

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMES M. ADKINS,)
ADMINISTRATOR OF THE)
ESTATE OF RALPH E. ADKINS,)
DECEASED, ET AL,)

Plaintiffs,)

vs.)

No. 81-2098

MONSANTO COMPANY, a)
Delaware Corporation,)
Defendant.)

APPEARANCES:

Paul L. Pratt, Esq. For the Plaintiffs
Messrs. Bowles, McDavid,
Graff & Love
by Charles Love, Esq.
and Paul E. Frampton, Esq. For the Defendant

IT IS STIPULATED AND AGREED by and between
counsel for plaintiffs and counsel for defendant that the
deposition of DR. RICHARD C. WALLACE may be taken pursuant
to Rule 26(a) of the Federal Rules of Civil Procedure, on
behalf of the Plaintiffs on May 23, 1983, at the law
offices of W. Stuart Caldwell, Charleston National Bank

Building, Charleston, West Virginia, before JAMES W. MAY,
a Notary Public within and for the County of Madison,
State of Illinois; that the issuance of notice and dedimus
is waived, and that this deposition may be taken with the
same force and effect as if all Federal rules and statutory
requirements had been complied with.

IT IS FURTHER STIPULATED AND AGREED that any
and all objections to all or any part of this deposition
except objections as to the form of the questions asked
or answers given, are hereby reserved and may be raised
on the trial of this cause.

* * * * *

DR. RICHARD C. WALLACE

produced, sworn and examined on behalf of the Plaintiffs,
deposes and says as follows:

DIRECT EXAMINATION

BY MR. PRATT:

Q Tell me your name, will you, sir?

A Richard C. Wallace.

Q How old a man are you?

A I will be 62 July the 4th.

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Q Where were you born at?

A Charleston, West Virginia.

Q How many brothers and sisters do you have?

A Total born, there were seven total in my family.

Q What do they do?

MR. LOVE: Objection to the question on the basis of materiality.

MR. PRATT: It's material because he is going to be a witness in this case, and I may end up with one of his brothers or sisters as a juror.

You may answer.

MR. LOVE: Go ahead and answer the question.

A I have a brother, an older brother that is a radiologist in Norfolk, Virginia, retired.

Q He is a doctor?

A Correct.

Q Where did he go to college, medical school?

A College or medical school?

Q Both.

MR. LOVE: Same objection. Can we just make that a continuing objection so I don't have to continue to make it?

MR. PRATT: Sure.

MR. LOVE: Go ahead.

A He attended Hampden-Sydney College in Hampden-Sydney, Virginia, and the Medical College of Virginia.

Q Which was the medical?

A Medical College of Virginia.

Q When did he graduate?

A I don't know.

Q Does he have any family members that live in West Virginia?

A No.

Q No.

A No.

Q All right. Tell me about your other brothers and sisters?

A My older sister is living in Florida. Do you want her job?

Q Yes.

A I am not sure I remember everything like this, but I will try. She worked for awhile at a law office here in town, in Charleston.

Q What did she do?

A I don't know.

Q You don't know?

A No.

Q Who was she married to?

1 A I think his name is Jack C. Rogers. I am
2 not sure about the first.

3 Q Are they still living together?

4 A Yes.

5 Q Do they still live in Florida?

6 A Yes.

7 Q What did he do in Charleston?

8 A In where?

9 Q In Charleston, when they lived in Charleston?

10 A He worked for the Unites States Government.

11 Q Do they have any children that live in
12 Charleston, the Charleston area?

13 A No.

14 Q How about the State of West Virginia?

15 A Yes.

16 Q All right. Which ones and where do they
17 live?

18 A He has a surviving daughter that lives in
19 Huntington, West Virginia. I am not sure whether she lives
20 in Barboursville or not.

21 Q What is her name?

22 A Sally Rogers. Sally Bias.

23 Q Sally Bias?

24 A Sally Rogers Bias.

25 Q Now about the next brother or sister?

1 A I guess that would be, I think his name was
2 Earl.

3 Q Earl, your next brother?

4 A Yes. He died in infancy.

5 Q Infancy, all right. The next child?

6 A That would be Virginia Wallace Moore.

7 Q Wallace Moore?

8 A Right.

9 Q And who is she married to?

10 A Roy Moore.

11 Q And where do those folks live?

12 A She is deceased.

13 Q All right. Did she have any children?

14 A Yes. He is deceased.

15 Q And the child is deceased.

16 A Yes.

17 Q Do you know where Moore is at?

18 A Yes. He lives in Florida.

19 Q He lives in Florida?

20 A Yes.

21 Q The next child?

22 A That would be Rodney B. Wallace.

23 Q All right. And how old a gentleman would
24 he be?

25 A He is deceased.

1 Q All right. Was he married?

2 A Yes.

3 Q Does he have a family here in West Virginia?

4 A Yes.

5 Q Tell me the members of that family?

6 A John Phillip Wallace.

7 Q Where is he from?

8 A Charleston.

9 Q What does he do?

10 A I don't know.

11 Q You haven't seen him?

12 A Not recently.

13 Q When is the last time you saw him?

14 A Four years ago.

15 Q Family get-together or what?

16 A My mother's funeral.

17 Q Funeral?

18 A My mother's funeral.

19 Q Okay. You don't know what he does?

20 A No.

21 Q Now he is your brother's brother, right?

22 A Pardon?

23 Q He is your brother's brother?

24 A He is my brother's son.

25 Q Brother's son.

1 MR. LOVE: Paul, can we go off
2 the record?

3 MR. PRATT: Yes.

4 (Whereupon discussion was had
5 off the record.)

6 Q Now let me ask you this. The next brother
7 and sister?

8 A We were still on my brother, Rodney, were
9 we not?

10 Q Okay.

11 A He's got other children. Do you want to
12 know about them too?

13 Q Yes.

14 A Robert Edward Wallace is a dentist in Roanoke,
15 Virginia.

16 Q In Roanoke?

17 A Yes.

18 Q He has no relatives or anything that lives
19 in West Virginia?

20 A Yes.

21 Q Okay. Tell me about that.

22 A Cousins and mother. We're going through those
23 right now, cousins, are we not?

24 Q Well, I thought what we had was brother over
25 here.

1 A No.

2 Q That was cleaned out. What I'm really interested
3 in, sir, if you just want to run it out is I want to know who
4 is a relative of yours in the State of West Virginia?

5 A Okay. Well, his mother, my sister-in-law.

6 Q What is her name?

7 A Katherine Wallace.

8 Q Where does she live?

9 A Charleston, West Virginia.

10 Q What address, do you know?

11 A On the west side.

12 Q Okay. Who else do you have in your family?

13 A In the State of West Virginia?

14 Q Yes.

15 A Okay. We will keep on with Rodney's children.
16 Katherine Wallace DeBord.

17 Q Okay. Where does she live?

18 A Probably Winfield. Her address is Winfield,
19 West Virginia.

20 Q Okay. Anybody else?

21 A Yes. His son Steven Wallace has his wife
22 living in Kanawha Valley. He does not live with her or
23 he does not live here himself.

24 Q What are their names?

25 A Steven Wallace and his wife is Mrs. Mary

1 Wallace, I think.

2 Q Where do they work?

3 A Now Steven does not live in West Virginia.

4 He is a Safety Director of an FMC plant in New Jersey.

5 Q Okay. Does she live here?

6 A Yes. She is a school teacher.

7 Q And what is her name?

8 A I said Mary Wallace. Mary something or other.

9 I don't know.

10 Q How long has he been a -- what does he do as

11 a Safety Director, do you have any idea?

12 A No.

13 Q Do you ever discuss his employment with him

14 or anything like that?

15 A No.

16 Q Was he a Safety Director at FMC here?

17 A He worked here in Safety. He was not a

18 Safety Director.

19 Q Okay. How many years did he work here?

20 A I don't know.

21 Q Does he have children that live here?

22 A Yes.

23 Q Okay. What are their names?

24 A I don't know.

25 Q How old are they?

1 A I don't know.

2 Q Okay. Who is next?

3 A Let's see, we have gone through Kenneth. I

4 am counting here. Okay. That is five I think. And there

5 is one more. And that is Edna Wallace Bedinger, B-e-d-i-n-g-e-r.

6 Q That is a sister, right?

7 A Right.

8 Q And where does she live?

9 A In Florida.

10 Q Husband live in Florida?

11 A Yes.

12 Q All right. Have any kids that live here?

13 A In West Virginia?

14 Q Yes.

15 A No.

16 Q Then there is one more?

17 A No.

18 Q Maybe that one more is you.

19 A I am the seventh.

20 Q Okay. Let me ask you this. How old are you?

21 A I answered that awhile ago.

22 Q Go ahead and do it again.

23 A I will be 62 the 4th of July.

24 Q Okay. Where did you go to high school?

25 A Charleston High School.

1 Q What did you do after that?

2 A I spent a year working here in Charleston,
3 West Virginia.

4 Q Doing what?

5 A Office supply.

6 Q Which company?

7 A Thomas Office Supply.

8 Q Where is it located?

9 A Capitol Street.

10 Q What did you do after that?

11 A Attended college.

12 Q Where did you go to college?

13 A Marshall College.

14 Q That is located where here in West Virginia?

15 A Huntington, West Virginia.

16 Q How many years did you go to Marshall College?

17 A Three plus.

18 Q Were you under a deal to go to medical school
19 where you had three and three or something like that?

20 A No.

21 Q Tell me about the courses you had in medical
22 school or pre-med. What did you take?

23 A I majored in chemistry.

24 Q Okay. How many hours of chemistry did you
25 have, thirty or more?

1 A I don't remember.

2 Q Did you have any biology?

3 A Yes.

4 Q What type of courses?

5 A Well, zoology.

6 Q Take your time. No big hurry.

7 A I can't remember anything else besides biology

8 and zoology.

9 Q Did you have microbiology?

10 A No. Not in college.

11 Q Did you have biostatistics?

12 A In college, no. Had physics.

13 Q Physics?

14 A General physics.

15 Q Did you have anything involving epidemiology?

16 A No. Not as far as I remember. I'm going to

17 qualify that.

18 Q All right. Did you get a degree from that

19 college?

20 A Yes.

21 Q You did it in three and a half years?

22 A Three plus.

23 Q Okay. Did you go summers? Did you go to

24 school summers?

25 A No.

1

Q Did you take a lot of hours?

2

A That plus I took my zoology by itself in

3

preparation for the medical school.

4

Q Where did you go to medical school?

5

A I attended the combined schools of Medical

6

College of Virginia and West Virginia University.

7

Q How many years did you go to medical school?

8

A Attended two years at West Virginia University

9

and two years at the Medical College of Virginia.

10

Q Let's talk about the two years of Virginia.

11

What type courses, what was your type of course that you

12

took?

