

COPY

SUPERIOR COURT
FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

TRANSWESTERN PIPELINE COMPANY)

PLAINTIFF,)

vs.)

NO. BC026959)

MONSANTO COMPANY and)

DOES 1 through 200 inclusive)

DEFENDANTS.)

DEPOSITION OF DONALD A. OLSON
April 29, 1992

G O R E R E P O R T I N G C O M P A N Y
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DEFENDANTS.)

Deposition of DONALD A. OLSON, taken
on behalf of the Plaintiff at the offices
of Bryan, Cave, McPheeters & McRoberts,
One Metropolitan Center, in the City of
St. Louis, State of Missouri, on the 29th
day of April, 1992 before Vickie L.
Huelsman, Registered Professional Reporter
and Notary Public.

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APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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PAGE LINE

Examination by MR. TALLON 6 10

EXHIBITS

PAGE LINE

Olson Depo Exhibit 133 39 7

(5-page document, Production
No. 0001360 to 0001364)

Olson Depo Exhibit 134 47 15

(Letter to Speicher from Wheeler
dated 3-4-69, TRAN 059323)

Olson Depo Exhibit 135 49 1

(Letter to Wheeler from W.R. Richard
3-6-69, B0003391 to 0003393)

Olson Depo Exhibit 136 62 14

(Letter to W.R. Richard from R.H.
Munch 11-6-69, TRAN 021689 to 0021690)

1	Olson Depo Exhibit 137	65	17
2	(Letter to Olson from Benignus		
3	6-11-70, TRAN 008623)		
4			
5	Olson Depo Exhibit 138	68	18
6	(Memo to H.S. Bergen from W.B.		
7	Papageorge 7-17-70 TRAN 037172		
8	to 037174)		
9			
10	Olson Depo Exhibit 139	77	20
11	(Form letter 6-11-70 from Olson		
12	TRAN 008417)		
13			
14	Olson Depo Exhibit 140	82	8
15	(Pollution letter 2-16-70 from N.T.		
16	Johnson, TRAN 085833 to 085850)		
17			
18	Olson Depo Exhibit 141	94	9
19	(Memo re St. Louis meeting with		
20	G.E. Jan, 1970, TRAN 023509 to		
21	023518)		
22			
23	Olson Depo Exhibit 142	98	3
24	(2-page document, TRAN 003826 to		
25	003827)		

DONALD A. OLSON

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 MR. TALLON:

Q. State your name and address for the record, please.

A. Donald A. Olson, Number 3 Old, O-l-d, Colony, C-o-l-o-n-y, St. Louis, Missouri 63131.

Q. Are you employed, Mr. Olson?

A. Yes, I am.

Q. By whom are you employed?

A. Company called Benchcraft, Inc.

Q. And how long have you been with Benchcraft, Inc?

A. Three and a half years.

Q. What is the business of Benchcraft, Inc?

1 A. It's a material storage
2 distribution business.

3 Q. And what is your position there?

4 A. I'm chairman.

5 Q. Before beginning employment with
6 Benchcraft, Inc., were you employed?

7 A. Yes. Yes.

8 Q. By whom were you employed?

9 A. The previous one to that?

10 Q. Yes.

11 A. General Med Ventures.

12 Q. And what was your position with
13 General Med Ventures?

14 A. President.

15 Q. And what was the business of that
16 company?

17 A. It was group of four medically
18 related businesses. They made film
19 processors, distributed X-ray equipment.

20 Q. And how long were you at General
21 Med Ventures?

22 A. From December, '85 to April, '88.

23 Q. And is it correct to say that
24 you've been with Benchcraft since the
25 beginning of '89?

1 A. Since October 1, 1988.

2 Q. To present?

3 A. Yes.

4 Q. And before you were employed by

5 General Med Ventures, were you employed?

6 A. Yes.

7 Q. By whom?

8 A. Monsanto.

9 Q. And what was your last position

10 at Monsanto?

11 A. Business director of fine

12 chemicals and water treatment.

13 Q. Did you retire from that

14 position?

15 A. Yes. For a weekend -- yes.

16 Officially I did. Yes.

17 Q. I'm not sure I quite follow.

18 A. Well, I was not retired, but from

19 Monsanto's standpoint, yes, I retired.

20 Q. Did you reach your age of

21 retirement or did you --

22 A. I was eligible for one of the

23 earlier retirement incentive programs.

24 Q. And when did you leave Monsanto?

25 A. It was the end of November of

1 1985.

2 Q. You have a bachelor's degree in
3 chemical engineering from the University
4 of Michigan?

5 A. That's correct.

6 Q. And you received that in 1956?

7 A. Yes.

8 Q. And you have a master's of
9 Business Administration from the Harvard
10 Business School?

11 A. Yes.

12 Q. Which you received in 1960?

13 A. That's correct.

14 Q. You began work at Monsanto in
15 1960?

16 A. Immediately upon graduation from
17 the Harvard Business School.

18 Q. When you started at Monsanto, you
19 were a chemical engineer at the John F.
20 Queeny Plant?

21 A. That is correct.

22 Q. And that was for approximately
23 two years?

24 A. Yes, sir.

25 Q. Following which you were a

1 commercial development manager in the
2 ^{food}
~~fluid~~ ingredients and fine chemical area
3 for about two years?

4 A. Yes.

5 Q. And following that, you were a
6 product supervisor for ^{food}
~~fluid~~ ingredients
7 and fine chemical marketing area for about
8 two years?

9 A. Yes, sir.

10 Q. And following that, you were a
11 regional manager in New York for ^{food}
~~fluid~~
12 ingredients and fine chemical sales?

13 A. Yes.

14 Q. And that was about two years?

15 A. Yes, sir.

16 Q. In 1968 I believe you became
17 product manager marketing for ^{food}
~~fluid~~
18 ingredients and fine chemicals in
19 St. Louis?

20 A. Yes, sir.

21 Q. Then you held that position for
22 about six months?

23 A. Approximately.

24 Q. After which you became the
25 director of marketing for the functional

1 fluids group?

2 A. Yes, sir.

3 Q. And you held that position for
4 two years?

5 A. Essentially, yes. I'm a little
6 unclear as to the exact months of each.

7 Q. Well, that's -- perhaps I can jog
8 your recollection. Do you remember what
9 months you became director, what month and
10 year you became director of marketing for
11 the functional fluids group?

12 A. It would have been May, June of
13 1968.

14 Q. And do you remember when you gave
15 up that position?

16 A. It was -- I think it was around
17 September of 1970.

18 Q. Whom did you replace?

19 A. In which position, sir?

20 Q. The director of marketing for
21 functional fluids.

22 A. I don't recall.

23 Q. Do you know who your successor
24 was?

25 A. Yes.

1 Q. Who?

2 A. Tom Gossage.

3 Q. During the period from when you
4 began as director of marketing for the
5 functional fluids group through the time
6 that you ended, could you please tell me
7 what your responsibilities were?

8 A. I had responsibility for the
9 sales and marketing effort of the four
10 different product groups that were
11 involved. Therefore, I had all the field
12 organization who reported to me, and they
13 had -- obviously had the customer
14 responsibility.

15 And then I also had the product
16 function people reporting to me. It
17 involved the elements of marketing, the
18 pricing, selling to customers, customer
19 insuring proper service, advertising,
20 marketing plans, and liaison with the
21 other business functions that were part of
22 running the total functional fluids
23 business.

24 Q. While you were the director of
25 marketing for functional fluids, to whom

1 did you report, if it was one person?

2 A. Howard Bergen.

3 Q. Okay. And what was Mr. Bergen's

4 title at that time?

5 A. Business director.

6 Q. Of what?

7 A. Functional fluids.

8 Q. And he was the person to whom you

9 reported throughout your tenure as

10 director of marketing?

11 A. Yes.

12 Q. Now you mentioned the field

13 organization. Are you referring to

14 salesmen?

15 A. Salesmen, uh-huh.

16 Q. And did they report to you?

17 A. The field sales manager did.

18 Q. Was the sales manager in charge

19 of a number of salesmen in any given

20 region?

21 A. He had all salesmen initially. I

22 had to -- there were two organizations.

23 There's one because I changed it, and I

24 don't recall exactly when.

25 Q. Yes.

1 A. But initially we had an overall
2 fluids organization with one field group.

3 Q. Yes.

4 A. At some point in time, I went to
5 four different marketing groups and each
6 had its own salesman.

7 Q. What was the reason for the
8 change from one group to four different
9 groups?

10 A. Thought we could do a better job
11 by focusing on the end market because each
12 end market was somewhat different, and
13 would have salespeople who were more
14 authorities than the individual sales in
15 handling all of them.

16 Q. What were the four groups into
17 which you divided the sales function?

18 A. The industrial fluids, which were
19 the Pydrauls, heat transfer, basically
20 Therminol, the dielectrics, which were the
21 electrical applications, and Skydrol,
22 which was the aircraft fire resistant
23 hydraulic fluid.

24 Q. And to what use was the Therminol
25 put or Therminol line of products put?

1 A. They were heat transfer medium
2 for if you wanted to heat up a vessel, you
3 used these products as the heat medium.

4 Q. And in general, to what use was
5 the Pydraul family of products put?

6 A. They were primarily industrial
7 lubricants.

8 Q. Was there a sales manager for
9 each of those four product areas after you
10 made that change?

11 A. After -- there was a person in
12 charge of each, and he had the -- he had
13 the sales and the product responsibility.

14 Q. What's the difference between
15 sales and product responsibility?

16 A. One is an individual customer
17 responsibility. The other is a concern
18 for the product aspects, the pricing and
19 the elements of the products. So, yes,
20 there would be one person who had the
21 responsibility for each of the four areas.

22 Q. And who was responsible for the
23 industrial product group?

24 A. Norm Johnson.

25 Q. Throughout the period?

1 A. No, sir. This is the latter
2 part.

3 Q. Okay. Are you distinguishing
4 between the period when you instituted the
5 four group system and before?

6 A. I thought that's what your
7 question went.

8 Q. When you first began as director
9 of marketing in the functional fluids
10 group, who was responsible for that
11 industrial products segment, if anyone
12 was?

