions during that time period about PCBs?

A: No.

Q: What chemicals did you have discussions about with these people?

A: You mean on the legislation, now?

Q: Yes.

A: Well, I discussed with everybody concerned on the impact it will have on their operations when the TOSCA law came into effect. That included everything, including plants, I went to plants, gave

them a rundown of everything that went into the law. And then it was my responsibility to see that we made the necessary reports back to the EPA on requirements -- on corporate requirements that were required by the act.

Q: Now, that was for internal Monsanto operations?

A: Yes.

Q: Are you familiar with an EPA regulation which labeled a gas compressor system a semi-closed system?

A: No.

MR. MAYER: Objection, over-broad as to time.

MS. WELCH: Are you familiar with EPA regulations which classified various systems as closed, open or semi-closed?

A: No.

MS. WELCH: Let's take a five minute break and I'll see if I have any further questions.

(Recess).

MS. WELCH: I have no further questions.

EXAMINATION

QUESTIONS BY **MR. MAYER:**

Q: Mr. Corey, let me clear up a couple of things with you real quick. At the time that you assumed the position of group director of the specialty products division on January 1, 1972, was it your understanding that Monsanto's corporate policy with respect to the PCB fluid program had already been established?

A: That's correct.

Q: At the time you assumed that position on January 1, 1972, were you looking to Howard Bergen and his people in the functional fluids group to handle the implementation of Monsanto's corporate policy concerning PCBs?

A: Yes, I did.

Q: Was it Mr. Bergen's practice during that time to report to you on a regular basis with respect to his progress in the implementation of that program?

A: Yes.

Q: Did you ever feel a need to directly involve yourself other than as

you've testified here to today with any aspect of the functional fluid group's work in the implementation of Monsanto's program?

A: No.

Q: On those occasions that you would feel a need to involve yourself, would you have those discussions with Mr. Bergen?

A: Yes.

Q: Do you recall any specific instance presently where you felt a need to directly involve yourself in the implementation of the Monsanto PCB program other than as you've testified here today?

A: No.

EXAMINATION

QUESTIONS BY **MS. WELCH:**

Q: I have one question for redirect. What, to your understanding, are you referring to when you talk about the Monsanto PCB program?

A: The corporate program of should we continue to produce products, shall we look for substitutes, shall we continue to manufacture all grades.

Q: Was it your understanding as of January 1, 1972 that Monsanto had determined to stop production of PCB products?

A: Say that again.

MR. MAYER: Objection, over-broad, lacks foundation, mischaracterizes prior testimony.

MS. WELCH: Please repeat that.

(The requested portion of the record read by the reporter).

MR. MAYER: Same objection.

A: Read that again.

(The requested portion of the record read by the reporter).

MR. MAYER: By that you're referring to all PCB products?

A: That's the reason I asked the question, because that's all inclusive.

MS. WELCH: That's right.

A: And I don't necessarily think that was my understanding.

Q: Okay. What was your understanding?

A: I think my understanding was that

we were going to continue to sell Aroclors for transformers and capacitors.

Q: And discontinue other uses?

A: Yes, generally.

MS. WELCH: I have no further questions.

MR. MAYER: One further question.

A: I would like to add --

MR. MAYER: There is no pending question. One further question on recross. Is it your understanding that the document we've seen marked as Exhibit 275, which is your memorandum dated December 27, 1971, sets forth Monsanto's corporate policy concerning PCBs and PCTs as of that time?

A: Yes, it does.

MR. MAYER: Thank you.

MS. WELCH: I have a clarification. As counsel mentioned before on numerous occasions, that document primarily refers to dielectrics, and I would like --

MR. MAYER: One section of it certainly does. Section Roman Numeral 2.

There are other portions of the document.
All right.

MS. WELCH: I have no further questions.

MR. MAYER: Nothing else.
Thanks.

COMES NOW THE WITNESS, WINTHROP R. COREY, and having read the foregoing transcript of the deposition taken on the 29th day of May, 1992, acknowledges by signature hereto that it is a true and accurate transcript of the testimony given on the date hereinabove mentioned.

Winthrop R. Corey

WINTHROP R. COREY

Subscribed and sworn to me before this 9th day of July, 1992.

My Commission expires:

JOSEPHINE S. NIBLOCK
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP. JAN. 15,1995

Josephine S. Niblock

Notary Public

rg

State of Missouri

SS.

City of St. Louis

I, Ronald A. Gore, a Notary Public in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the Superior Court for the State of California for the County of Los Angeles, to be used in the trial of said cause in said court, I was attended at the offices of Bryan Cave, One Metropolitan Square, in the City of St. Louis, State of Missouri, by the aforesaid witness; and by the aforesaid attorneys; on the 29th day of May, 1992.

The said witness, being of sound mind and being by me first carefully examined and duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony

being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing pages correctly set forth the testimony of the aforementioned witness, together with the questions propounded by counsel and remarks and objections of counsel thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness; that signature of the deponent was not waived by agreement of counsel.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

Witness my hand and notarial seal at St. Louis, Missouri, this 2 day of July, 1992.

My Commission expires May 22, 1994.

Ronald A. Gore

Notary Public in and for the State of Missouri