13

A I took eighteen courses. I took final

14

examination my junior year. Do you want me to go through

15

those one by one?

16

Q Yes.

17

A The two most important were medicine and

18

surgery, I guess. Pediatrics.

19

Q Now are you talking about the first two years

20

of medical school?

21

A No, I am talking about the last two years.

22

Q Let's talk about the first two years.

23

MR. LOVE: You asked him about

24

Virginia.

25

Q Well, I asked the wrong thing then. Give me

1 West Virginia, what you did.

2 A Okay. Histology, biochemistry, anatomy, public
3 health, physiology, pathology, physical diagnosis, bacteriol-
4 ogy. This is tough. We spent two weeks at a tuberculosis
5 sanitorium. And I don't know what that course was called.
6 I don't remember.

7 Q All right. Now how about Virginia? Let me
8 ask you this before I go on to that. Do you have any courses
9 involving the study of etiology?

10 A Pardon?

11 Q Do you have any course at West Virginia
12 involving the study of etiology?

13 A Etiology?

14 Q Yes. Cause of injury, cause of --

15 A Not per se. They are all related, of course.

16 Q Tell me about the related course. How would
17 that work?

18 A Everything you took would point towards
19 treating injuries and illnesses, diseases.

20 Q How about chemical injuries? Did you have
21 anything there?

22 A I can't remember.

23 Q Of course, you are a chemistry major in
24 college, right?

25 A Right.

1 Q Do you remember if you had in the first two
2 years in medical school any courses that involved injuries
3 to individuals through chemical exposure?

4 A Can't remember.

5 Q You can't remember or you didn't, one of the
6 two?

7 A Can't remember.

8 Q All right. Let's talk about Virginia now.
9 You went over there to finish your medical school school
10 training, right?

11 A Yes.

12 Q What courses did you have there?

13 A Medicine, surgery, pediatrics, urology,
14 nephrology, neurosurgery, public health, psychiatry. I've
15 got a blank. If there is any more, I can't bring them to
16 mind right now.

17 Q Let me ask you this. What about in psychiatry,
18 did you study anything about etiology?

19 A I'm going to repeat myself. Everything we
20 took pointed toward etiology.

21 Q Would you consider yourself a specialist in
22 etiology?

23 A No.

24 Q What about public health? What courses did
25 you take in public health?

1 A Public health.

2 Q Well, tell us a little bit about public health,
3 will you, as you understand it?

4 MR. LOVE: Are you talking now
5 about the course that he took?

6 MR. PRATT: Yes.

7 MR. LOVE: What did the course
8 consist of as best you can recall?

9 A Preventive medicine.

10 Q What is preventive medicine?

11 A Preventive medicine is the prevention of
12 medical disabilities including injuries, diseases, infections,
13 etcetera.

14 Q Caused by where or by what?

15 A Whatever was the causative agent.

16 Q Doesn't public health really have something
17 to do with the work place?

18 A No, not necessarily.

19 Q Well, does it have anything to do with the
20 work place?

21 A Somewhat.

22 Q Tell me about somewhat?

23 A Well, in public health you not only study
24 individuals, you study areas and etcetera, regions.

25 Q Well, what you are talking about I guess then

1 maybe is if everybody in Kanawha Valley has heart trouble,
2 you might be interested in looking at it, right?

3 A For instance, in Japan, I didn't see a chemical
4 plant.

5 Q We will do that later. But are you talking
6 about that in the public health that you studied in college
7 and medical school, that you studied the etiology of things
8 or the cause of the injury? The cause of the sickness,
9 right?

10 A We studied etiology from the first time I
11 walked in medical school. Not only in public health. The
12 etiology is the cause of a disease of injury or whatever
13 it is. And if you sit here and kiss me and give me pneumonia,
14 that is my etiology is that kiss. I don't understand your
15 question is what I'm saying.

16 Q Well, no. What I am saying is just simply
17 this. That you are an expert in, or you know about etiology.
18 You know what causes certain problems, right?

19 A Now you said, you used the word expert.

20 Q Let me strike that question. You, from the
21 time you were in medical school, you were very cognizant
22 of etiology or of the cause of the person being sick, is
23 that correct?

24 A Correct.

25 Q And you were also a chemistry graduate?

1 A I have a Bachelor's Degree in chemistry.
2 Q All right. Now what year did you finish
3 medical school?
4 A '46, 1946.
5 Q Okay. What did you do next?
6 A Interned.
7 Q Where at?
8 A Ohio Valley General Hospital in Wheeling,
9 West Virginia.
10 Q How long were you there?
11 A A year.
12 Q Is that a rotating internship?
13 A Correct.
14 Q Tell me what areas you ere in?
15 A The entire hospital.
16 Q But what general services were you in?
17 A Medicine, surgery, urology, leurology, neuro-
18 surgery, pediatrics, psychiatry, urology. Did I give you
19 urology?
20 MR. LOVE: Yes.
21 Q What did you do in neurology, sir, in your
22 rotating internship?
23 A Mostly physical diagnosis.
24 Q Did you work under a Board-certified
25 neurologist?

1 A Can't remember.

2 Q What did you do? If you approached a patient

3 neurologically, how would you approach that patient?

4 A History.

5 Q Would you do a neurological physical exam?

6 A Yes.

7 Q Tell me what you did as a neurological

8 physical exam?

9 A Physiologic and pathological reflexes.

10 Q Tell me what they are?

11 A Well, you start with the top of the head

12 and you go to the bottom of the feet and examine these

13 individuals and whatever is normal or abnormal.

14 Q You tell me what you did. What are the

15 tests?

16 A What are some of the tests?

17 Q All of them.

18 A Well, equilibrium, Romberg test. I cannot

19 bring to mind all of them right now but I will try.

20 Q Try.

21 A Okay. First you take the general appearance

22 of the patient. Noting unsteady gait, slurring of speech,

23 evidence of paralysis, hair distribution, color, texture.

24 In other words, you inspect the patient from head to foot.

25 And then in the examination deals with checking the eyes

1 for light and accommodation, reaction.

2 Q What else would you check on those eyes?

3 A Sir?

4 Q What else would you check in a person's eyes?

5 A What would you check in a patient's eyes?

6 Q Yes.

7 A You mean the ophthalmoscope, is that what
8 you mean?

9 Q Yes.

10 A Ophthalmoscope, we would use that.

11 Q What is the purpose of that?

12 A You can see the, whether there is hemorrhages
13 in the eye, edema, the light reflex, etcetera.

14 Q How many nerves can you check in the eye
15 with an ophthalmoscope?

16 A You check the optic nerve primarily.

17 Q How many nerves can you check with that?

18 A I don't know.

19 Q You have no idea?

20 A No.

21 MR. LOVE: Are we talking about
22 1946 now?

23 Q Talk about anything you want to.

24 MR. LOVE: Well, your question is
25 directed to what he was doing in his residency.

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MR. PRATT: Yes.

MR. LOVE: In 1946 at Ohio Valley
Hospital, is that correct?

MR. PRATT: Yes.

MR. LOVE: Okay.

Q What else would you check neurologically?

A Oh, we would check the mouth, see whether
there is any signs of paralysis. Whether the corners
were equal and not elevated or depressed. You would check
the face for any sign of paralysis. You would check the
skin for disturbance in the thermal pattern. Check the
arms and legs for pathological, and see whether physiological
reflexes were intact.

Q Let me ask you this. Would subjective, when
you are talking about arms and legs, would subjective
complaints of the patient mean anything to you?

A I said the history was the first thing we
did.

Q But what if a guy had numbness in both the
extremities, all four extremities?

A Yes.

Q What would that make you suspicious of or
not suspicious of?

A What diseases?

Q Yes.

1 A Anything from psychosomatic illnesses to
2 pathological diseases.

3 Q Like pathological diseases, like what?

4 A You mean give you an example? Multiple
5 sclerosis is probably the best one.

6 Q How about peripheral neuropathy?

7 A Yes.

8 Q That would be one, wouldn't it? Back in 1946,
9 how did you test for peripheral neuropathy from an objective
10 basis?

11 A The testing was very poor then.

12 Q No EMG's, no peripheral nerve conduction
13 velocity test at all?

14 A No.

15 Q Were you able at that time in your medical
16 career to diagnose any peripheral neuropathy?

17 A I can't remember.

18 Q Okay. What other tests?

19 A Neurological?

20 Q Yes, neurological.

21 A Well, let's see. You would check the abdomen
22 for reflexes, temperature. I can't think of anything in
23 the chest examination that would help you too much other
24 than the skin.

25 Q Any other tests of the extremities?

1 A You would test the patellar and Achilles'
2 reflexes and etcetera.

3 Q All right. How would you do that, knock deal?

4 A Well, with a percussion hammer for one thing.
5 Check the temperature with whatever was necessary to use.
6 Check for touch, pain.

7 Q Are we talking about the extremities, the
8 lower extremities?

9 A All four of the extremities.

10 Q All four, okay. Did you ever touch anybody's
11 hands or the bottom of their feet?

12 A Oh, yes.

13 Q What do those tests show?

14 A Well, for example the Babinski, if it's
15 positive, usually points toward pathological disease.

16 Q Show brain damage, can't it?

17 A Brain damage? No, paralysis perhaps but not
18 necessarily any brain damage.

19 Q What if you have a positive Babinski? Wouldn't
20 that show brain damage?

21 A Not necessarily.

22 Q Would a Babinski test show brain damage?

23 A Same answer. Not necessarily.

24 Q What if it's positive, what would you do
25 with that?

1 A Look for some pathological reason for it being
2 causative.

3 MR. PRATT: Run that back.

4 (Whereupon the last question and
5 answer were read back by the
6 Reporter.)

7 Q What pathological things would you look for?

8 A Paralysis possibly.

9 Q Could it cause central nervous system damage?

10 A There are conditions in central nervous will
11 cause a positive Babinski, yes.

12 Q That can be one of the things, right, the
13 objective findings of central nervous system damage, right?

14 A That is an objective finding, correct.

15 Q All right. Now let's go over to psychiatry.
16 What did you do in psychiatry?

17 A My training?

18 Q Yes.

19 A We had no psychiatric ward in the hospital
20 work.

21 Q What did you do?

22 A Any psychiatric patients that were admitted
23 we would work up.

24 Q What kind of work did you do then?

25 A I'm sorry.

1 Q How did you handle that? What were you taught
2 there is what I'm getting at.

3 A Again we had no psychiatric ward. We weren't
4 taught very much in psychiatry, in the hospital work.

5 Q This is '46 to '48?

6 A We had psychiatrists on the faculty, on the
7 hospital staff.

8 Q Well, let me ask you this. Were you taught
9 in the psychiatric part of your training to take voluminous
10 history?

11 A Oh, yes.

12 Q Or take a history?

13 A Yes, history. We were taught that in physical
14 diagnosis in medical school. We were taught that in physical
15 diagnosis, not necessarily psychiatry.