13 A. I believe Dick Davis, and he had
14 Don Raush working with him.

15 Q. Would you spell the latter
16 gentleman's name, please?

17 A. R-a-u-s-h, I think.

18 Q. And his first name?

19 A. Don.

20 Q. Don. Is Mr. Davis currently
21 employed by Monsanto? Do you know?

22 A. I don't know.

23 Q. What about Mr. Raush?

24 A. I don't know.

25 Q. And you don't remember, I take

1 it, exactly when you made a change in the
2 organizational structure to split the
3 marketing effort into the four product
4 specific groups; is that right?

5 A. That is correct.

6 Q. Are you able to estimate
7 approximately how long you were on the job
8 as director of marketing for functional
9 fluids before you made that change?

10 A. No.

11 Q. Okay.

12 A. Logic would say it was not
13 something I did immediately.

14 Q. Okay.

15 A. It was something I decided to do
16 after I seen the organization after some
17 period of time.

18 Q. After you made the organizational
19 structure change, was Mr. Norman Johnson
20 in charge of the industrial fluids group?

21 A. Yes.

22 Q. And what was his title, if you
23 remember?

24 A. I don't recall what names we gave
25 him.

1 Q. Did he have a functional
2 description such as sales manager or
3 product manager?

4 A. Yes. But those would be typical
5 ones, but I don't recall what it was
6 exactly.

7 Q. That's fine. I'm just looking
8 for something to refer to.

9 A. Yes. Perhaps marketing manager
10 would make more sense.

11 Q. And Mr. Johnson reported directly
12 to you?

13 A. Yes.

14 Q. Did he report to anyone else that
15 you remember today?

16 A. I'm sorry?

17 Q. Did Mr. Johnson have reporting
18 responsibilities to anyone else during the
19 period that you were director of marketing
20 for functional fluids?

21 A. No.

22 Q. And who is the gentleman in
23 charge of the heat transfer group, the
24 marketing manager for the heat transfer
25 group, if you recall?

1 A. Before or after?

2 Q. After.

3 A. Jack Fallon.

4 Q. And who was responsible for the
5 dielectric group?

6 A. Paul Benignus.

7 Q. And who was responsible for the
8 Skydrol group?

9 A. Frank Langenfeld.

10 Q. Was it part of your job,
11 Mr. Olson, to gain some understanding of
12 the applications in which your products
13 were used while you were director of
14 marketing?

15 A. Yes.

16 Q. And why was that? Why did you do
17 that?

18 A. You have to have an understanding
19 of the product, its composition and its
20 uses in order to -- at least a general
21 understanding in order to decide how to
22 market it properly and how to sell it
23 properly, how to price it properly.

24 Q. Are you familiar with a product
25 sold by Monsanto under the name Turbinol

1 153?

2 A. Yes, sir.

3 Q. And do you know into which of the
4 four product groups you have just
5 described Turbinol 153 fit?

6 A. I believe it was in with the
7 Pydrauls and the industrial group.

8 Q. Before Mr. Johnson became
9 marketing manager for that group, do you
10 know -- strike that. Was Mr. Johnson, to
11 your knowledge, responsible for the sale
12 of Turbinol 153?

13 A. He would have had responsibility
14 for the sale of all products as field
15 sales manager.

16 Q. And that would include Turbinol
17 153?

18 A. Yes.

19 Q. Would part of his function also
20 involve follow-up with the purchasers of
21 products within his group?

22 A. Yes.

23 Q. Where was Mr. Johnson based
24 during the period that you were director
25 of marketing?

1 A. St. Louis.

2 Q. What physical location was your
3 office in while you were director of
4 marketing?

5 A. B Building, is that what you
6 meant?

7 Q. Yes. I'm sorry. That's exactly
8 what I meant. Here in St. Louis?

9 A. Yes, sir.

10 Q. And where physically was
11 Mr. Johnson's office?

12 A. The same building.

13 Q. Was it near you or --

14 A. Pardon me, go ahead.

15 Q. Was it near you or distant from
16 you?

17 A. It was the same floor, just down
18 the wing a little bit.

19 Q. Earlier I had asked you to
20 describe the things that you're
21 responsible to do while you were director
22 of marketing, and among the things you
23 identified was insuring proper service to
24 a customer. Could you describe what you
25 mean when you use the term "insuring

1 proper service to a customer"?

2 A. Want to be sure that you have
3 timely deliveries. Now, these weren't
4 physically functions that we did as a
5 marketing department but clearly one way
6 you evaluated by a customer is whether
7 your product is delivered on time and in
8 the proper containers.

9 Those are customer service
10 elements. Insuring that they have -- that
11 they have the proper technical literature,
12 insuring if they have a -- if they have a
13 problem in the application that that is
14 something, you know, that is quickly
15 addressed and answered properly. Those
16 are all customer service functions.

17 Q. You also mentioned that one of
18 your responsibilities was -- I don't know
19 if you used the word "oversee" but I would
20 use it -- to oversee advertising for
21 products falling within your group; is
22 that correct?

23 A. Advertising in the broad sense,
24 advertising literature, whatever kind of
25 image you want to have.

1 Q. What are you including when you
2 use the term "advertising"?

3 A. To the degree that we -- and I
4 don't recall the specifics, but if we had
5 print media, in trade journals, you
6 would -- that would be a responsibility,
7 not to generate them but to decide what
8 they will be and what the journals will
9 be. If you were to have a booth at an
10 industry show, I would classify that in
11 the same category, and then product
12 literature.

13 Q. Do you recollect ever having seen
14 a print media advertisement for Turbinol
15 153?

16 A. I don't recall.

17 Q. Do you recall whether Turbinol
18 153 was ever advertised in a booth at a
19 trade show?

20 A. I don't recall.

21 Q. You also mentioned, I believe,
22 that one of your responsibilities was to
23 pay attention to marketing plans; is that
24 correct?

25 A. More ^{than} to pay attention to develop

1 them.

2 Q. Okay.

3 A. Develop the marketing plan, and
4 then to insure that we were making
5 progress against the yard marks that are
6 in there, and to adapt it as necessary.

7 Q. Do you recollect ever having seen
8 a marketing plan which included a
9 marketing plan for Turbinol 153?

10 A. Not specifically. May I talk a
11 little in general?

12 Q. Yes. Of course.

13 A. We did a marketing plan -- I did
14 a marketing plan each year. That I don't
15 know in the industrial segment whether
16 that had particular reference to actions
17 for this product or not because this was a
18 relatively small product. So I just don't
19 know whether it did or not.

20 Q. When you say the term "relatively
21 small product," to what are you comparing
22 Turbinol 153?

23 A. Comparing on my image of a
24 volume, volume usage versus some of the
25 much more highly, high volume products

1 such as dielectrics, and I'm also
2 reflecting -- I don't recall putting a lot
3 of emphasis on it myself.

4 Q. Do you recall others putting
5 emphasis on that product?

6 A. I can't respond very well.

7 Q. Meaning you don't remember?

8 A. Yes. I'm trying to find another
9 word for I don't recall.

10 Q. Okay.

11 A. Okay?

12 Q. Do you have any recollection of
13 having conversations with Mr. Johnson
14 about marketing efforts directed to
15 Turbinol 153?

16 A. No, sir, I don't.

17 Q. And I want to focus on the
18 period, of course, when you were director
19 of marketing for functional fluids, during
20 that -- strike that.

21 Do you know to whom the product
22 Turbinol 153 was sold?

23 A. I don't know the range of them. I
24 know that it was sold to Texas Eastern.
25 That's probably the only one that I --

1 that would stand out to me.

2 Q. Do you have a recollection that
3 Turbinol 153 was sold to other companies
4 aside from Texas Eastern Transmission
5 Corporation?

6 A. I couldn't name any. I just --

7 Q. I understand that time has
8 passed. I think the question, though,
9 would be more particularly do you remember
10 if there were other consumers for that
11 product?

12 A. I can't be positive. Well, I
13 can't be positive.

14 Q. During the period that you served
15 as director of marketing for the
16 functional fluids group, do you recollect
17 having had any in-person contact with
18 people that you believed to be
19 representatives of Texas Eastern?

20 A. No.

21 Q. During the period that you served
22 as director of marketing for the
23 functional fluids group, do you have any
24 recollection of having met in person with
25 persons you believed to be representatives

1 of Transwestern Transmission Company?

2 A. No.

3 Q. Excuse me, Transwestern Pipeline
4 Company?

5 A. No again.

6 Q. Okay. During the period that you
7 served as director of marketing, do you
8 have any recollection of having had any
9 telephone communications with persons that
10 you believed to be representatives of
11 Texas Eastern Transmission Corp?

12 A. No, sir.

13 Q. During the period that you served
14 as director of marketing, do you recollect
15 having had any telephone communications
16 with persons you believed to be
17 representatives of Transwestern Pipeline
18 Company?

19 A. No, sir.

20 Q. You had said a moment ago when we
21 were talking about the relative position
22 of Turbinol as a product within the
23 functional fluid groups, do you have any
24 recollection today, Mr. Olson, what volume
25 of sales was represented by Turbinol 153

1 for any year that you were director of
2 marketing expressed either in pounds or in
3 dollars?

4 A. No.

5 Q. Do you know if Turbinol 153 was
6 in fact a fairly low dollar volume product
7 for Monsanto during that period?

8 A. I would suppose, yes.

9 Q. And upon what do you base that
10 answer?

11 A. Relative importance, coming back
12 to that in my own mind.

13 Q. Is it fair to say that a
14 significantly greater volume of sales
15 resulted from sales of the dielectric
16 fluids?

17 A. Yes.

18 Q. And is it fair to say that a
19 significantly greater amount of sales
20 resulted from sales of the Pydraul line of
21 products?

22 A. Yes.

23 Q. Was Turbinol 153 sort of a niche
24 product, if you will?

25 A. That's my image of it. Yes, sir.

1 Q. Do you know, by the way, if there
2 was competition from other manufacturers
3 of fluids for Turbinol 153?

4 A. I don't recall.

5 Q. Do you know if there was any
6 other product manufactured by Monsanto at
7 the time that you were director of
8 marketing for functional fluids that was a
9 substitute for Turbinol 153?

10 A. I don't recall.

11 Q. Can you describe for me what you
12 believe to be or what you recollect to be
13 the application or use of the product
14 known as Turbinol 153?

15 A. Not as well as an awful lot of
16 other people will or have or whatever you
17 talked to I would imagine. It was a
18 lubricant for turbine compressors which
19 was fire resistant. Please don't ask me a
20 follow-up, please.

21 Q. At the time you became director
22 of marketing for functional fluids or at
23 any point thereafter, were you told any
24 information about the history of Turbinol
25 153?

1 A. I don't recall.

2 Q. Were you given any information
3 during the period that you served as
4 director of marketing for functional
5 fluids as to how it was that Monsanto
6 began selling Turbinol 153 to Texas
7 Eastern?

8 A. I don't recall.

9 Q. Do you have any knowledge or
10 information about the circumstances under
11 which Monsanto began the sale of the
12 product known as Turbinol 153 to Texas
13 Eastern Corp?

14 A. No, sir.

15 Q. Would your answer be the same if
16 I asked you about any predecessor products
17 which were ultimately replaced by Turbinol
18 153?

19 A. Yes, sir.

20 Q. Was part of your responsibility
21 as director of marketing for functional
22 fluids to visit with clients?

23 A. By "clients," you mean customers?

24 Q. Yes.

25 A. Different frame of reference.

1 I'm sorry. Yes. Yes.

2 Q. Okay. Was it part of the effort
3 in meeting with customers to insure that
4 customers were pleased with Monsanto and
5 to encourage them to continue to buy more
6 product from Monsanto?

7 A. Yes.

8 Q. Was General Electric a customer
9 of the functional fluids group while you
10 were the director of marketing?

11 A. Yes.

12 Q. And do you have any ability today
13 to estimate what percentage of the product
14 of that group G.E. purchased?

15 A. No, I don't.

16 Q. Was it a significant portion of
17 the product produced by the functional
18 fluids group that G.E. purchased?

19 A. They were an important customer.

20 Q. Did G.E. buy product from the
21 dielectric fluids division or dielectric
22 fluids aspects of the functional fluids
23 group?

24 A. Yes.

25 Q. Did G.E. purchase product from

1 any of the other three product areas that
2 you have described this morning?

3 A. I don't recall.

4 Q. Was Westinghouse also a purchaser
5 of functional fluids from your group while
6 you were director of marketing?

7 A. Yes.

8 Q. And what product or products do
9 you recall that Westinghouse purchased?

10 A. Dielectric.

11 Q. Was Westinghouse also an
12 important customer?

13 A. Yes.

14 Q. Was Texas Eastern an important
15 customer?

16 A. I don't -- it doesn't come to me
17 in the same frame of reference, so I would
18 have to say my estimate would be not to
19 the same degree.

20 Q. Did you ever take representatives
21 of General Electric or Westinghouse out to
22 dinner or to play golf?

23 A. I did not play golf. I know
24 that.

25 Q. Okay.

1 A. I did visit Westinghouse and
2 General Electric facilities and probably
3 once or twice there might have been a meal
4 involved with them, but I don't know for
5 sure.

6 Q. Do you recollect ever having
7 visited a Texas Eastern facility?

8 A. No, sir.

9 Q. Do you recollect having any
10 dinner with any representatives of Texas
11 Eastern?

12 A. No, sir.

13 Q. Is your answer different from I
14 asked the same question with respect to
15 Transwestern Pipeline Company?

16 A. No, sir. My answer is the same.

17 Q. Okay. Do you understand the
18 terminology applied to the use of
19 functional fluids opened system and closed
20 system?

21 MR. ZIMMER: You're asking does
22 he have an understanding?

23 MR. TALLON: Yes. That's what
24 I'm asking.

25 A. In my own laymen's language, I

1 do. Yes.

2 Q. Well, that's the only thing I'm
3 interested in.

4 A. Okay.

5 Q. To be sure that we're on the same
6 page as we proceed this morning, can you
7 tell me what you understand by the use of
8 the term "opened system" as it applies to
9 the use of functional fluids?

10 A. Can I go the other way?

11 Q. Yes. Sure.

12 A. The closed system would be one
13 where the fluid was contained within the
14 piece of equipment, such as a transformer.
15 That is a closed system. I'm not as clear
16 on an opened system.

17 Q. Was Therminol used in a closed
18 system so far as you recollect or was the
19 Therminol line of products used in a
20 closed system?

21 MR. ZIMMER: I'm going to object
22 to the question as overly broad and
23 ambiguous. Are you asking him to talk
24 about every system in which it could have
25 been used?

1 MR. TALLON: I'm asking for his
2 understanding of whether the Therminol
3 line of products was used in a closed
4 system or not.

5 A. Okay. I guess by my definition,
6 yes, they were.

7 Q. And upon what do you base that
8 answer, Mr. Olson?

9 A. Because they were contained
10 within the equipment and just circulated.

11 Q. Am I correct that you said use of
12 a fluid in a transformer would describe a
13 closed system?

14 A. Yes, sir.

15 Q. Is that also the case with a
16 capacitor? Is the use of a fluid inside a
17 capacitor a closed system, as far as you
18 know?

19 A. By my definition, yes.

20 Q. Okay. During the period that you
21 served as marketing manager for the
22 functional fluids group, was the
23 functional fluids group profitable?

24 A. Yes.

25 Q. Did the amount of profit realized

1 by the functional fluids group change at
2 all during the period that you were
3 director of marketing for that group?

4 A. I don't recall.

5 Q. Do you have any recollection as
6 to whether the amount of profit earned by
7 the functional fluids group declined
8 during the period that you were director
9 of marketing?

10 A. I don't know.

11 Q. Do you have any recollection as
12 to whether the organizational system which
13 you put in place resulted in an increase
14 in profits for the functional fluids
15 group?

16 A. I don't know.

17 Q. Was it a goal of the functional
18 fluids group to be a world leader in the
19 Aroclor business while you were director
20 of marketing?

21 A. Yes.

22 Q. Is it your understanding that the
23 product Turbinol 153 was composed in part
24 of polychlorinated biphenyls?

25 A. I know. Yes. Yes.

1 Q. And indeed other functional
2 fluids for which you had marketing
3 responsibility were also composed of
4 polychlorinated biphenyls in part?

5 A. Some were.

6 Q. Okay. The dielectric fluids?

7 A. Yes.

8 Q. And do you know what I mean when
9 I use the term Aroclors?

10 A. Yes.

11 Q. How do you define the term
12 Aroclor?

13 A. It's almost a generic name for
14 the products which were sold as
15 dielectrics but which also were sold as
16 Aroclor, so it's the individual
17 polychlorinated biphenyls.

18 Q. Was Aroclor a name used by
19 Monsanto as a tradename, in essence?

20 A. Yes.

21 Q. Do you know what Aroclors were
22 included within the dielectric fluids sold
23 by Monsanto while you were director of
24 marketing?

25 A. I don't know the whole -- I don't

1 remember the whole range. I know 1254 and
2 1260 were. I don't know how far it went
3 below that or what.

4 Q. What does the designation 1254
5 signify to you when used in conjunction
6 with the tradename Aroclor?

7 A. It's the percentage of total
8 chlorine in the product.

9 Q. By weight?

10 A. I don't remember.

11 Q. Okay. In the case of Aroclor
12 1254, is the product 54 percent chlorine?

13 A. Yes.

14 Q. And in the case of Aroclor 1260,
15 is the product 60 percent chlorine?

16 A. Yes.

17 Q. Do you have any recollection as
18 you sit here today as to what Aroclor
19 was -- a constituent element was of
20 Turbinol 1534?

21 A. I do not.

22 Q. Do you know if it included
23 Aroclor 1252?

24 A. I do not know.

25 Q. I want to show you a document

1 which I'm going to ask the court reporter
2 to mark as Exhibit 133, and it is a
3 five-page document which has a series of
4 production numbers on the bottom which are
5 barely legible but which appear to be
6 0001360 to 1364. And please mark that.

7 (Olson Depo Exhibit No. 133
8 mark'd for identification)

9 MR. TALLON: Off the record.

10 (Discussion off the Record)

11 (Recess)

12 MR. TALLON: Okay. The court
13 reporter has placed before you a five-page
14 exhibit which has now been marked as Olson
15 Exhibit 133, and I ask you if you could
16 take a moment, Mr. Olson, if you have not
17 already done so, and read the first two
18 pages of that exhibit.

19 A. I have.

20 Q. And can you for the record state
21 what that document is, the first two pages
22 of the exhibit?

23 A. It is a letter which was sent by
24 me to our customers of -- our Aroclor
25 customers, our polychlorinated biphenyl

1 customers telling them of the finding of
2 the higher Aroclors in the environment,
3 informing them of that, informing them of
4 initial plans for reformulation and
5 informing them that there were -- that the
6 lower Aroclor products had not been found,
7 were not -- had not been found in the
8 environment and reinforcing with them to
9 take good care of their own effluent
10 disposal.

11 Q. Now, that letter is dated
12 February 9th, 1970. Is that about the
13 time that it was prepared and mailed?

14 A. I'm sure it was mailed then. It
15 was prepared previous to that. I don't
16 know how far -- however long it takes.

17 Q. Was it part of your regular
18 function as director of marketing to send
19 out this type of letter?

20 A. I don't recall doing it before,
21 but letters of a broad substance to
22 customers would be the function of the
23 director of marketing. Yes.

24 Q. Who drafted the language that
25 appears in that exhibit, the letter dated

1 February 9, 1970?

2 A. I don't know.

3 Q. Did you draft any portion of the
4 language which appears there?

5 A. I could well have. I don't know.

6 Q. Do you remember the circumstances
7 under which that letter was prepared?

8 A. I'm sorry? I'm not following
9 you.

10 Q. How was it that this letter came
11 to be prepared?

12 A. I don't remember the sequences
13 that came up to it.

14 Q. Do you have any knowledge as to
15 what caused this letter to be sent to
16 customers?

17 A. Well, my own knowledge would
18 be -- or supposition, I guess, is that it
19 was an effort on our part to inform
20 customers of the status of the products,
21 which was the responsibility that I would
22 be very concerned about at any time of
23 having customers being as aware of
24 products as much as we can.

25 Q. Is your signature on the second

1 page of the February 9, 1970 letter which
2 is part of Exhibit 133?

3 A. Yes, it is.

4 Q. There's no addressee listed on
5 the first page of the letter; is that
6 correct?

7 A. That's correct.

8 Q. Do you have a recollection of
9 having seen copies of this letter with an
10 addressee typed in?

11 A. I don't have a recollection. No.

12 Q. Do you have a recollection to
13 whom this letter dated February 9, 1970
14 was sent?

15 A. I believe the intent was to send
16 it to all industrial fluids customers.
17 I'm encompassing Therminol when I say
18 that. All customers who would have used
19 products which had polychlorinated
20 biphenyls in them.