16 Q All right. What were you taught to do to
17 treat somebody that you thought had a psychosomatic disease?
18 In other words nothing pathological. What were you taught
19 to do?

20 A At that time? We would have a psychiatric
21 consultation. We had some sedatives that were available
22 for us then.

23 Q What did you use back then as far as sedatives
24 were concerned? You didn't use Valium. Valium wasn't
25 around. What did you use?

1 A Phenobarbital.

2 Q Barbital?

3 A Phenobarbital, yes.

4 Q How much time did you spend in that?

5 A Very little.

6 Q Okay. Would say that you are not an expert,
7 and maybe you are, on psychosomatic disease?

8 A What is an expert? I don't know of anybody
9 that is expert on anything in medicine.

10 Q Well, would you say that you're long shot
11 is not psychosomatic disease?

12 A Well, I'm going to have to say something here.

13 Q Go ahead and say it.

14 A I am in family practice. And anyone that
15 does family practice has to deal in psychiatric diseases.

16 Q How do you diagnose that, psychosomatic
17 disease or psychiatric?

18 A By a process of elimination.

19 Q Tell me about how you eliminate it?

20 A Get a complete history and physical. Run
21 other laboratory tests, x-rays.

22 MR. PRATT: How about a small
23 time out?

24 (Whereupon a short break was
25 taken.)

1 Q Any other tests you would run?

2 A I said laboratory tests and x-rays. That's it.

3 Q What are laboratory tests and why would you

4 use x-rays?

5 A Psychiatric testing?

6 Q Yes.

7 A Oh, you would want a skull x-ray, of course.

8 A CAT scan etcetera. CT scan is a better term I guess.

9 Q Of course we are talking about 1946, I think.

10 A Oh, we didn't have that then, a CT scan.

11 Q What would you have done in '46?

12 A What blood work was available and a skull

13 x-ray. I can't remember whether brain wave test was avail-

14 able then or not. I don't believe it was.

15 Q You you also talked about urology.

16 A Urology?

17 Q Yes.

18 A You.

19 Q What did you learn in school on urology?

20 A Diseases and maladies, infirmities of the

21 genitourinary system.

22 Q How many hands on patients did you have, do

23 you think?

24 A Oh, I can't remember. Can't remember.

25 Q Women and men?

1 Q Any other tests you would run?

2 A I said laboratory tests and x-rays. That's it.

3 Q What are laboratory tests and why would you

4 use x-rays?

5 A Psychiatric testing?

6 Q Yes.

7 A Oh, you would want a skull x-ray, of course.

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9 Q Of course we are talking about 1946, I think.

10 A Oh, we didn't have that then, a CT scan.

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13 x-ray. I can't remember whether brain wave test was avail-

14 able then or not. I don't believe it was.

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16 A Urology?

17 Q Yes.

18 A You.

19 Q What did you learn in school on urology?

20 A Diseases and maladies, infirmities of the

21 genitourinary system.

22 Q How many hands on patients did you have, do

23 you think?

24 A Oh, I can't remember. Can't remember.

25 Q Women and men?

1 A Yes.

2 Q You have no idea?

3 A No.

4 Q What were the other things that you learned
5 in the second two years? We had public health. We had
6 neurology. We had psychiatric. We had urology. What else?

7 A Which one are you talking about now?

8 Q This is when you were in the second two years
9 of medical school.

10 A Well, ear, nose and throat, ophthalmology.

11 Q Ophthalmology, what else?

12 A Ear, nose and throat.

13 Q ENT. Anything else?

14 A Other than the ones we have already listed.
15 That's all I can bring to mind.

16 Q Let me ask you this. How much time, we are
17 talking about two years, did you spend in each of these
18 services?

19 A It would vary for the different services.

20 Q Give me some idea.

21 A I don't remember entirely. We spent more
22 time in medicine, more time in surgery than we did the
23 other services.

24 (Whereupon a short break was
25 taken.)

1 (Whereupon the last portion of
2 the record was read by the Reporter.)

3 Q Okay.

4 A I did spend an additional month in psychiatry.

5 Q Okay. What was the reason for that?

6 A It was my elective. And I decided that is
7 what I would like to do.

8 Q Did you take any course in the four years in
9 preventive medicine?

10 A As it was in public health, yes. I believe
11 they called the course public health and preventive medicine.
12 I am not sure.

13 Q Say again?

14 A I believe they called the course public health
15 and preventive medicine. I don't remember.

16 Q And that was how long in your first two years?

17 A How long did I spend in it?

18 Q Yes.

19 A A long time. The Dean taught it. No, I can't
20 remember.

21 Q One semester, two?

22 A One semester. No, we took it through a
23 complete one year.

24 Q How many hours, we are talking about semester
25 hours, would you have been involved in public health and

1 preventive medicine?

2 A We didn't go by hours in medical school course.
3 I can't tell you how many semester hours it was.

4 Q Okay. Now you graduated from medical school
5 what year?

6 A 1946.

7 Q Okay. Were you ever in the service?

8 A Yes.

9 Q When?

10 A As a medical officer?

11 Q As anything.

12 A Okay. I originally went in the service in
13 the Enlisted Reserve Corps as a civilian.

14 Q What year was that?

15 A I guess '42.

16 Q And what was the name of that you went into?

17 A Enlisted Reserve Corps.

18 Q Enlisted Reserve Corps.

19 A Yes.

20 Q Tell me what in the world that is.

21 A I don't know what it was truthfully. I had
22 my acceptance in medical school, and the Army said go down
23 to the Enlisted Reserve Corps, so we won't call you right
24 now.

25 Q You already had one degree at that point,

1 right?

2 A No.

3 Q Okay. Tell me how that happens?

4 A How did it happen?

5 Q Yes. In 1942, you were in the Enlisted Reserve
6 Corps.

7 A I guess the Dean told me to go get in the
8 Reserve Corps so I could go to medical school.

9 Q What did you do from '44 to '48 when you
10 graduated or '46?

11 A Okay. Next they put me in the Medical Reserve,
12 Medical Administrative Corps as a Second Lieutenant.

13 Q All right. The pay is better.

14 A Still was not in uniform.

15 Q The pay is better though?

16 A No pay at all, either one.

17 Q Okay. How long were you in there?

18 A Oh, I don't know. Maybe a year. No, I can't
19 answer that. I don't know.

20 Q What did you do for that year, Doctor?

21 A I was in medical school.

22 Q Where at, West Virginia?

23 A West Virginia University, Morgantown, West
24 Virginia.

25 Q What did you do for the next year, if you

1 recall?

2 A My next service, they swung me in the Army
3 of the United States as a buck private. While I was in
4 medical school, and then they promoted me to PFC. That
5 was in the Army Specialized Training Program.

6 Q How long were you as a buck private?

7 A Not long. A month, six weeks.

8 Q All right. How long were you a PFC?

9 A From, I am guessing October of 1943 until
10 March the 22nd, 1946.

11 Q You were a PFC?

12 A Right.

13 Q And you were in medical school?

14 A Right.

15 Q All right. Then you get out of medical
16 school in 1946, right?

17 A Yes. They commissioned me as a First
18 Lieutenant.

19 Q So what did you do during the war?

20 A Then they commissioned me as a First Lieutenant
21 in the Medical Corps.

22 Q What did, during the war, you were in service
23 but you were in medical school?

24 A No. The war was still going on when I was
25 commissioned as First Lieutenant in the Medical Corps.

1 Q When were you commissioned?

2 A March the 22nd, 1946, the day I graduated.

3 Q I thought the damn war was over by then?

4 A No. The war wasn't over until -- they signed

5 the peace treaty after the Korean Conflict, whenever that

6 was.

7 Q That's my war.

8 A That's right.

9 Q I thought World War II was over by '46.

10 A They still made us go register for that.

11 Q In other words you were still in the service?

12 A Yes.

13 Q And you were finishing medical school and

14 you got out of medical school March 26th of '46, was that

15 it?

16 A Right.

17 Q Now what did you do after that?

18 A I spent a year in Ohio Valley General Hospital.

19 Q Tell me what you did there?

20 A General rotating internship. May I go use

21 the little boy's room?

22 Q Sure.

23 (Whereupon a short break was

24 taken.)

25 Q All right. This is after '46.

1 A Yes. 1946-47.

2 Q And you had a rotating internship. Tell me
3 about that.

4 A We went through that once. Do you want to
5 do it again?

6 Q Well, you know, you are tricky. I am not.
7 I am just trying to get the chronology on you, Doctor.

8 A Tricky? I don't mean to be.

9 Q What the hell did you do from '42 to '46 if
10 you were in medical school which is four years. Then you
11 went to Ohio Valley.

12 A I was in medical school from '43 to '46.

13 Q Okay. Was Ohio Valley involved in that?

14 A No. We took four years of medical school
15 in three years.

16 Q All right, fine. Then you went to Ohio Valley?

17 A That's correct.

18 Q Now where is Ohio Valley?

19 A Wheeling, West Virginia.

20 Q And what did you do there?

21 A Rotating internship.

22 Q Another rotating internship?

23 A It's the same one.

24 Q Same one as you had before?

25 A Same one.

1 MR. LOVE: Can we go off the
2 record?

3 MR. PRATT: No, just put it on
4 the record. Just tell me. All I'm trying to find out is
5 what the guy did.

6 MR. LOVE: He has told you what
7 he did at Ohio Valley in his rotating internship in some
8 detail at least once.

9 MR. PRATT: Yes. But you see what
10 he is not telling me is the dates.

11 MR. LOVE: He told you he was
12 there in 1947, '46-47.

13 Q '46-47. And what you did then was public
14 health, psychiatry, neurology?

15 A No, no. Rotating internship.

16 Q Routine internship?

17 A Rotating internship.

18 Q What is a routine internship?

19 A Rotating internship, rotating.

20 Q Okay. What is that? What did you do there?

21 A Rotated through the various services of the
22 hospital.

23 Q Tell me which ones.

24 MR. LOVE: Objection. He has been
25 through this one before. Go ahead and answer again.

1 Q Tell me again.

2 A Do you want me to do that again?

3 Q Yes.

4 A Medicine, surgery, urology, nephrology,
5 neurosurgery, psychiatry, ear, nose and throat, ophthalmology,
6 urology.

7 Q That would get you out, right? What did you
8 do after that?

9 A Spent three weeks at Thomas Memorial Hospital
10 in South Charleston, West Virginia.

11 Q What did you do for three weeks there?

12 A House Officer.

13 Q House Doctor?

14 A Yes.

15 Q Emergency room?

16 A We didn't have any then.

17 Q Have you ever had any further education than
18 your rotating internship?

19 A Every year, I have further education.

20 Q Before we get into that, are you Board-certified
21 in any field?

22 A I am a Fellow of the American Academy of
23 Family Practice.

24 Q All right. Tell what you have to do to
25 become a Fellow of the American Academy of Family Practice?

1 A We have to have 150 hours of study every
2 three years.

3 Q Do you take oral -- do you know what oral
4 exams are?

5 A Oh God, yes.

6 Q Do you have to take oral exams?

7 A No.

8 Q Do you have to take written exams?

9 A No.

10 Q It's not like then being admitted, being
11 Board-certified in neurology or orthopedics or something
12 like that?

13 A Now they have a Board, but I have never had
14 to take it.

15 Q Were you grandfathered?

16 A No. Just don't have it.

17 Q Don't have it. Have you ever applied for it?

18 A No. Now I will go off the record when I say
19 this if I may. I started to take the examination but I
20 became ill and I couldn't go ahead so I quit.