21 Q. You've described that as the
22 intent. Do you know in fact who the
23 letter was sent?

24 A. Can't name the companies, but
25 whatever mailing list we had, or customer

1 records we had of who these customers were
2 would have been people who would have
3 received them.

4 Q. Do you remember compiling a
5 mailing list for purposes of sending the
6 letter which is before you, February 9,
7 1970?

8 A. I'm sure -- I believe one was
9 compiled. I did not compile it, but I
10 believe one was compiled.

11 Q. Do you know who compiled the
12 list?

13 A. No, sir. I don't remember.

14 Q. Have you seen that list recently?

15 A. No, sir.

16 Q. Do you have a recollection of
17 having received a direction to send the
18 letter containing the information
19 contained in that February 9, 1970 letter?

20 A. I just don't recall the sequence
21 of it.

22 Q. How were you using the term
23 "sequence" in that answer, Mr. Olson?

24 A. I don't know -- you asked me
25 before how did it come about.

1 Q. Right.

2 A. I don't recall any of the steps
3 in it.

4 Q. Do you have a recollection of
5 having learned that polychlorinated
6 biphenyls were discovered in some marine
7 aquatic and wildlife environments?

8 MR. ZIMMER: The question is
9 overly broad given his prior answer about
10 polychlorinated biphenyls.

11 MR. TALLON: I'm only using the
12 language of the letter.

13 MR. ZIMMER: That's what the
14 letter says.

15 MR. TALLON: Right.

16 A. And say it again. I'm sorry.

17 Q. Do you have a recollection of
18 having become aware of the discovery of
19 certain PCBs in some marine -- aquatic
20 marine and wildlife environments?

21 A. I have the San Francisco
22 Chronicle article, and I don't know
23 exactly when that was, but it being the
24 first awareness that I had. Q. The
25 San Francisco Chronicle article to you to

1 which you referred, do you have a
2 recollection of approximately when that
3 occurred?

4 A. I'm thinking sometime in the
5 first part of 1969.

6 Q. And do you recollect what it was
7 about the San Francisco Chronicle article
8 which came to your attention?

9 A. The whole article did.

10 Q. Okay. You received a copy of the
11 article?

12 A. Some -- yes. I did not
13 personally, but I've read it so I know
14 that we got it. I don't know where from
15 but it was -- but I do recall that we got
16 it.

17 Q. And what do you remember about
18 that article today?

19 A. I remember it had to do -- I
20 remember that it had to do with the
21 peregrine falcon and the fact that they
22 ate fish which had PCBs in them, and they
23 had thin egg shells, and there was danger,
24 I believe that's the one, of the demise of
25 the peregrine falcon.

1 Q. And did the information occurring
2 in that article have any effect on how you
3 conducted your business as director of
4 marketing for functional fluids?

5 A. That's hard -- I don't know how
6 to specifically answer that. It was first
7 awareness that there might -- you know,
8 that there was any kind of a potential
9 problem, so it clearly -- it started what
10 was a whole chain of events to try to
11 understand the problem and to deal with it
12 properly.

13 Q. When you use the phrase "first
14 awareness of the potential problem," are
15 you referring to your awareness?

16 A. Yes, sir.

17 Q. Before becoming the director of
18 marketing for functional fluids in 1968,
19 had any of your prior jobs at Monsanto
20 encompassed the development or sales of
21 PCB-containing products?

22 A. No, sir.

23 Q. Did you have any responsibility
24 for the development or sales of
25 PCB-containing products before you became

1 director of marketing for the functional
2 fluids group?

3 A. No, sir.

4 Q. Did the article in the
5 San Francisco Chronicle to which you
6 referred refer to any work by Professor
7 Risebrough?

8 A. That's a familiar name so I'm
9 putting the two together, yes, sir, but I
10 really don't remember beyond that.

11 Q. Let me just ask if we can have
12 marked as the next Exhibit 134 a one-page
13 document bearing production numbers TRAN
14 059323.

15 (Olson Depo Exhibit No. 134
16 mark'd for identification)

17 MR. TALLON: The court reporter
18 has placed the marked exhibit before you,
19 Mr. Olson.

20 For the record, this appears to
21 be a letter from Elmer Wheeler, manager,
22 Environmental Health, to Mr. H. W.
23 Speicher at Westinghouse Electric
24 Corporation.

25 My question for you, Mr. Olson,

1 is whether referring to the information
2 appearing on the bottom third of the
3 letter and, particularly, to the notation,
4 "Enclosures number 2, S. F. Chronicle
5 2/24/69, quote, "A Menacing New
6 Pollutant," unquote, refreshes your
7 recollection in any respect as to the date
8 of the article to which you have referred.

9 MR. ZIMMER: Lacks foundation
10 and calls for speculation. You can
11 answer.

12 A. No. But I'll accept it that's
13 when it was.

14 MR. TALLON: You're copied on
15 this letter to the gentleman at
16 Westinghouse?

17 A. Yes, sir.

18 Q. And who's J.C. Bryant, if you
19 know?

20 A. I don't recall what his function
21 was.

22 MR. TALLON: I want to have
23 marked as the next exhibit in order a
24 three-page document bearing production
25 numbers B0003391 through 3393.

1 (Olson Depo Exhibit No. 135
2 mark'd for identification)

3 MR. TALLON: Can you review that
4 document for me, please, Mr. Olson, and
5 while you're doing that, I'll note for the
6 record that the document appears to be a
7 memorandum on Monsanto memo paper from
8 W. R. Richard to E. Wheeler, cc to a
9 number of people, including D. Olson.

10 A. Yes.

11 Q. I want to ask you, Mr. Olson, if
12 reviewing that memorandum, and
13 particularly the first full paragraph of
14 the memorandum, refreshes your
15 recollection in any way about the name
16 Risebrough about which I asked you
17 earlier?

18 A. No, sir.

19 Q. Do you know whether Professor
20 Risebrough ever conducted a study having
21 to do with the existence of PCBs in the
22 environment?

23 A. I don't recall.

24 Q. Do you recall any discussion in
25 which you participated about the work of a

1 Professor Risebrough?

2 A. I don't recall.

3 Q. Could you tell me, please -- I
4 want you to refer back for a moment, if
5 you would, to Exhibit 133, which was the
6 February 9, 1970 letter.

7 A. Uh-huh.

8 Q. Could you tell me, please, the
9 reason for the inclusion of the numbered
10 paragraphs 1 and 2, which are at the foot
11 of the first page of that February 9, 1970
12 letter?

13 A. It was an effort to inform
14 customers of the status of all of the
15 products. We had talked previously about
16 those which had been found in the
17 environment, and this just clarifies that
18 these had not.

19 Q. Are you aware of any information
20 predating this letter suggesting that
21 Aroclor 1242 persisted in the environment?

22 A. No, I'm not.

23 Q. Do you recall ever hearing that
24 Aroclor 1242 was the subject of work by a
25 Professor Risebrough?

1 A. No, I do not.

2 Q. Could you turn to the third page
3 of Exhibit 133, please, Mr. Olson, and
4 could you take a moment and review that
5 document?

6 A. This? (Indicating).

7 Q. Yes. It's a two-page letter.

8 A. Yes, sir.

9 Q. Could you describe for the record
10 what pages 3 and 4 of Exhibit 133
11 constitute?

12 A. It is essentially the same letter
13 as I described on page 1 and 2 with the
14 addition of one paragraph at the end which
15 relates to dielectric fluids.

16 Q. And to whom was the letter
17 constituting pages 3 and 4 of Exhibit 133
18 sent?

19 A. The dielectric customers of
20 Aroclor.

21 Q. Was the letter which constituted
22 the first two pages of Exhibit 133 sent to
23 the dielectric customers?

24 A. I am not sure. I do not think
25 so, but I'm not sure.

1 Q. Do you recall participating in
2 the decision-making process which resulted
3 in sending the letter which constitutes
4 the third and fourth pages of Exhibit 133?

5 A. No, sir, I don't.

6 Q. Do you remember anything about
7 the decision-making process which resulted
8 in sending any information to dielectric
9 customers?

10 A. No, sir, I don't.

11 Q. You had testified that you
12 recollected becoming aware of the PCB
13 environmental issue as a function of
14 reviewing a San Francisco Chronicle
15 article, correct?

16 A. Yes, sir.

17 Q. Do you recollect who circulated
18 that article --

19 A. No, I don't.

20 Q. -- to you? Do you recollect
21 participating in any discussion relating
22 to PCBs between the time that you became
23 aware that San Francisco Chronicle article
24 and the date of the two letters which
25 constitute the dates of the two letters

1 which constitute Exhibit 133?

2 A. I don't recall specific meetings.

3 Q. Do you recall that in general
4 there were meetings in that interim
5 period?

6 A. Yes.

7 Q. And do you have a general
8 recollection as to the subjects discussed
9 at such meetings?

10 A. Whole ranges of areas, I believe,
11 subject of updates on any later
12 environmental information, updates on any
13 reformulation plans.

14 Q. Yes.

15 A. And any other evolving parts of
16 the subject.

17 Q. Do you have a recollection of
18 discussions in that interim period
19 regarding any communications with Texas
20 Eastern Transmission Corp with respect to
21 the PCB environmental issue?

22 A. No, I don't.

23 Q. Do you have a recollection of any
24 discussions in that interim period
25 regarding a reformulation of the product

1 known as Turbinol 153?

2 A. No, I don't.

3 Q. Do you have a recollection of any
4 discussions occurring in that interim
5 period relating to the reformulation of
6 other functional fluids?

7 A. No, I don't. Specifically -- I
8 mean, I don't really recall specific
9 discussions.

10 Q. Well, do you have a recollection
11 in general that reformulation of Monsanto
12 PCB-based products was discussed in that
13 interim period?

14 A. Yes.

15 Q. Okay. Do you have any greater
16 recollection than that regarding what was
17 discussed about reformulation?

18 A. No, sir.

19 Q. Do you have any recollection of
20 discussions in that interim period the
21 subject of which was the effect of the PCB
22 environmental issue on the business of the
23 functional fluids group?

24 A. No, sir.

25 Q. Do you have any recollection of

1 participating in discussions during that
2 period that related to the effect of the
3 PCB environmental issue on the
4 profitability of the functional fluids
5 group?

6 A. Not specifically, no.

7 Q. Do you have any recollection of
8 participating in discussions during that
9 period that related to dissemination of
10 information to customers for functional
11 fluids with respect to the PCB
12 environmental issue?

13 A. No, sir.

14 Q. When I asked you a moment ago
15 about your recollection with respect to
16 discussions touching on the issue of
17 profitability, I believe you answered that
18 you had no specific recollection. Does
19 that answer indicate that you have a
20 general recollection?

21 A. Well, I have a common sense
22 recollection, and it relates to the
23 customer information for any of them. I'm
24 not trying to differentiate that one. I
25 believe these would have all been valid

1 subjects to discuss during this whole
2 evolving period.

3 But I cannot recall the actual
4 discussions, but my sense says there are
5 things that you obviously as good
6 businessmen and as marketing people would
7 be concerned with and would want to be
8 aware of. You would want to have your
9 facts.

10 Q. I had asked you some questions
11 about the preparation of the first two
12 pages of Exhibit 133. I now want to ask
13 you some questions about the preparation
14 of the third and fourth pages of Exhibit
15 133, which is the February 18th, 1970
16 letter. Do you know who prepared the text
17 of that letter?

18 A. No, I don't.

19 Q. Do you have a recollection of
20 having drafted any portion of it yourself?

21 A. I have no recollection.

22 Q. Do you have a recollection of
23 having been furnished a letter for your
24 signature?

25 A. Have no recollection.

1 Q. Is that your signature on the
2 second page of the February 18th, 1970
3 letter?

4 A. Yes, it is.

5 Q. At the time that you signed the
6 second page of the February 18th, 1970
7 letter, were you aware of any information
8 that supported the conclusion that
9 Aroclors with less than fifty-four percent
10 chlorine by weight tended to persist in
11 the environment?

12 A. No.

13 Q. At the time you signed either the
14 February 9, 1970 letter or the February
15 18, 1979 letter, were you aware of any
16 information that suggested that Aroclor
17 1242 could cause environmental pollution
18 to an unacceptable extent?

19 A. No.

20 Q. During the period after you
21 became aware of the PCB environmental
22 issue as a function of having reviewed the
23 San Francisco Chronicle article and the
24 time that you sent out the two letters
25 which constitute Exhibit 133, do you have

1 recollection of any studies made with
2 respect to the persistence of Aroclor 1242
3 in the environment?

4 A. No.

5 Q. What was Dr. Richard's function
6 at the time you were director of marketing
7 for functional fluids?

8 A. He was the director of research
9 of functional fluids.

10 Q. And where was Dr. Richard's
11 office physically at that time?

12 A. In the research building.

13 Q. And where was that building in
14 relation to the B Building?

15 A. It was on the Monsanto campus,
16 but it was over at the other end.

17 Q. After the publication of the
18 article in the San Francisco Chronicle,
19 was any working group established to
20 address the issues raised by that article?

21 A. Through my whole time? I don't
22 know what your question is.

23 Q. Yes.

24 A. I'm sorry I misunderstood.

25 Q. After the publication of the

1 San Francisco Chronicle article and during
2 the period that you served as director of
3 marketing, was any working group
4 established to deal with the PCB issue or
5 issues?

6 A. Bill Papageorge was -- I don't
7 know the title, but he was basically
8 appointed the focal point on the whole PCB
9 concern. What kind of organization -- who
10 formally did what under that I don't know.
11 But he was -- he clearly was brought in to
12 bring together all aspects of the total
13 problem and work towards the proper
14 solution.

15 Q. Did you have any communications
16 with Mr. Papageorge in what you understood
17 to be his discharge of the functions you
18 have just described?

19 A. Yes.

20 Q. And what communications do you
21 recollect having had with Mr. Papageorge?

22 A. I don't recall the specifics.

23 Q. Do you recall having had any
24 communications with Mr. Papageorge in the
25 period before the two letters dated

1 February 9, 1970 and February 18th, 1970
2 were sent out?

3 A. I don't recall.

4 Q. Do you recall having had any
5 communications with Mr. Papageorge in the
6 period following your signing the two
7 letters dated February 9, 1970 and
8 February 18th, 1970?

9 A. I don't recall individual
10 meetings. No.

11 Q. I take it from your answer that
12 you do recall that there were meetings?

13 A. Yes. I'm sure there were.

14 Q. As you sit here today, do you
15 remember any subjects of such meetings
16 that you attended with Mr. Papageorge?

17 A. No.

18 Q. As you sit here today, do you
19 remember the sum and substance of any
20 communications that you had with
21 Mr. Papageorge during the period that you
22 served as director of marketing for
23 functional fluids?

24 A. No.

25 Q. After you left your position as

1 director of functional fluids, did you
2 have any continuing responsibility with
3 respect to PCB-based products?

4 A. No, I did not.

5 Q. After you left your position as
6 director of functional fluids, do you
7 recollect having had any further
8 communications with Mr. Papageorge on the
9 subject of PCB issues?

10 A. No, I do not.

11 Q. Was your responsibility in the
12 arena of PCBs terminated upon your
13 departure from the position of director of
14 marketing for functional fluids?

15 A. Yes, it was.

16 Q. Were you ever told that Texas
17 Eastern was in any way responsible for the
18 development of the product known as
19 Turbinol 153 or its predecessors?

20 A. I have no recollection.

21 Q. Do you have any recollection of
22 having discussed with any person during
23 the period you served as director of
24 marketing whether the application in which
25 Turbinol 153 was used was a closed system

1 or an opened system?

2 A. No. I don't have any
3 recollection.

4 Q. Do you have any recollection
5 dating from the period that you served as
6 director of marketing for functional
7 fluids regarding communications with Texas
8 Eastern regarding the PCB issues?

9 A. No, I do not.

10 Q. I want to show you a document
11 which I'll ask the court reporter to mark
12 as the next exhibit in order bearing
13 production numbers TRAN 021689 and 021690.

14 (Olson Depo Exhibit No. 136
15 mark'd for identification)

16 MR. TALLON: For the record,
17 while you're reading, I'll note that the
18 document just marked as an exhibit appears
19 to be a memorandum on Monsanto memo paper
20 from R. H. Munch dated November 6th, 1969
21 to W. R. Richard.

22 Please feel free to read the
23 entire document, Mr. Olson, but my
24 particular question for you is whether
25 your review of the third paragraph of the

1 two-page memorandum on the first page
2 refreshes your recollection to any extent
3 regarding whether Aroclor 1242 had
4 attached to it the possibility that it
5 could cause environmental pollution to an
6 unacceptable extent?

7 A. No, sir, it does not.

8 Q. Do you have a recollection of
9 having seen this memorandum before today?

10 A. I do not.

11 Q. Are you identified as a copyee?

12 A. I am. Looks like I was twice. I
13 got it and then I got it again somehow.

14 Q. You're referring to the
15 handwritten notation?

16 A. Handwritten, yes.

17 Q. Do you, by the way, recognize
18 that handwriting?

19 A. It looks very much like Howard
20 Bergen's.

21 Q. Have you ever heard the term
22 Aroclor 1242B?

23 A. Yes.

24 Q. And do you recollect what is
25 meant by that term or to what that term

1 refers?

2 A. I believe, okay? I believe it
3 was the derivation of 1242 which took out
4 some of the higher chlorinated compounds.

5 MR. ZIMMER: Let me remind you,
6 Mr. Olson, that Mr. Tallon doesn't want
7 you to guess or speculate, and so if you
8 know something or can give him a
9 reasonable estimate, that's fine. I'm
10 simply reacting to the context in which
11 your prior answer was given with you
12 having chuckled a bit.

13 A. It relates to my confidence level
14 of the answer.

15 MR. ZIMMER: That's fine. But
16 let him know that, too, so that the answer
17 doesn't presume that you knew something
18 without any guessing or speculation.

19 A. Okay.

20 MR. TALLON: Do you know what
21 the letter "B" designates in the title
22 1242B?

23 A. No.

24 Q. Do you know if it stands for
25 biodegradability?

1 A. No. I don't know.

2 Q. Are you familiar with the term
3 MCS-1016?

4 A. I've heard the name.

5 Q. Do you know if the term MCS-1016
6 replaced the term Aroclor 1242B?

7 A. I don't know.

8 Q. Do you know if the term MCS-1016
9 replaced the term Aroclor 1242B because it
10 was not determined or established that
11 reformulated 1242 was biodegradable?

12 A. I don't know.

13 MR. TALLON: Let me ask the
14 court reporter to mark as the next exhibit
15 in order a one-page document bearing
16 production number TRAN 008623.

17 (Olson Depo Exhibit No. 137
18 mark'd for identification)

19 MR. TALLON: The court reporter
20 has placed before you, Mr. Olson, the
21 one-page document which, for the record,
22 appears to be a memorandum on Monsanto
23 memorandum paper from Mr. Benignus to you
24 dated June 11, 1970.

25 A. Okay.

1 Q. I will ask you if reviewing the
2 memorandum -- strike that. Do you
3 recollect, by the way, having received
4 this memorandum?

5 A. No, I don't.

6 Q. Does a review of this memorandum
7 refresh your recollection with respect to
8 the substitution of the phrase -- or
9 excuse me, the term MCS-1016 for the term
10 Aroclor 1242B?

11 A. No, but I'll accept it.

12 Q. Is it your understanding that
13 Aroclor 1242 was not biodegradable?

14 A. I don't recall.

15 Q. Is it your understanding that
16 lower chlorinated PCBs do persist in the
17 environment?

18 A. I don't have my facts good. I
19 don't recall.

20 Q. Okay. We only have one copy of
21 this handy but I want to show you the
22 transcript of a deposition of Donald A.
23 Olson dating from November 24th, 1981, and
24 I want to ask you if you could review a
25 short passage appearing on page 36 of that

1 deposition starting with the question,
2 "Did you later find out that the lower
3 chlorinated PCBs were found in the
4 environment," and the answer which follows
5 that.

6 A. Yes.

7 MR. ZIMMER: Let's back up and
8 read the whole thing in context.

9 MR. TALLON: Sure. Go right
10 ahead.

11 MR. ZIMMER: Okay.

12 MR. TALLON: Okay. Does
13 reviewing that page of your transcript
14 refresh your recollection in any way as to
15 whether or not lower chlorinated biphenyls
16 tended to persist in the environment?