21 Q It's no great sin. Somebody flipped a bar
22 exam at me, I wouldn't take it.

23 A I was all prepared for it.

24 Q Are you Board-certified in any field?

25 A No.

1 Q All right. You got out in '47, right?

2 A Went through my internship in '47.

3 Q All right. What about a residency? Do you

4 have one of those?

5 A No.

6 Q Never had a residency?

7 A No.

8 Q What is a residency for anyway?

9 A To make you more efficient in your selected

10 specialty.

11 Q You didn't do that?

12 A Correct.

13 Q What was the reason?

14 A Finances.

15 Q A worthy problem.

16 A Yes.

17 Q What did you do after '47?

18 A Well, May 19, 1947, I was ordered to active

19 duty.

20 Q In what?

21 A Army of the United States, Medical Corps.

22 Q Okay. How long were you in the Army?

23 A Approximately two and a half years as a

24 Medical Officer.

25 Q Were you on active duty?

1 A Yes.

2 Q That period of time?

3 A Yes.

4 Q Where did you serve?

5 A Six months in the Port of Embarkation in
6 San Francisco area.

7 Q That's got to be tough.

8 A Boring. Then I was sent to the Army
9 occupation in Japan.

10 Q Where at?

11 A I was attached to the Kagoshima Military
12 Government Team, Kyushu Military Government.

13 Q Were you close to Osaka, Kobe?

14 A Kyushu.

15 Q Honshu?

16 A Kyushu.

17 Q That is a different island than Honshu?

18 A It's the southern most of the four islands
19 of Japan, the four large islands.

20 Q All right. What were you doing down there?

21 A Primary duty was Public Health Officer. Also
22 had dispensary when I was on the teams.

23 Q Because it turns out later that you'd become
24 the big dispensary person with Monsanto. That is why I'm
25 kind of interested in the thing. What did you do in Japan?

1 A Primary duty was Public Health Officer. My
2 secondary duty was Medical Officer for the dispensary.

3 Q What kind of work did you involve in?

4 A I thought I said that. That is why I'm
5 saying --

6 Q You said public health?

7 A Yes.

8 Q Did you deal in biostatistics?

9 A Yes.

10 Q All right. Tell me about that.

11 A In a manner of speaking I dealt in vital
12 statistics. My position, I was in charge of the public
13 health officers for the military government team. And
14 the Japanese people, government were under our jurisdiction.
15 First at Kagoshima, second at Kumamoto, and third I was
16 put in charge of the whole island of Kyushu with the
17 military government officers under me.

18 Q What did you do in the biostatistic area?

19 A Very little. The Japanese took care of those.

20 Q All right. What did you do in the epidemio-
21 logical area? Did you do anything about that?

22 A Oh, yes.

23 Q Tell me about that?

24 A We would observe the Japanese care.

25 Q What is your definition of epidemiology,

1 Doctor?

2 A Should have brought me a Dorland's Medical
3 Dictionary. Epidemiology would be the study or statistics
4 that would be the causative condition for various illnesses,
5 etcetera. Is that all right?

6 Q He don't know.

7 A Hell, I don't either.

8 Q All right. You were there how many years?

9 A From November, 1947, until August the 4th,
10 1949.

11 Q Okay. Then you didn't get out of the Service
12 as an Army officer. You got home, right?

13 A Right.

14 Q Where did you go then?

15 A I was separated from the Service.

16 Q All right. Let me ask you, were you still
17 in the Medical Corps?

18 A I was separated. I was not discharged.

19 Q How many years did you serve inactive?

20 A Inactive?

21 Q Yes.

22 A I don't remember.

23 Q When were you discharged?

24 A When the peace treaty was signed.

25 Q What, in Korea?

1 A Gee, I don't know. I think it was after
2 Korean Conflict.

3 Q August 27th, 1953. I was there.

4 A That would be about it.

5 Q What is your serial number in the Service?

6 A 01747191.

7 Q All right. When you got out, where did you
8 go from there?

9 A I returned to West Virginia.

10 Q What city?

11 A St. Albans, West Virginia.

12 Q You opened your own private practice?

13 A I opened my first private practice.

14 Q You opened your first one there. By yourself?

15 A Yes.

16 Q Okay. I guess during that time you must have
17 accumulated a family, right?

18 A Yes. I have a family.

19 Q Okay. And again for the reasons that I don't
20 want one of them on the jury if we try this lawsuit, would
21 you tell me about your family?

22 A I have a wife.

23 Q What is her name?

24 A Mary Barbara.

25 Q Okay. Go ahead.

1 A I have two sons.

2 Q What do they do?

3 A They are physicians.

4 Q Where do they practice medicine?

5 A They are both in Charleston, West Virginia.

6 Q And what are their specialties?

7 A Austin, my older son, is in ear, nose and

8 throat. And my younger son is in psychiatric training.

9 Q And what are their wives maiden names?

10 A The older son's wife's maiden name is Deborah

11 Moore.

12 Q Moore?

13 A Yes.

14 Q How about the other boy?

15 A He is not married.

16 Q Okay. Other than two doctors, do you have

17 any other sons?

18 A No, I have no other children.

19 Q Okay. How big are their practices, do you

20 think?

21 A I don't know. Of course, the other one is

22 just getting started. That is their own business, not mine.

23 Once they got an M.D., they are on their own. They give them

24 a living wage now when they go through training, not when I

25 did.

1 Q I know what you are talking about. Okay. You
2 started out in '48 you said, when you got out of school.

3 A Pardon?

4 Q '48 you got out of the military?

5 A '49.

6 Q '49, something like that. And you opened a
7 practice in St. Albans?

8 A Yes.

9 Q Okay. Other than continual training, you
10 would have had in service and --

11 A Continuing training.

12 Q Going to school and so forth, have you ever
13 had anymore formal training at that point to where you got
14 a piece of paper they call it, a Board-certification or
15 anything?

16 A No.

17 Q All right. Are you Board-certified at anything
18 now?

19 A No.

20 Q But you have done what as far as continual
21 training?

22 A I have continued to be eligible for re-election
23 in the Academy of Family Practice.

24 Q Okay. And what does that entail just briefly,
25 so many hours?

1 A At least 150 study hours every three years.
2 That's the only section that does that.

3 Q Do you want to quit now? Okay with me.

4 A We've got twenty more minutes. Let's use it.

5 Q All right, Doctor. I will use it. When you
6 first started at St. Albans, did you get any industrial
7 clients?

8 A Private illnesses or industrial illnesses?

9 Q Tell me the difference.

10 A When I first started my private practice, I
11 saw only private patients.

12 Q All right. Nobody referred them to you, or
13 friends that Dr. Wallace is in town, something like that?

14 A Oh, I had that happen, yes.

15 Q Sure. Did you have any companies refer
16 patients to you?

17 A My first year?

18 Q Yes.

19 A To the best of my knowledge I don't think so.

20 Q All right. So what you were treating then --

21 A Wait a minute. Do you count insurance
22 physicals?

23 Q Say again.

24 A Insurance physicals?

25 Q Which company?

1 A I remember Prudential for one.

2 Q Were you doing life insurance?

3 A Yes.

4 Q Were you doing any workman's comp where you
5 testified for the comp carrier that first year?

6 A Doubtful.

7 Q Well, doubtful. Did you or not?

8 A I don't know.

9 Q Doctors get all traumatic about going to
10 Court. And surely you would remember that. You don't
11 think you did any of that work?

12 A I get traumatic, off the record --

13 MR. LOVE: Just answer his
14 question.

15 A I don't know.

16 Q All right.

17 A I can't remember.

18 Q That is 1949, right?

19 A 1949, 1950. Up to September, 1950.

20 Q Tell me what organizations you belong to,
21 like the AMA and so forth.

22 A I no longer belong to the AMA.

23 Q You can't be all bad for that.

24 A I belong to the West Virginia State Medical
25 Association, the Kanawha Medical Society, the American

1 Academy of Family Practice, the West Virginia Academy of
2 Family Practice. I guess that's it.

3 Q Have you ever written anything?

4 A No.

5 Q Have you ever appeared before any of your
6 peers at Medical Associations and presented any papers?

7 A No. Now you say Associations. We all
8 present papers, cases at the hospital and things like
9 that.

10 Q I am talking about formal, a formal, where
11 you go in to put a suit on and give a talk?

12 A That would be written up, so no.

13 Q So we're up to 1950. I think it's a good
14 place to break it off.

15 MR. LOVE: Let's stop.

16 (Whereupon proceedings were
17 continued to May 24, 1983, at
18 which time the following
19 proceedings were had.)

20 Q Let me ask you this, Doctor. You have been
21 the plant physician for Monsanto at Nitro for how many
22 years, sir?

23 A September the 5th, 1950, to the present.
24 Almost 33 years.

25 Q And you also have private practice, right?

1 A Correct.

2 Q Are you paid by the, annually or how do you
3 receive your pay, monthly or what?

4 A Semi-monthly.

5 Q Semi-monthly, okay. And would you be
6 considered a full time employee of Monsanto?

7 A Part time employee.

8 Q Part time?

9 A Part time employee with full time benefits.

10 Q How many hours a day do you spend in the
11 plant normally?

12 A As many as necessary. Usually around one
13 and a half to two. Monday, Tuesday, Wednesday and Friday.

14 Q Now has Monsanto sent you to any schools
15 over the years?

16 A Sir?

17 Q Has Monsanto sent you to any schools over
18 the years?

19 A They have sent me to conferences.

20 Q Can you give me some idea about what these
21 were and when they were?

22 A One of them was a week course in Morgantown
23 in general medicine, surgery.

24 Q Anything else?

25 A Oh, I have gone to various meetings for the

1 AMA, Academy of Family Practice.

2 Q Okay. Anything specifically dealing with
3 chemicals, chemical injuries or exposures?

4 A Yes.

5 Q Okay. Tell me where your first --

6 A Now these are conferences I'm talking about,
7 not meetings.

8 Q Okay. Would they be University?

9 A Now you are talking about meetings with other
10 physicians?

11 Q Yes.

12 A Okay. That would be at St. Louis.

13 Q Who would have been some of those conferences?

14 A The first one would be Dr. Henry Eskew from
15 Charleston. Dr. Emmitt Kelly from St. Louis. I think a
16 Dr. Malik was there. I am not certain about him.