17 A. My recollection is -- can I tell
18 you?

19 Q. Yes.

20 A. My recollection is the same. I
21 was not trying to say anything different
22 in this.

23 Q. Okay.

24 A. Sometime during this period we
25 did find that the lower ones were being

1 found in the environment. I don't recall
2 whether that meant all of them or I don't
3 recall whether all were persistent. I was
4 having trouble with the individual
5 question you were asking.

6 Q. That's fine. Okay. Do you
7 recall ever learning whether MCS-1016 was
8 fully biodegradable?

9 A. I don't recall, sir.

10 Q. Do you recall learning whether
11 Aroclor 1242B was fully biodegradable?

12 A. I don't recall.

13 Q. Let me show you a document which
14 we'll ask the court reporter to mark as
15 the next exhibit in order bearing
16 production numbers TRAN 037172 through
17 174.

18 (Olson Depo Exhibit No. 138
19 mark'd for identification)

20 MR. TALLON: Mr. Olson, the
21 court reporter has placed before you a
22 copy of Exhibit 1238 which, for the
23 record, appears to be a memorandum on
24 Monsanto memorandum stationery from W. B.
25 Papageorge to H. S. Bergen dated July

1 17th, 1970.

2 Please feel free to read as much
3 of the document as you like. I'm
4 particularly going to ask you whether your
5 review of paragraph 4 on page 2 refreshes
6 your recollection in any respect about the
7 biodegradability of MCS-1016 or Aroclor
8 1242.

9 A. No, it doesn't.

10 Q. Is it your understanding that no
11 PCB product is fully biodegradable?

12 A. I don't know.

13 Q. That memorandum was sent by
14 Mr. Papageorge?

15 A. Yes, it was.

16 Q. Do you have any factual basis for
17 disagreeing with the information reflected
18 there?

19 MR. ZIMMER: The question is
20 argumentative. Assumes facts not in
21 evidence. He's not going to answer that.

22 MR. TALLON: Are you instructing
23 the witness not to answer that question?

24 MR. ZIMMER: Yeah, I am. You're
25 asking him -- it lacks foundation

1 completely. He didn't author the memo.

2 MR. TALLON: I understand that.

3 I --

4 MR. ZIMMER: He told you he
5 doesn't know anything at all about it.

6 MR. TALLON: Do you mind if I
7 finish?

8 MR. ZIMMER: I'm sorry.

9 MR. TALLON: I was asking if he
10 had knowledge of any facts which threw
11 doubt on the conclusions reflected in
12 paragraph 4.

13 MR. ZIMMER: All right. Fine.

14 A. No.

15 MR. TALLON: Okay. I had asked
16 you a little earlier this morning,
17 Mr. Olson, about your understanding of the
18 term ~~opened~~ system and your understanding
19 of the term closed system. Do you have
20 any understanding as to whether or not it
21 is possible for fluids to leak out of
22 closed systems applications for functional
23 fluids?

24 MR. ZIMMER: The question is
25 hopelessly overbroad, vague and ambiguous.

1 MR. TALLON: Okay. I'll ask
2 another question.
3 MR. ZIMMER: You can answer.
4 MR. TALLON: Did you say "can"
5 or "can't"?
6 MR. ZIMMER: Can.
7 MR. TALLON: Okay.
8 MR. ZIMMER: If he knows. You
9 talk about the universe of a system.
10 MR. TALLON: That's exactly what
11 I'm asking.
12 A. Say it again.
13 MR. TALLON: Would you mind
14 repeating the question?
15 (Requested portion of the record
16 was read by reporter as follows:
17 "MR. TALLON: Okay. I had
18 asked you a little earlier this
19 morning, Mr. Olson, about your
20 understanding of the term opened
21 system and your understanding of
22 the term closed system. Do you
23 have any understanding as to
24 whether or not it is possible for
25 fluids to leak out of closed

1 systems applications for
2 functional fluids?")

3 A. My definition I talked about
4 Turbinol as being a closed system. I
5 think there is some evaporation from
6 Therminol over a period of time. So I
7 guess the answer to your question would be
8 yes.

9 MR. ZIMMER: The problem,
10 Mr. Olson, is he didn't confine his
11 question to a Therminol system so that's
12 why we have to listen very carefully to
13 what he's asking.

14 MR. TALLON: Earlier today I
15 believe you testified that it was your
16 understanding that a transistor would be
17 an example of a closed --

18 A. Transformer.

19 Q. Transformer, excuse me.
20 Transistor is something different. That's
21 right.

22 Earlier I believe you also
23 testified that a capacitor would be an
24 example of a closed system. Do you have
25 an understanding as to whether or not

1 occasionally the fluid in transformers and
2 capacitors may be lost through leaks?

3 A. I don't know.

4 Q. I want to just point out to you
5 the last paragraph of the February 18th,
6 1970 letter which constitutes part of
7 Exhibit 133 and ask you to tell me for the
8 record what you meant by the reference in
9 that paragraph to the loss of fluid
10 through leaks?

11 MR. ZIMMER: I just object to
12 the extent he's interpreting it. He's
13 already testified that he doesn't know who
14 drafted it. You can answer it.

15 A. Well, it says that there can --
16 occasionally can be lost through leaks
17 resulting from misuse or repair
18 necessitating replacement of fluid.

19 MR. TALLON: Right.

20 A. Right. So I accept that.

21 Q. Are you aware, based on your
22 knowledge, of any closed system where loss
23 of fluid is an impossibility?

24 A. No.

25 Q. Excuse me for just a second.

1 MR. TALLON: Go back to the
2 answer that Mr. Olson gave a few moments
3 ago where he referred to Therminol and
4 then Mr. Zimmer cautioned him that I
5 hadn't asked about Therminol.

6 (Requested portion of the record
7 was read by reporter as follows:

8 "A. My definition I talked
9 about Turbinol as being a closed
10 system. I think there is some
11 evaporation from Therminol over a
12 period of time. So I guess the
13 answer to your question would be
14 yes.")

15 MR. TALLON: Do you have any
16 understanding as to whether Therminol may
17 leak from a closed system as a result of
18 fittings or seals not functioning
19 properly?

20 MR. ZIMMER: Question calls for
21 speculation.

22 MR. TALLON: I'm asking if he
23 has an understanding.

24 A. It would be possible.

25 Q. You mentioned "evaporation" a

1 moment ago. Do you have any understanding
2 as to how a fluid in a closed system can
3 evaporate?

4 A. No, sir.

5 Q. Do you know whether during the
6 period that you were director of marketing
7 that Monsanto maintained an even inventory
8 of Turbinol 153?

9 A. I don't know.

10 Q. Do you know if Turbinol 153 was
11 made to order; that is to say, a batch was
12 mixed up when it was ordered by the
13 customer?

14 A. I don't know.

15 Q. Do you have any understanding,
16 Mr. Olson, as to whether or not Turbinol
17 153 was consumed in use by the customer?

18 A. I don't know.

19 Q. Do you know whether the sale of a
20 quantity of Turbinol 153 was a
21 one-time-only sale?

22 A. I don't know.

23 MR. ZIMMER: Calls for
24 speculation.

25 MR. TALLON: Do you have any

1 understanding as to whether Turbinol 153
2 was a product for which you had projected
3 sales in each year that you were a
4 director of marketing?

5 A. We did a budget, a budget on
6 every product, so I would assume yes,
7 there was.

8 Q. Do you have any understanding as
9 to why additional sales of Turbinol 153
10 were included in your budget for each of
11 the years that you were director of
12 marketing for functional fluids?

13 A. Say it again.

14 MR. TALLON: Would you please
15 read the question?

16 (Requested portion of the record
17 was read by reporter as follows:

18 "Q. Do you have any
19 understanding as to why additional
20 sales of Turbinol 153 were
21 included in your budget for each
22 of the years that you were
23 director of marketing for
24 functional fluids?")

25 A. I'm saying we had a budget for

1 every product --

2 MR. TALLON: Right.

3 A. -- for which there were projected
4 sales.

5 Q. Okay.

6 A. I'm not sure every product had
7 projected sales every year.

8 Q. Fair enough.

9 A. I'm trying to explain the
10 mechanism of it.

11 Q. Do you remember if in any of
12 those budget sales of Turbinol 153 was
13 contemplated?

14 A. I don't remember.

15 Q. Let me show you a document which
16 we'll ask the court reporter to mark as
17 the next exhibit in order bearing
18 production numbers TRAN 008417 as a
19 one-page document dated June 11, 1970.

20 (Olson Depo Exhibit No. 139
21 mark'd for identification)

22 MR. TALLON: Can you take a
23 moment and look at that exhibit, please,
24 Mr. Olson; that is to say, Exhibit 139?

25 A. Okay, sir.

1 Q. Can you identify the exhibit for
2 the record, please?

3 A. It's a letter which I sent to
4 customers.

5 Q. Is that your signature that
6 appears on the letter?

7 A. It is.

8 Q. Did you prepare this letter?

9 A. I don't recall.

10 Q. Do you know who prepared this
11 letter?

12 A. I don't recall.

13 Q. Do you remember the circumstances
14 under which this letter was sent out?

15 A. No, sir, I don't.

16 Q. Do you recall receiving a
17 direction that a letter such as this
18 should be sent out?

19 A. No, sir, I don't.

20 Q. Can you describe for me the
21 purpose of this letter?

22 MR. ZIMMER: The question lacks
23 foundation given his prior answer. Go
24 ahead.

25 A. I can describe for you the

1 purpose that I read, if I were the
2 customer from what I read from it.

3 MR. TALLON: Do you know to whom
4 this letter was sent?

5 A. Not -- no.

6 Q. Do you know if this letter was
7 sent?

8 A. I don't recall the letter.

9 Q. Do you have any recollection of a
10 decision to terminate the sale of products
11 containing Aroclor 1242 in August of 1970?

12 A. Somewhere during this period the
13 decision was made to discontinue those
14 products. I don't remember when it was or
15 the circumstances of it.

16 Q. Was product containing Aroclor
17 1242 sold to customers after August, 1970,
18 to the best of your recollection?

19 MR. ZIMMER: Well, let's deal
20 with what the language of the letter says.
21 I think there's going to be some confusion
22 about products containing certain Aroclors
23 as opposed to the sale of Aroclors.

24 MR. TALLON: I understand.

25 MR. ZIMMER: I'm just concerned

1 you might be misquoting what the language
2 of the letter says. That's all.

3 MR. TALLON: Okay. I'm asking
4 Mr. Olson if he knows whether after
5 August, 1970 products containing Aroclor
6 1242 were sold to customers.

7 A. I -- this was right about the
8 time I left, so I don't -- I don't recall.

9 Q. Was it part of the business of
10 the functional fluids group to sell I'm
11 not sure this is the correct description
12 but raw Aroclors? I mean, did you --

13 A. Yes. Yes. That's not a bad word
14 for it.

15 Q. Did you sell Aroclor 1242?

16 A. As Aroclor 1242, I believe we
17 sold all of these that are listed here.

18 Q. And do you know if after August,
19 1970 Aroclor 1242 was sold to any
20 customer?

21 A. I do not know.

22 Q. Do you know who would have that
23 information, Mr. Olson?

24 A. I do not know.

25 Q. Just to clarify one point, do you

1 have any information one way or the other
2 as to whether products containing Aroclor
3 1242 were sold after August, 1970?

4 A. I don't -- no, I don't.

5 Q. There's just a fragment of
6 handwriting in the top corner, top
7 left-hand corner of that exhibit. I
8 wonder if you recognize that handwriting,
9 Mr. Olson.

10 A. No, I don't.

11 Q. Mr. Olson, in 1970, was it the
12 position of the functional fluids group
13 that customer inquiries regarding PCBs
14 should not be answered in writing?

15 A. No.

16 Q. Was it the position of the
17 functional fluids group in 1970 that
18 Monsanto did not want to accept return of
19 fluid from customers?

20 A. Not to my knowledge.

21 Q. Was it the position of the
22 functional fluids group at any time during
23 the period you served as director of
24 marketing that it did not want to accept
25 the return of fluid from customers?

1 A. Not that I recall.

2 Q. Let me show you a document which
3 we'll ask the court reporter to mark as
4 the next exhibit in order, which is a
5 multipage document beginning with the
6 production number TRAN 085833 through TRAN
7 085850.

8 (Olson Depo Exhibit No. 140
9 mark'd for identification)

10 MR. TALLON: The court reporter
11 has marked as document, Mr. Olson. I
12 wonder if you would take a moment or
13 however long you need to review that.

14 A. Review it, you mean read it all?

15 Q. Before you take the time to read
16 the entire document, I'm principally
17 interested in the first two pages.

18 A. Yes, sir.

19 Q. Have you seen that memorandum
20 before today?

21 A. I've seen -- the first page of it
22 was in my deposition eleven years ago and
23 so I saw it then, and -- so I've seen it.

24 Q. And the deposition eleven years
25 ago, are you referring to the deposition

1 you gave in November of 1981?

2 A. Yes, sir.

3 Q. Okay. Earlier than that
4 deposition, do you have a recollection of
5 having seen this memorandum?

6 A. No, I don't.

7 Q. Is that a memorandum from
8 Mr. Johnson?

9 A. Yes, it is.

10 Q. Are you a copyee --

11 A. Yes, I am. Sorry. Pardon me.

12 Q. -- on that memorandum?

13 A. Uh-huh.

14 Q. If you would refer first, please,
15 to the first paragraph of that letter --
16 or, excuse me, that memorandum on page 1,
17 and particularly to the statement, "You
18 can give verbal answers; no answer should
19 be given in writing," does that statement
20 in any way refresh your recollection as to
21 whether the functional fluids group took a
22 position in 1970 that customer inquiries
23 regarding PCBs should not be answered in
24 writing?

25 A. No, it does not.

1 Q. I refer you to the second
2 paragraph on that memorandum, and
3 particularly to the first sentence which
4 states, "We want to avoid any situation
5 where a customer wants to return fluid,"
6 and the second to last sentence in the
7 same paragraph, "We don't want to take
8 fluid back," and I will ask you whether a
9 review of either of those two sentences in
10 that paragraph refreshes your recollection
11 as to whether Monsanto did not want to
12 accept return of fluid from customers in
13 1970?

14 A. No, it doesn't.

15 Q. Refer, if you would, for a
16 moment, please -- or strike that. Do you
17 have any recollection, Mr. Olson, of
18 Mr. Johnson ever taking the position that
19 Monsanto did not or could not afford to
20 lose one dollar of business as a result of
21 the PCB issue?

22 A. I have no recollection.

23 Q. Would you look at page 2 of that
24 memorandum, please, and I refer you to the
25 paragraph and the first sentence therein

1 which states, "We can't afford to lose one
2 dollar of business." Does review of that
3 sentence refresh your recollection in any
4 way as to whether you ever heard
5 Mr. Johnson make that comment?

6 A. No, sir.

7 Q. Do you have any recollection of
8 having countermanded instructions
9 Mr. Johnson gave to field personnel with
10 respect to functional fluid products?

11 MR. ZIMMER: On any subject at
12 all?

13 MR. TALLON: Yes.

14 A. I have no recollection.

15 Q. Do you have any particular
16 recollection of having instructed
17 Mr. Johnson to withdraw the comments made
18 in this memorandum?

19 A. No.

20 Q. Could you describe for me -- not
21 describe for me but tell me, please, if
22 you can, whether the names following the
23 to, t-o, designation on the first page of
24 the two-page memorandum, is there an
25 organizing principal there? There's

1 people in the field?

2 A. Yes.

3 Q. And was Mr. --

4 A. They were the field salespeople
5 with two exceptions.

6 Q. Okay. What are the exceptions?

7 A. I don't know what the roles of
8 the two in Australia were, whether they
9 were sales or product or I don't recall
10 exactly what their functions were.

11 Q. And Mr. Irwin, R. Irwin, do you
12 know who R. Irwin was in 1970?

13 A. I believe he was a salesman, I
14 believe.

15 Q. Do you know which salesman had
16 responsibility for Texas Eastern
17 Transmission Corp in 1970?

18 A. No, I don't.

19 Q. I take it from that that you
20 don't have a recollection whether or not
21 it was Mr. Irwin?

22 A. No, I don't.

23 Q. Was the sales force in any way
24 divided geographically in 1970?

25 A. Explain that, please.

1 Q. Yes. Was a particular salesman
2 assigned to a regional area of the
3 country?

4 A. Yes.

5 Q. Okay. Do you remember what
6 salesman or salesmen had responsibility
7 for the area including Texas?

8 A. No, I don't.

9 Q. Or Louisiana?

10 A. No.

11 Q. New Mexico?

12 A. No. I don't know where the lines
13 were, you know.

14 Q. Let me -- you had testified
15 earlier today about reformulations, is
16 that -- were products, Monsanto products,
17 reformulated following your becoming
18 director of marketing of the functional
19 fluids group to exclude PCBs?

20 MR. ZIMMER: Let me just object.
21 I don't recall any testimony about
22 reformulations, but the latter part of the
23 question stands.

24 A. Yes.

25 MR. TALLON: And do you recall

1 the reason why products were reformulated
2 to exclude PCBs?

3 A. It was to be a responsible
4 citizen of the community and get PCBs out
5 of the formulations.

6 Q. Do you have any recollection as
7 to the products for which reformulation
8 was considered?

9 A. No. Not specifically.

10 Q. Do you have any knowledge what
11 products were reformulated?

12 A. I know that some of the Pydrauls
13 were while I was there.

14 Q. Uh-huh. I'm only asking about
15 that period. Do you recollect any other
16 products being reformulated during the
17 period that you served as director of
18 marketing?

19 A. Not specifically.

20 Q. And do you recall any
21 reformulation of Turbinol 153 during the
22 period that you were director of
23 marketing?

24 A. No, I don't.

25 Q. Do you recollect whether there

1 was any priority in attempting to
2 reformulate functional fluids during the
3 period that you were director of
4 marketing?

5 A. There would have been several
6 factors involved, and I don't recall any
7 specific priority ranking. There was a
8 desire initially, obviously, to get the
9 ones with the higher Aroclors out. That
10 was initial priority.

11 Q. When you testified a moment ago
12 that there would have been several factors
13 involved, do you know what those factors
14 were at the time?

15 A. I'm dealing again with common
16 sense versus fact. If you ask fact, no, I
17 can't.

18 Q. Well, what did you mean when you
19 said in your answer that there would have
20 been several factors involved?

21 A. The availability, the ease of
22 reformulation would have been a factor,
23 and the sequence in which things were
24 reformulated, whether it was technically
25 feasible or easily feasible.

1 Q. Yes.

2 A. That's what I was thinking about.

3 Q. Any other factor aside from that
4 one?

5 A. No.

6 Q. Do you have a recollection as to
7 whether the volume of business represented
8 by a particular product or line of
9 products was a factor in determining
10 whether -- when it would be reformulated?

11 A. I have no specific recollection.

12 Q. Do you have a general
13 recollection that that was a factor
14 involved in the decision-making process?

15 A. Again, I'm dealing with the same
16 problem of what my business sense would
17 say versus actual things which I just
18 don't remember actual decisions.

19 Q. And I take it from your response
20 that your business sense would say that
21 the volume of product was a factor.

22 MR. ZIMMER: Let's not guess or
23 speculate.

24 A. Okay.

25 MR. ZIMMER: Let's get back to

1 the factual question as you defined it
2 earlier. If you know what some of these
3 other factors were, please tell Mr. Tallon
4 that.

5 A. I don't recall.

6 MR. TALLON: Okay. But now I'm
7 asking you what was your business sense
8 would the volume of business products sold
9 be a factor whether and when to
10 reformulate a product?

11 A. Yes.

12 Q. Was it a goal of yours during the
13 period of -- excuse me, during the period
14 that you served as director of marketing
15 to keep the customers in the business that
16 you had notwithstanding the PCBs issues
17 that had arisen?

18 A. I beg -- amplify a little bit.

19 Q. Sure. Was it one of your goals
20 as director of marketing to keep the
21 customers and business, the volume of
22 sales that you had notwithstanding the PCB
23 issues which had arisen?

24 A. It's always a marketer's goal to
25 retain and gain business, but you got, you

1 know -- but you have to balance it.

2 Q. Right. Were you concerned during
3 the period that you were director of
4 marketing whether you would be able to
5 retain your full market for PCB-containing
6 products?

7 A. You would -- I don't know what
8 you mean by "concerned." We obviously
9 were aware of what was at stake and what
10 the customers were.

11 Q. Yes.

12 A. And you want to -- you want to
13 retain customers as much as you can.

14 Q. Well, I'm not trying to imply
15 anything untoward by the use of the word
16 "concern." What I'm asking is whether
17 that was an issue for you whether you
18 would be able to retain your full market
19 for the products.