17 Q Dr. Tillman?

18 A No. That was before Dr. Tillman's time. Then
19 later I went to another one. I don't remember.

20 Q Now what I want to do is go through some of
21 these records. Before we do that, what have you read or
22 studied about the toxicity of dioxin?

23 A Well, I have read some of the literature and
24 so forth.

25 Q Can you tell me what specifically you read?

1 A No.

2 Q What body systems or organs does dioxin

3 affect?

4 A The skin.

5 Q Okay. Will it affect anything else?

6 A Not to my knowledge.

7 Q Okay. Do you know whether it will affect the

8 liver?

9 A Not to my knowledge.

10 Q Do you know whether it will affect the central

11 nervous system?

12 A Not to my knowledge.

13 Q Do you know whether it will affect the

14 peripheral nervous system?

15 A Not to my knowledge.

16 Q How about the lungs?

17 A Not to my knowledge.

18 Q How about the immune system?

19 A Not to my knowledge.

20 Q How about the gastrointestinal system?

21 A Not to my knowledge.

22 Q How about metabolism?

23 A Not to my knowledge.

24 Q Can it cause diabetes?

25 A Pardon?

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Q Can it cause diabetes?

A Never been proven to my knowledge.

Q Can it affect the endocrine system?

A Not to my knowledge?

Q How about the genitourinary system?

A Not to my knowledge. When I say not to my knowledge, I mean it has not been proven to my satisfaction that it causes it.

Q How about blood?

A Not to my knowledge.

MR. LOVE: What was the question on blood?

Q How about blood? Will it affect the blood? Not to your knowledge?

A Right.

Q Do you know whether it's a carcinogen?

A Pardon?

Q Do you know whether it's carcinogenic, cause cancer?

A No.

Q No it won't or not to your knowledge?

A You asked me did I know whether it causes cancer, and I said no.

Q You say it does not?

A Not to my knowledge.

1 Q Will it cause birth defects?

2 A Not to my knowledge.

3 Q Okay. Do you know what Sop-A-Nox is, Doctor?

4 S-o-p-A-N-o-x?

5 A No, I don't.

6 Q All right. How about Niran?

7 A Yes.

8 Q Can exposure to Niran cause symptoms?

9 A Symptoms?

10 Q Yes.

11 A Are we talking about Niran? Are we on a

12 different chemical now?

13 Q We are talking about Niran now.

14 A You changed it to a different chemical.

15 Q Yes, we are on Niran which is really a

16 Parathon.

17 A It could cause up to and including death.

18 Q Well, let me ask you this. Can it cause

19 headaches, blurred vision, pallor, weakness, sweating,

20 abdominal pain, nausea, vomitting, diarrhea?

21 A Yes. Those are symptoms it can cause, yes.

22 Q Can it cause cardiac arrhythmias?

23 A I think so. We haven't had Niran around the

24 plant for years.

25 Q All right. Do they manufacture Niran now

1 over there?

2 A No.

3 Q When did they stop manufacturing that, do you
4 know?

5 A I can't remember.

6 Q Do you remember a product called A-JON-C?

7 A A-JON-C, yes.

8 Q What is that mixture, do you know? Do you
9 know what it is, what the chemical mixture of it is?

10 A No.

11 Q Do you know what --

12 A I don't understand what your question is.

13 I am sorry.

14 Q My question is what is the chemical mixture
15 of A-JON-C. What are some of the chemicals in it?

16 A What is A-JON-C itself?

17 Q Yes.

18 A Paraminobiphenyl. Is that what you mean?

19 Q Yes.

20 A Okay.

21 Q That A-JON-C has PAB in it, right?

22 A Yes.

23 Q And what is your knowledge about PAB? What
24 can it cause?

25 A Bladder tumors, presumptive.

1 Q Does it cause bladder cancer?

2 A I said bladder tumors, yes. We don't know
3 what causes the -- it's a presumptive diagnosis of bladder
4 tumors.

5 Q Okay. How about Aniline? What are the
6 symptoms that you can get from exposure to Aniline?

7 A Cyanosis, bronchial irritation.

8 Q Anything else?

9 A Well, it's never been proven.

10 Q Can it cause liver and kidney damage?

11 A Possibly.

12 Q What?

13 A Possibly.

14 Q Okay. About Benzene? What are the symptoms?

15 A We use very little Benzene down at the plant,
16 so I don't know.

17 Q Do they manufacture Benzene?

18 A Not to my knowledge.

19 Q Okay. You don't know what Benzene can cause,
20 right?

21 A I know what it's been accused of causing,
22 yes.

23 Q What has it been accused of?

24 A No, I don't. I am not --

25 Q Pardon me.

1 A I can't say that. I have never read that.

2 Q Okay. How about Carbondisulfide. What can

3 it cause?

4 A Nervousness. I have had more experience with

5 it, with Avtex than I have with Monsanto.

6 Q I can't hear you.

7 A Could I have a drink of water.

8 (Whereupon a discussion was had

9 off the record.)

10 Q What symptoms can Carbondisulfide cause?

11 A Nervousness. It can proceed to coma, con-

12 vulsions and death.

13 Q Can it cause brain damage?

14 A I can't answer that.

15 Q How about psychosis?

16 A Yes.

17 Q How about peripheral neuropathy?

18 A Sir?

19 Q Peripheral neuropathy?

20 A I don't know.

21 Q How about coronary heart disease?

22 A I don't know.

23 Q Can it damage the kidney and liver?

24 A I don't know.

25 Q How about Xylene. Do you know anything about

1 that chemical?

2 A Very little.

3 Q Do you know what it can cause?

4 A No.

5 Q Do they manufacture Xylene in that plant

6 at Nitro?

7 A I don't know.

8 Q When did the plant stop manufacturing

9 2,4,5-T, do you know?

10 A No, I don't remember.

11 Q Would it have been around 1970?

12 A I don't remember.

13 Q I'm going to ask you if you recall some

14 patients. Do you remember a guy named Roy Shank?

15 A Yes. Is he on my list?

16 Q I don't think so.

17 MR. LOVE: No, he is not.

18 Q Do you remember a guy named Frank Milan,

19 M-i-l-a-n?

20 A Yes.

21 Q Was he a patient of yours in the plant?

22 A Have I seen him in the plant?

23 Q Yes.

24 A Yes.

25 Q Okay. Let me go back to Roy Shank. I

1 Q Millard R. McClanahan?
2 A Can't place him.
3 Q William Simmons?
4 A Yes.
5 Q Ervin G. Bailey?
6 A Yes.
7 Q Okay. Earl Harris?
8 A Yes.
9 Q George Ferrell, F-e-r-r-e-l-l?
10 A I can't place him.
11 Q Okay. Roy Wright?
12 A Yes.
13 Q William Saxton?
14 A Don't remember him.
15 Q Donald Payne?
16 A Yes.
17 Q Byron Jones?
18 A Qualified yes.
19 Q Harold McClanahan?
20 A At one time there were thirty-two
21 McClanahans down there. I'm going to have trouble getting
22 them straightened out. I am not sure.
23 Q Harold Newcomer?
24 A I can't remember the man. I remember
25 the name.

1 Q James Kyle, K-y-l-e?

2 A I can't remember the man. I remember the

3 name.

4 Q James F. Asbury?

5 A Asbury?

6 Q Yes.

7 A Has he got another name?

8 Q Pardon me.

9 A Has he got a nickname?

10 Q I don't know.

11 A Qualified yes then.

12 Q And T.A. Dent, D-e-n-t?

13 A Some of these people I know by nicknames,

14 and I can't remember them by their first names. You don't

15 know whether he was called Asil or not, do you?

16 Q No.

17 A I would have to say qualified yes then.

18 Q All of these people that we have talked

19 about, is it your understanding that they were in the '49

20 explosion?

21 A I can't remember that.

22 Q What?

23 A I don't know. I can't remember all of

24 them.

25 Q Did you work with, have you done work

1 with Dr. Suskind?

2 A Work with Dr. Suskind?

3 Q Yes.

4 A No.

5 Q Do you know who he is?

6 A Yes.

7 Q Now have you treated Paul Willard over the
8 years?

9 A As a private patient?

10 Q Either as a private patient or as the plant
11 doctor.

12 A I have seen him as the plant physician, yes.

13 Q Was Willard ever a private patient? I may
14 have asked you that. Was he ever a private patient also?

15 A I don't remember. I believe you have my
16 charts from my private patients.

17 Q Apparently he wasn't.

18 Okay. Mark this Willard
19 Deposition Exhibit, Group Exhibit 1.

20 (Whereupon a document was marked
21 for identification by the Reporter
22 as Willard Deposition Group
23 Exhibit 1.)

24 MR. LOVE: May I look at it?

25 MR. PRATT: Yes.

1 MR. LOVE: Do you want to tell
2 me what it is?

3 MR. PRATT: Looks to me to be
4 a dispensary record.

5 MR. LOVE: These do not appear
6 to be copies that we have furnished you.

7 MR. PRATT: Well, I don't
8 know where the hell they came from.

9 MR. LOVE: I don't know where
10 they came from either, and that is why I was asking.
11 Because the copies we furnished were all numbered.

12 MR. PRATT: I don't have
13 anything that you furnished on Willard, if you are talking
14 about numbered stuff.

15 MR. LOVE: I am speaking in
16 terms of personnel, medical and other file. And he is
17 one of many. He may have been one guy we had no records
18 for. But I think we had pretty detailed records on it.

19 MR. PRATT: Here we go. I
20 guess we had, what we had better do is mark this Willard
21 Group Exhibit 2.

22 (Whereupon a file folder was
23 marked for identification by
24 the Reporter as Willard Group
25 Exhibit 2.)

1 Q Okay. Doctor, is this Group Exhibit 1, is
2 that a dispensary record on Paul Willard? Does it appear
3 to be?

4 MR. LOVE: Are you talking about
5 the first page?

6 MR. PRATT: Yes. Or if you
7 would look through all of them just quickly.

8 A Yes. The majority of them appear to be
9 dispensary records.

10 MR. PRATT: What we ought to
11 do, Jim, why don't we mark the page.

12 (Whereupon pages of said Exhibit
13 were marked for identification
14 by the Reporter as Pages 1 through
15 35, respectively.)

16 Q Let's take a look at Willard Group Exhibit
17 No. 1, Page 1. Is that one of the dispensary records?

18 A I don't know. It's not signed.

19 Q Okay. It would appear to be so, but I don't
20 know. Okay. What complaints and findings do you find on
21 that Page 1?

22 A Some of this is prior to my association with
23 Monsanto.

24 Q Right. Well, what do you find on that document?

25 A It says chlorine inhaled here, but it's not

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signed.

Q That is in January of '47, right?

A Yes.

Q Okay. What about in 1954, what is his complaints or injuries?

A Temperature 101.

Q Okay.

A Coughing.

Q What is he complaining of, legs and chest sore?

A Yes. Coughing, chilling it says too. Again not signed.

Q Have you ever treated anyone for extremity pain that has worked in this plant, legs or arms?

A Oh, yes.

Q Okay. Can that be caused from chemicals?

A I don't think it's been proven.

Q Okay. 1957, there is an entry. What does it say?

A Nervous, pulse rapid, unable to get accurate reading, blood pressure, no results. Put to bed. Dr. Hoke called. I don't know what that is. Pulse 120. Fifteen minutes after medication. Blood pressure 110 over 80. Again not signed.

Q Okay. Do you know of any chemicals that can

1 cause nervousness?

2 A There is literature that states that carbon-
3 disulfide can cause nervousness.

4 Q How about dioxin? When I am talking about
5 dioxin, I am talking about 2,3,7,8-tetrachlorodibenzo dioxin.

6 A I don't know.

7 Q You don't know if it can cause nervousness?

8 A Never been proven to my knowledge.

9 Q What is the next thing we see here?

10 A Pulse fast and thready. Blood pressure 104
11 over 72. Dr. Hoke called. Morphine one fourth gram stat.
12 8:45. Sent to Dr. Hoke office. 9:35 A.M. Tachycardia.
13 Coronary embolism. Arthritis. Again not signed.

14 Q What is the procedure at the dispensary? Is
15 a nurse supposed to sign the thing?

16 A I don't know where this came from. I don't
17 know.

18 Q Now let me ask you this. Do you know of any
19 chemical that can cause tachycardia, coronary embolism?

20 A Not to my knowledge.

21 Q How about joint pain or arthritis in the joints?

22 A Cause arthritis? Not to my knowledge.

23 Q All right. The next entry is in October of
24 '59.

25 A Right.

1 Q What does it say?

2 A Pain in chest. Blood pressure 164 over 90.
3 Dr. Hoke out of town. Dr. Wallace called. 3:10, feeling
4 better. Left dispensary. Would not go to doctor today.

5 Q Okay. Do you know of any chemical that will
6 cause chest pain?

7 A No. I don't know what that means, pain in
8 chest. I don't know.

9 Q What is our next entry that shows 1960?

10 A April, 1960, blood pressure 168 over 110.
11 Pulse 84. Unable to walk. Legs in parentheses. Dizzy.
12 Unable to focus and think. Sent to hospital per ambulance
13 4:30 P.M. Dr. Wallace to see at hospital. Dr. Hoke out
14 of town. And that has the initials L.M.

15 Q Who is L.M., one of the nurses?

16 A There was a nurse down there, Louise A.
17 Morris.

18 Q Do you recall seeing him in the hospital?

19 A No.

20 Q Do you know any chemicals that will cause
21 dizziness or unable to focus?

22 A Yes.

23 Q What are those chemicals?

24 A Hydrogen sulfide has been stated.

25 Q How about Carbondisulfide?

1 A Well, yes.

2 Q Do you know whether dioxin will cause that?

3 A No.

4 Q You don't know?

5 A I don't know.

6 Q Okay. We are looking at Page 2. And this

7 purports to be a dispensary record. Are you familiar with

8 that document?

9 A No.

10 Q Okay. The first entry looks like October

11 of '61. What does that say?

12 A Saw Dr. Wallace. Shortness of breath last

13 night. Unable to rest. Initials L.M.

14 Q Do you know if any of the chemicals that are

15 manufactured at Nitro will cause shortness of breath?

16 A Yes.

17 Q Which ones?

18 A Chlorine.

19 Q Okay. Do you know any others?

20 A That was one, yes. I don't know. There are

21 others I am sure. Hydrogen sulfide.

22 Q How about dioxin.

23 A Don't know.

24 Q The next entry. What does it say? That is

25 November 1 of '61, I guess it is.

1 A Unable to work. Dr. Wallace trying to get
2 patient in the hospital. And initialed L."

3 Q Do you recall whether you put him in the
4 hospital?

5 A No.

6 Q Okay. On Page 3, does that document look
7 like one of your dispensary records?

8 A Possibly. Probably.

9 Q And it says Dispensary Record, right? And
10 it's dated 1971.

11 A October, '71. No, just 1971.

12 Q What is the first entry that you can tell
13 us?

14 A B-12, one cc given. Initialed D.G. at 3:30
15 P.M.

16 Q Who is D.G., just one of the nurses?

17 A Well, there was a nurse down there, Doris
18 Grisiger, I think.

19 Q Okay. Would you dispense the B-12 or would
20 the nurse?

21 A She dispensed it.

22 Q Okay. What is B-12 given for?

23 A I don't know what it was given for here.

24 Q Okay. The next entry just below that it
25 says what?

1 A Blood pressure checked. 170 over 80. B.G.,
2 3:10 P.M.

3 Q Okay. Then the next entry is what?

4 A 10:00 A.M., on 9/23. Came to dispensary
5 complaining of chest pain and shortness of breath. These
6 are abbreviated. Blood pressure 180 over 100. Pulse
7 something rapid. Bounding. Skin cool and clammy. Something
8 nausea. No emesis. Dr. Hoke notified. O2 given. Resting
9 in dispensary. If no improvement, will send to ER. 11:00
10 A.M., examined by Dr. Wallace. Sent home. Will call Dr.
11 Hoke and go to ER if further problems develop. Signed S.C.

12 Q That is, what nurse is that?

13 A We had a nurse, Susan Casdorff.

14 Q Okay. And there is an entry at 9/27.

15 A Blood pressure 160 over 88, S.C.

16 (Whereupon a short break was
17 taken.)

18 Q Okay. I think we are down to 9/30. Entry
19 is blood pressure reading, right?

20 A 158 over 90, S.C.

21 10/28, blood pressure 170 over
22 80, A.S.

23 Q What is the next one, 10/29?

24 A Vitamin B-12 injection, A.S.

25 Q Okay. The next one is?

1 A 1972, isn't it?

2 Q 1972, right.

3 A Blood pressure, March the 6th, blood pressure

4 194 over 90, A.S.

5 3/7, FB something, R eye removed.

6 Irrigated. Stinging. A.S. 10:40 A.M.

7 Q Is that a foreign body in the right eye?

8 A That's what I would think.

9 Q Then it shows, the record shows that he

10 retired 8/1/72, right?

11 A I don't know. I can't read the date here.

12 It says something '72. Retired effective 8/1/72.

13 Q Page 4 is what?

14 A Duodenitis. It's the insurance form from

15 Leonard Hoke, M.D., concerning I guess Paul Willard.

16 Q Okay. What is the diagnosis there on that

17 document?

18 A Duodenitis, vascular spasm.

19 Q All right. Page 5 is what?

20 A Physical examination dated 11/14/1947 on

21 Paul Willard.

22 Q Okay. Do you see anything in that examination

23 that is abnormal?

24 A It's not signed. I don't know.

25 Q Doesn't appear to be anything abnormal, does it?

1 A I don't know. It's not completed.

2 Q It's dated 11/15/47, right?

3 A Yes.

4 Q Page 6 is what, sir?

5 A It says Notice of Accident Treatment dated

6 5/27/49, Paul Willard.

7 Q Is that signed by the nurse?

8 A I don't know.

9 Q What does that look like?

10 A I don't know.

11 Q What does it seem to say?

12 A Nature of injury, inhaled chlorine fumes.

13 Leak B-40, Building 40 I guess.

14 Q What treatment did they give?

15 A Two teaspoons full HVC in water, oxygen.

16 Q What is that?

17 A I don't know.

18 Q Do you know what that it?

19 A Not really.

20 Q You don't know what the abbreviation is?

21 A No. I don't know what it's for.

22 Q Page 7 appears to be some notes of some kind,

23 right?

24 A Yes.

25 Q On 4/15/49, he was complaining of headache,

1 wasn't he?

2 A Who was complaining of headache?

3 Q It says complaining.

4 A Who?

5 Q I would take it to be Willard?

6 A I wouldn't. I don't know. There is no name

7 or no signature on it.

8 Q All right. Page 8 is one of the company forms.

9 A Notice of Accident Treatment.

10 Q Yes. What is the nature of his injury there?

11 A Dated 4/1. It doesn't give the year. Yes,

12 '49. Date of injury was 4/1. Date of treatment was 4/13.

13 Q Okay. What is the nature of his injury there.

14 A It says dermatitis in ears.

15 Q What treatment was given?

16 A Some kind of a tablet.

17 Q You don't know what that is?

18 A No.

19 Q That is signed by the nurse I guess?

20 A L.M.

21 Q We've got on Page 9 a Monsanto document

22 signed by you.

23 A It's my name. Not my writing.

24 Q That is not your signature?

25 A No, sir.

1 Q What is this diagnosis of injury?

2 A I don't know. It says for something pains,
3 I guess. Off something work.

4 Q Off from work. Do you know that four one
5 could mean Building 41?

6 A I wouldn't hazard a guess. I don't know.

7 Q Do you know what they manufactured in
8 Building 41?

9 A Sir?

10 Q Do you know what they manufactured in
11 Building 41?

12 A They didn't have Building 41 in operation
13 in 1951.

14 Q When did that Building go into operation?

15 A Go into operation? I don't know. I know
16 when it stopped.

17 Q Page 10. That is Industrial Injury or
18 Occupational Disease Medical Report?

19 A It says Monsanto Chemical Company, Industrial
20 Injury or Occupational Disease Medical Report.

21 Q And that was signed by Dr. Nelson. Was he
22 your predecessor?

23 A Correct.

24 Q And he diagnosed this guy as chloracne,
25 right?

1 A Yes. According to that form.

2 Q What was the date you came here?

3 A September 5th, 1950. I think I have answered

4 that before, haven't I?

5 Q Yes. Okay. Here is another form on Page 11.

6 And that is signed again by Nelson, right, or by the nurse

7 for him?

8 A Yes.

9 Q And what is the diagnosis there?

10 A It says dermatitis in left eyelid.

11 Q All right. Page 12 is what?

12 A It's a physical examination dated December

13 the 20th, 1950, signed by me.

14 Q And what does it say?

15 A My findings?

16 Q Yes.

17 A It says generalized chloracne. Complaint

18 about aches, back ache and nervousness. And carious teeth.

19 Q How about aching in the legs?

20 A That is the nurse's writing.

21 Q Can aching in the leg which is a complaint,

22 can that be peripheral neuropathy in the legs?

23 A Possibly.

24 Q Then it has down here in extremities again

25 the word aching, right?

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A Correct.