20 A. Yes.

21 Q. Do you have any recollection,
22 Mr. Olson, of having participated in
23 communications with NCR, or the National
24 Cash Register Company, with respect to the
25 use of Aroclor 1242 as an element of their

1 carbonless carbon paper?

2 A. No recollection.

3 Q. Do you have any recollection of
4 having attended meetings with
5 representatives of General Electric with
6 respect to the use of Aroclors as
7 dielectric fluids?

8 A. Well, I met with General Electric
9 as a customer. I don't know if that's
10 what you mean.

11 Q. Okay. Let me be more specific.

12 A. All right.

13 Q. Do you have a recollection of
14 having had a meeting in January, 1970 with
15 representatives of General Electric,
16 including Mr. Edward Raab, a Mr. Gerade or
17 a Dr. Murphy?

18 A. I recall that -- because I
19 remember Ed Raab's -- I recall he visited.
20 I don't recall the specifics of the
21 meeting.

22 Q. Do you have any better
23 recollection than the fact that a meeting
24 occurred which was attended by Mr. Raab?

25 A. No, sir.

1 Q. I take it from that that you have
2 no recollection of the subjects discussed
3 with Mr. Raab?

4 A. That's correct.

5 Q. All right. Let me have the court
6 reporter mark as the next exhibit in order
7 a memorandum bearing production numbers
8 TRAN 023509 through 023518.

9 (Olson Depo Exhibit No. 141
10 mark'd for identification)

11 MR. TALLON: Can you take a
12 moment and review that memorandum, please?

13 A. Uh-huh.

14 MR. ZIMMER: Off the record.

15 (Discussion off the Record)

16 (Recess)

17 MR. TALLON: Ready? Have you
18 reviewed Exhibit 141, Mr. Olson?

19 A. Yes, sir.

20 Q. Has reviewing Exhibit 141 given
21 you any enhanced recollection of attending
22 a meeting with representatives of General
23 Electric Company in January of 1970?

24 A. No, it has not.

25 Q. Without regard to whether you

1 have a specific recollection of a meeting
2 in January, 1970, do you recall attending
3 a meeting with representatives of General
4 Electric at which the topics reflected in
5 this exhibit were discussed?

6 A. All I recall is that they ^{came to} ~~gave a~~
7 time.

8 Q. And you don't have any greater
9 recollection than that?

10 A. No, sir.

11 Q. Do you have a recollection of
12 discussing with any representative of G.E.
13 the effect of Aroclor 1242 on hatchability
14 and production of thin egg shells
15 regarding white leghorn chickens?

16 A. No, I do not.

17 Q. Does referring to paragraph D on
18 page 2 of this exhibit refresh your
19 recollection with respect to that topic?

20 A. No, it does not.

21 Q. Do you have any recollection of
22 learning in 1970 that toxicity tests and
23 reproductability studies had not yielded
24 as favorable conclusions as Monsanto had
25 hoped or anticipated?

1 A. I have no recollection.

2 Q. Does reviewing paragraph D on
3 page 2 enhance your recollection with
4 respect to that topic in any regard?

5 A. No, it doesn't.

6 Q. Do you recall ever having heard
7 someone make the statement that some PCBs
8 are more toxic than DDT?

9 A. No, I do not recall.

10 Q. Does referring to paragraph 14 on
11 page 8 of this exhibit refresh your
12 recollection in any sense?

13 A. Paragraph which?

14 Q. 14.

15 A. No, it does not.

16 Q. Do you have any recollection of
17 studies involving PCBs and white leghorn
18 chickens at all?

19 A. No, I do not.

20 Q. Do you have any recollection of
21 having approved or reviewed labeling for
22 PCB products?

23 A. No, I do not.

24 Q. Do you have any recollection of
25 having reviewed or approved labeling for

1 Turbinol 153?

2 A. No, I do not.

3 Q. Do you know if any information
4 regarding PCBs was included on any label
5 associated with Turbinol 153?

6 A. No, I do not.

7 Q. Do you recall anyone making
8 recommendation that a label should include
9 information about PCBs if that label was
10 to be part of a container for Turbinol
11 153?

12 A. No, I do not.

13 Q. Do you know if the Turbinol 153
14 was shipped to the customer in drums?

15 A. I don't know that. I don't
16 recall.

17 Q. Do you know if Turbinol 153 was
18 shipped to the customer in large tanker
19 trucks?

20 A. No.

21 Q. Or tanker trucks, period?

22 A. I don't know.

23 Q. I want to show you a document,
24 Mr. Olson, which I'll ask the court
25 reporter to mark as Exhibit 142, two-page

1 document bearing production numbers TRAN
2 003826 and 3827.

3 (Olson Depo Exhibit No. 142
4 mark'd for identification)

5 A. Okay, sir.

6 MR. TALLON: Can you identify --
7 strike that. Have you seen that document
8 before today?

9 A. Not to my knowledge.

10 Q. Do you have any knowledge or
11 information as to the author of that
12 document?

13 A. No, I do not.

14 Q. Was it the responsibility of
15 anyone reporting to you while you served
16 as director of marketing to understand in
17 specific terms the use to which Turbinol
18 153 was put?

19 A. There would have been someone
20 with product responsibility, and I would
21 encompass that under product
22 responsibility.

23 Q. Was that Mr. Johnson?

24 A. Or someone in his group, yes.

25 Q. I'm sorry, or someone --

1 A. I don't recall who he had working
2 in that group with him, but, yes, it would
3 ultimately have been his.

4 Q. Is there any information on this
5 document which would cause you to conclude
6 that it came from a particular department
7 or area within Monsanto?

8 A. No.

9 Q. Do you recognize the handwriting
10 which appears at the top of the first
11 page?

12 A. No.

13 Q. Have you ever heard expressed to
14 you any of the information which appears
15 in typed form in that document?

16 A. Not that I recall. Apparently
17 this document occurred after I left.

18 Q. How do you conclude that?

19 A. Because they're talking about
20 information through July, 1971.

21 Q. During the period that you served
22 as director of marketing for the
23 functional fluids group, do you remember
24 any conversation which addressed the use
25 of Turbinol 153 by Texas Eastern

1 Transmission?

2 A. No, I do not.

3 Q. Okay. Then I don't think I have
4 any more questions for you today,
5 Mr. Olson.

6 A. Okay. Nor I of you.

7 MR. TALLON: You don't have any
8 questions?

9 A. No, sir. Send the transcript to
10 Mr. Zimmer.

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

DONALD A. OLSON

Subscribed and sworn to me before
this ____ day of _____, 1992.

My Commission expires: _____

Notary Public

vlh

(Transwestern vs. Monsanto)

1 State of Missouri)
2) SS.
3 City of St. Louis)
4 I, VICKIE L. HUELSMAN, a Notary
5 Public in and for the State of Missouri,
6 duly commissioned, qualified and
7 authorized to administer oaths and to
8 certify to depositions, do hereby certify
9 that pursuant to Notice in the civil cause
10 now pending and undetermined in the
11 Circuit Court of the County of St. Louis,
12 State of Missouri, to be used in the trial
13 of said cause in said court, I was
14 attended at the offices of Bryan, Cave,
15 McPheeters & McRoberts, One Metropolitan
16 Center, in the City of St. Louis, State of
17 Missouri, by the aforesaid witness; and by
18 the aforesaid attorneys; on the 29th day
19 of April, 1992.

20 The said witness, being of sound mind
21 and being by me first carefully examined
22 and duly cautioned and sworn to testify
23 the truth, the whole truth, and nothing
24 but the truth in the case aforesaid,
25 thereupon testified as is shown in the

1 foregoing transcript, said testimony being
2 by me reported in shorthand and caused to
3 be transcribed in to typewriting, and that
4 the foregoing pages correctly set forth
5 the testimony of the aforementioned
6 witness, together with the questions
7 propounded by counsel and remarks and
8 objections of counsel thereto, and is in
9 all respects a full, true, correct and
10 complete transcript of the questions
11 propounded to and the answers given by
12 said witness; that signature of the
13 deponent was not waived by agreement of
14 counsel.

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

20 Witness my hand and notarial seal at
21 St. Louis, Missouri, this 3rd day of
22 May, 1992.

23 My Commission expires August 8, 1994.

24 Pickie L. Huelsman

25 Notary Public, State of Missouri

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

Donald A Olson

DONALD A. OLSON

Subscribed and sworn to me before
this 20th day of May, 1992.
My Commission expires: 7-23-92

Shuley Meyer

Notary Public

ORIGINAL

vlh
(Transwestern vs. Monsanto)

DEPOSITION CORRECTION SHEET

In Re: Transwestern Pipeline Co. VS Monsanto Company

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 10 Line 2 Should read: FOOD, rather than fluid

Reason assigned for change: Transcribed incorrectly

Page 10 Line 6 Should read: FOOD, rather than fluid

Reason assigned for change: Transcribed incorrectly

Page 10 Line 11 Should read: FOOD, rather than fluid

Reason assigned for change: Transcribed incorrectly

Page 10 Line 17 Should read: FOOD, rather than fluid

Reason assigned for change: Transcribed incorrectly

Page 23 Line 25 Should read: more than to pay attention, to

Reason assigned for change: Transcribed incorrectly

Page 33 Line 19 Should read: OPEN, rather than OPENED

Reason assigned for change: Transcribed incorrectly

Page 34 Line 8 Should read: OPEN, rather than OPENED

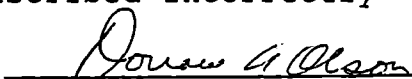
Reason assigned for change: Transcribed incorrectly

Page 34 Line 16 Should read: OPEN, rather than OPENED

Reason assigned for change: Transcribed incorrectly

Page 62 Line 1 Should read: OPEN, rather than OPENED

Reason assigned for change: Transcribed incorrectly



Deponent

HARTOLDMON0008968

DEPOSITION CORRECTION SHEET

In Re:

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 70 Line 18 Should read: OPEN, rather than OPENED

Reason assigned for change: Transcribed incorrectly

Page 71 Line 20 Should read: OPEN, rather than OPENED

Reason assigned for change: Transcribed incorrectly

Page 95 Line 6-7 Should read: CAME TO TOWN, rather than
gave a time

Reason assigned for change: Transcribed incorrectly

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:



Deponent

HARTOLDMON0008969