Q That was a physical that you did on this man on December 20th of 1950, right?

A That's what I said awhile ago.

Q What?

A I said that awhile ago.

Q Okay. Next document is Page 13. And what is that, sir?

A It's a Monsanto Chemical Company Industrial Injury or Occupational Disease Medical Report dated 3/27/51 on Paul Willard.

Q What is the diagnosis of injury?

A No diagnosis. Just says off work. Legs and back. Signed by my signature but not my handwriting.

Q I think it says L.M. there. That would be that nurse probably?

A It's L.M. I don't know. I can't read it.

Q This would have been done by the nurse, right?

A Somebody more than likely. If not the nurse, someone else.

Q Page 14 is what, sir?

A Return to work slip signed by -- strike that. I don't know.

Q Is that your signature?

A I don't think so.

1 Q Page 15. Who is Browning?
2 A He was, I remember a Browning that worked
3 at Monsanto. Hourly employee.
4 Q Was he a nurse?
5 A No.
6 Q Technician?
7 A Not to my knowledge.
8 Q Why would he be signing a Notice of Accident
9 Treatment?
10 A I could only guess.
11 MR. LOVE: Get your page number.
12 MR. PRATT: Page 15.
13 A I can only guess.
14 Q Why would he be signing it?
15 A He would be working in the Service Department,
16 filled out an accident report.
17 Q And the nature of the injury?
18 A Inhales something gas.
19 Q H2S. What is H2S?
20 A Is that H2S? That would be while looking for
21 a leak.
22 Q Do you know what H2S is?
23 A Hydrogen sulfide.
24 Q Okay. The next one is Page 16.
25 A Inhaled H2S fumes. Accident Report. Signed

1 by the nurse with my signature.

2 Q Okay.

3 A My name.

4 Q Page 17, is that your signature?

5 A Yes.

6 Q Now what is that, the physical reexamination?

7 A That is a physical examination May the 14th,

8 1952.

9 Q And what history do you have there?

10 A Coughing and wheezing.

11 Q Okay. Do you know what this is over here?

12 A Well developed, well nourished, abbreviations.

13 Q Skin had chloracne, right?

14 A Yes.

15 Q Everything else looks -- what about the lungs?

16 Is there some problem?

17 A Rhonchi.

18 Q Everything else looks normal, doesn't it?

19 A Teeth were stained. Yes.

20 Q Did you refer people to outside doctors?

21 A Yes.

22 Q Was Boggs, Hunter, Boggs one of the people
23 you referred to?

24 A Did I refer him to Dr. Boggs?

25 Q Yes.

1 A I doubt it. I suspect he already was going
2 to Dr. Boggs when I came with the company.

3 Q And Boggs is what, a dermatologist?

4 A Correct.

5 Q Okay. Page 19. Is that one of your dispensary
6 forms?

7 A It says Dispensary Record, Paul Willard.

8 Q Okay. Looks like what we are talking about
9 here is entries in July and August of '53, right?

10 A They are not signed, are they?

11 Q No. What is the entry of 7/7/53?

12 A Back, legs and left arm sore. First Protomide.

13 Q What is first Protomide?

14 A He received a Protomide injection.

15 Q What is Protomide? What is it used for?

16 A We don't use it at all anymore. It was
17 withdrawn from the market.

18 Q What was it used for?

19 A Neuralgia type pains.

20 Q 7/8/53?

21 A States he feels worse. Two something Protomide.

22 Q Okay. 7/9?

23 A Back and legs feel some better. No pain in
24 left arm. Neck okay. Third Protomide.

25 Q Slept better than usual?

1 A Slept better than usual, yes.

2 Q 7/10/53?

3 A Did not sleep last night. Very nervous. Legs
4 better and back better. Arms okay. Neck slightly sore.
5 Fourth Protomide.

6 Q Okay. Then on 7/20, what does that say?

7 A Felt about same until 16th. Then since then
8 he has been feeling good.

9 Q 8/6/53?

10 A Legs, feet, unable to work. Protomide given.

11 Q Legs asleep, isn't it?

12 A Is that what it says? Yes.

13 Q And 8/17, can you read that?

14 A Not really. Something about the right knee.

15 Q Number 20, Page 20 is a physical examination.
16 Looks like it's a series of physical examinations, doesn't
17 it?

18 A Yes.

19 Q First one in the first column is 7/25/58 I
20 guess. Was there any findings in that exam that were
21 abnormal?

22 A He had dentures. Paroxysmal tachycardia.

23 Q What is that, sir?

24 A Episodes of increased accelerated heart rate.

25 Q All right. On Page 20 again, April 22nd of

1 '59 you examined him?

2 A Yes.

3 Q And that one, except for the dentures, looks
4 normal, doesn't it?

5 A Yes.

6 Q And 5/7/62?

7 A Dentures.

8 Q Dentures and what else?

9 A Paroxysmal tachycardia. Rhonchi and lung
10 fields.

11 Q 10/9/63?

12 A Same results.

13 Q Same thing. And it looks like Page 21 is an
14 exam. Physical examination again and there are two of them,
15 aren't there?

16 A Yes.

17 Q One on 9/3 or 13/65. What abnormalities are
18 there?

19 A Dentures, paroxysmal tachycardia, sebaceous
20 cyst on the neck and ingrown toenail.

21 Q Now looking at 7/20/70, what abnormalities
22 are found there?

23 A Bilateral decreased acuity, auditory, dentures,
24 paroxysmal tachycardia, ingrown right toenail, Peyronie's
25 disease.

1 Q Do you know whether dioxin can cause Peyronie's
2 disease?
3 A No.
4 Q Off the record.
5 (Whereupon a discussion was had
6 off the record.)
7 Q Page 22. Is that one of your forms from the
8 Medical Department?
9 A I think part of the history form, yes.
10 Q Something that the man fills out apparently,
11 right?
12 A Yes.
13 Q It's not even dated.
14 MR. LOVE: It appears to be the
15 second page.
16 Q Okay. Page 23, Doctor. What in the world
17 is that?
18 A Looks like a medical history. It's not
19 signed.
20 Q Is that one of your forms that they used?
21 A It's got an M down here. Monsanto form.
22 Q It says shortness of breath. He apparently
23 put down yes. Chest pain, yes. Chronic cough, yes.
24 A Whoever signed it did that.
25 Q Ease of fatigue, yes.

1 A Whoever signed it, yes.

2 Q Any of these chemicals that are at the plant

3 can cause fatigue?

4 A You mean chronic fatigue?

5 Q Yes.

6 A Not to my knowledge.

7 Q Do you know whether dioxin can?

8 A No.

9 Q You don't know one way or the other?

10 A Correct.

11 Q Page 24, is that your signature?

12 A Yes.

13 Q That is a physical you did on this guy, on

14 Willard on June 28 of '55, right?

15 A Yes.

16 Q And what was the history?

17 A No history is written down.

18 Q What is this right here?

19 A Not acute or chronically ill.

20 Q Okay. What did his skin look like?

21 A Only isolated chloracne.

22 Q Anything else about that physical?

23 A His chest was clear to P and A. And teeth

24 were carious and poor. Poor dental hygiene.

25 Q When you do a physical or when you did a

1 physical back in the 50's, what did that consist of?

2 A A routine physical, I think we checked his
3 eyes, and again I'm only saying as far as I can remember.

4 And then did a medical history. Height, weight and general
5 examination.

6 Q Would it consist of just what is here?

7 A Yes, it should be an interval history somewhere.
8 There is no record here of his eyes being checked so I don't
9 know.

10 Q All right. That is the document on Page 24,
11 right?

12 Page 25 is what, sir?

13 A It's an Accident Report evidently.

14 Q And what is the nature of the injury there?

15 A Inhaled aluminum chloride fumes from Ohio
16 Apex. Then sulfur fumes.

17 Q What treatment was rendered?

18 A Penicillin. Something by Dr. Wallace.

19 Q Fifty thousand units?

20 A No, four hundred fifty thousand, isn't it?

21 Q Penicillin used to treat those fumes?

22 A I don't know. This is not signed by me. It's
23 signed by L.M., so I don't know.

24 Q Would you have used penicillin to treat
25 inhalation to aluminum chloride fumes?

1 " A No. A bronchitis with this inhalation, he may
2 have received penicillin possibly.

3 Q Okay. Page 26, again is an accident form
4 I guess, right. Looks like two of them.

5 A Two different dates.

6 Q Yes. The one on top looks like he had some
7 kind of a physical injury. Does that say fighting, fighting
8 fire, is that what it says. Pulled ligament in ankle, right,
9 signed by L.M.

10 Then November 4th, 1957, is
11 that right?

12 A Yes.

13 Q Laceration, right index finger, cut on
14 something. Signed by L.M.?

15 A Yes.

16 Q Okay. On Page 27, looks like a Monsanto
17 form, right?

18 A By the M.

19 Q Minor injury and accident report. And that
20 one is dated 9/17/58, right? 9/16/58. What is the state-
21 ment of the injury there?

22 A It says digging ditch. Inhaled aluminum
23 chloride fumes from Ohio Apex. That one is not signed.
24 Yes, it is, Louise Morris.

25 Q Page 28 is what, sir? Another minor injury

1 and accident report?

2 A Right.

3 Q And again looks like it was signed by or
4 treated by nurse. She has a aluminum chloride fumes.
5 What was the treatment there?

6 A Had HVC again.

7 Q And what did we say that was or did we know?

8 A I would have to look it up. I don't know.
9 We don't use it anymore. It doesn't say but it must be
10 from the Ohio Apex again.

11 Q Twenty-nine I can't even read.

12 Thirty is another minor injury
13 and accident report, right?

14 A Are you asking me?

15 Q Yes.

16 A Yes.

17 Q Apparently there he inhaled some fumes,
18 right?

19 A Fumes inhaled question mark. See that
20 question mark?

21 Q Yes. That was 7/21/59 I think.

22 A Right.

23 Q Treatment then was HVC oxygen, right?

24 A Right. Signed by L. Morris.

25 Q Page 31 is another minor injury and accident

1 report. Looks like it's dated 8/20/59. What does it look
2 like the nature of the injury is there, irritation, right
3 upper lid?

4 A Yes.

5 Q What is that treatment, examine?

6 A Examine, BACG, bacitracian. Signed by E.
7 Ransom.

8 Q Is that a nurse?

9 A I don't know.

10 Q Do you remember having a nurse by that name?

11 A No.

12 Q I see Red Reynolds' name over here. Who is
13 Red Reynolds?

14 A He was a foreman. I guess he was a foreman
15 at that time. He was in Personnel when I first came with
16 the company.

17 Q Page 32 is what? Monsanto form, I guess?

18 A Yes.

19 Q What does that tell us?

20 A Something and indigestion.

21 Q Is that Hart?

22 A I don't know. It's not signed. H-a-r-t.
23 Possibly it was filled out by an employee. I don't know.

24 Q Page 33 is a Monsanto Injury and Accident
25 Report. Looks like the date is what, 1970?

1 A I would say November something, 1970.

2 Q Can you make out what the nature of the injury

3 is?

4 A It's not signed either, is it?

5 Q No. Page 34. Another minor injury and

6 accident report. Looks like treated by L.M., the nurse,

7 right?

8 A Yes.

9 Q And again he inhaled chlorine fumes, right?

10 A As far as I can read, yes.

11 Q Okay. Is that a -- Page 35 is a what,

12 hearing examination?

13 A Looks like an ear history. I see no

14 examination. It's not signed. Yes, it is.

15 Q Who is that, one of the nurses?

16 A C. Osborne, R.N. Are we through with that

17 one?

18 Q No, not yet. Is this one of the Monsanto

19 forms?

20 A I would judge that it is a history form for

21 audiological examination.

22 MR. LOVE: Do you know where

23 these records came from?

24 MR. PRATT: No idea.

25 Is it one of your forms in the

1 plant?

2 A Can I go off the record?

3 MR. LOVE: Just answer his
4 question.

5 A I can hazard a guess.

6 Q All right.

7 A What I say awhile ago, the history form for
8 ear examination. And this is the history form I think.
9 They are cards. And this is on the back and the examination
10 is on the front.

11 Q Okay. This looks like the history, right?

12 A Yes.

13 Q 4/27/72. Okay. Do you want to get some
14 lunch?

15 (Whereupon a lunch recess was
16 taken.)

17 Q Doctor, I have looked over the documents in
18 Willard Group Exhibit 2 and the documents in Willard Group
19 Exhibit 1. And Exhibit 1 are by and large found in 2. So
20 what I want you to do, it will take a little time, but it
21 will be a lot better than going through these things one
22 at a time. I want you to look through these documents
23 and I am going to ask you some questions, okay? Take
24 your time.

25 MR. LOVE: For the purpose of

1 the record and Mr. Pratt has handed to Dr. Wallace a file
2 styled Willard comma Paul M., medical file consisting of
3 certain pages numbered 9415141 through 9415287 inclusive
4 which he has reviewed.

5 Q Doctor, you have looked at those records
6 when we looked at the records that are marked as Willard
7 Deposition Group Exhibit 1. Do you see in those records
8 any medical reason why this man should have retired at the
9 age of 59?

10 A Medical reason? Was that your question?

11 Q Yes, sir.

12 A What year was that please?

13 Q He retired at 59. And that was in 1972.

14 A There is nothing in his record concerning
15 his health, in this record, present record signed by
16 myself for the two year period prior to his retirement.
17 At that time, I note nothing that would be cause for
18 physical disability.

19 Q I'm going to hand you Willard Deposition
20 Group Exhibit 1 and ask you to look at Pages 20, 21. And
21 see if you see anything there that would cause him to
22 retire early.

23 A No.

24 Q Do you think the man is suffering from coronary
25 heart disease?

1 A From this record, there is not note of coronary
2 heart disease.

3 Q Does he have tachycardia?

4 A Tachycardia, yes.

5 Q So from the records that you have looked at,
6 both Group 1 and Group 2, you see no reason for retirement
7 on a medical basis, is that it?

8 A Correct.

9 Q Were there any chemicals that you know of at
10 the Nitro plant that would cause coronary heart disease or
11 could cause it?

12 A Not to my knowledge.

13 Q Were there any there that you know of that
14 would cause arteriosclerosis?

15 A No.

16 Q Okay. Now you went to work there what,
17 September 5th of 1950?

18 A Yes.

19 Q Do you know Ray Suskind, Dr. Ray Suskind?

20 A Yes.

21 Q When did you meet him?

22 A I can't remember the first time.

23 Q Approximately when?

24 A I really can't answer. I don't know.

25 Q Fifty's or sixty's?

1 A I don't know.

2 Q Did you participate, you know those studies
3 that he has done on these people at Monsanto?

4 A No.

5 Q You have never read any of his studies?

6 A Yes.

7 Q You have?

8 A No. I have never read any of his studies,
9 no.

10 Q Did you know of a study that was done in
11 1949 --

12 A I did read one of his last studies. The
13 results of some of the examinations the last time I saw
14 him.

15 Q Well, let's see if we can go through them
16 chronologically because there is several of them. Did you
17 read any study, Ashe and Suskind. Ashe was also at Kettering,
18 that was done in 1949?

19 A I think I did. I can't be sure.

20 Q Okay. Do you know what their findings were
21 at that time?

22 A No.

23 Q Did you read another study by Ashe and Suskind,
24 1950?

25 A I don't know.

1 MR. PRATT: Might as well mark
2 these, Jim.

3 (Whereupon a document was marked
4 for identification by the Reporter
5 as Plaintiffs' Deposition Exhibit
6 1.)

7 Q I am going to hand you what is marked Plaintiffs'
8 Exhibit No. 1, Doctor, and ask you to look at that.

9 A Look at it or read it?

10 Q Look it over. Take all the time you want.

11 Okay. Do you recall reading
12 that report, sir?

13 A No, I don't.

14 Q Plaintiffs' Exhibit No. 1?

15 MR. LOVE: Excuse me. What is
16 the date of this report?

17 Q The date of that report is December 5 of '49.
18 You do not ever recall seeing that report?

19 A I don't remember reading it, no, studying
20 it.

21 Q It involved some people that you know, four
22 fellows, is that right, McClanahan, Willard, Steele and
23 Hurley?

24 A Right.

25 Q Do you recall -- go ahead and mark this, Jim.

1 (Whereupon a document was marked
2 for identification by the Reporter
3 as Plaintiffs' Deposition Exhibit
4 No. 2.)

5 Q I will hand you what has been marked
6 Plaintiffs' Exhibit 2. And ask you, you don't have to
7 really read it all through. Just see if you know what
8 it is.

9 MR. LOVE: Will you tell us
10 the date of this?

11 MR. PRATT: 4/14/50.

12 A Did you want me to read about what Young
13 and so forth?

14 Q Just glance through it. My question is
15 going to be have you seen that report, that progress report?

16 A Possibly I have. I cannot remember.

17 Q You think you may have seen it or may not?

18 A I say probably. I cannot recollect whether
19 I have seen it or not.

20 MR. PRATT: Mark that 3, Jim.

21 (Whereupon a document was marked
22 for identification by the Reporter
23 as Plaintiffs' Deposition Exhibit
24 No. 3.)

25 Q I hand you what has been marked Plaintiffs'

1 Exhibit No. 3 which is a report by Suskind in 1953. Do
2 you want to take a look at that?

3 A Read it all?

4 Q I would just look at it and see if it becomes
5 familiar to you, if you have read it. That is all I'm
6 interested in.

7 A This is vaguely familiar.

8 Q Do you recall reading that?

9 A I don't recall reading it. Some of the
10 information I have heard before.

11 Q Where did you hear it?

12 A I don't know.

13 (Whereupon a document was marked
14 for identification by the Reporter
15 as Plaintiffs' Deposition Exhibit
16 No. 4.)

17 Q I will hand you what has been marked Exhibit
18 No. 4. The author of that report is, or study is Dr.
19 Suskind. And a lady by the name of Judith Zack. Have you
20 seen that before? If you want to look at it you can.

21 MR. LOVE: Do you have a date?

22 MR. PRATT: It's dated. I
23 think it's 1980 or '81. It's the mortality study. January
24 11, '78.

25 A Yes, I have read that.

1 Q Okay. Now Exhibits 1 and 2, those reports
2 are dated 12/5/49 and Exhibit 2 is dated 4/14/50. I take
3 it that that was before your time and you had nothing to
4 do with the formulation or gathering of the data for these
5 reports, right?

6 A That would be true.

7 Q Now Exhibit 3, Plaintiffs' Exhibit 3 was in
8 1953. Did you or your staff do any work involving the
9 report in Plaintiffs' Exhibit 3?

10 A I don't know. Who would be my staff?

11 Q Well, your nurses I would take it. They
12 work for you, do they not, or under you?

13 A I don't know then.

14 Q Pardon me.

15 A I don't know then.

16 Q You don't know whether they did any work
17 on it?

18 A Correct.

19 Q Did you do any work on it?

20 A I don't think so. I can't be sure. I
21 don't know.

22 Q All right. Exhibit No. 4, did you or your
23 staff, again your nurses do any work involving the gathering
24 of that material that is shown there?

25 A I believe the plant nurse had something to

1 do with gathering that material. I am not certain.

2 Q Who was the plant nurse?

3 A That would be Charlotte Osborne or McClanahan
4 one.

5 Q What work would they have done?

6 A I don't know.

7 Q Did you do any work on the Suskind-Zack
8 Mortality Study?

9 A No.

10 Q Did you furnish, you directly, I mean the
11 Nitro office furnish any records to Suskind and Zack?

12 A The medical office?

13 Q Yes.

14 A Not to my knowledge.

15 Q Okay. Did you have anything to do with, in
16 Plaintiffs' Exhibits 3 or 4 of selecting the participants
17 in those studies? By that I mean the people that are
18 involved, like there are 35 in Exhibit 3. I think 121
19 deaths involved with Exhibit 4.

20 A I don't think so.

21 MR. PRATT: I am going to have
22 that girl take this up and make a copy of this while we
23 are doing it.

24 (Whereupon a short break was
25 taken.)

1 Q Okay. In 1979, a study was done by Suskind's
2 organization at the University of Cincinnati. Are you
3 familiar with that? It was a morbidity study.

4 A Yes.

5 Q What involvement did you or your staff have
6 to do with gathering the data in that study?

7 A Now when you say my staff, the nurses don't
8 directly work for me administratively. Only for medically.
9 So I would say myself and my staff had nothing to do with
10 it.

11 Q Okay. Did any of the nurses participate
12 that you know of in gathering the data?

13 A I believe they did.

14 Q Do you know who was involved?

15 A I think it was Charlotte Osborne and maybe
16 Ruth McClanahan.

17 Q Did you have anything to do with --

18 A No.

19 Q -- gathering the data?

20 A No.

21 Q Have you done any review of the data?

22 A I have listened to talks about it. I have
23 not reviewed anything, no.

24 Q Have you ever seen a copy of the draft of
25 the study?

1 A No.

2 Q Do you know whether anyone at Monsanto has

3 a copy of it?

4 A No.

5 Q You don't know one way or another, right?

6 A Right.

7 Q Did you or your staff in the actual examination

8 of these people that were involved in this study, did you

9 or the nurses have anything to do with that?

10 A I was not there at that time. I can't answer

11 that.

12 MR. LOVE: Excuse me. What

13 examination are we talking about?

14 MR. PRATT: '79.

15 MR. LOVE: This is an examination

16 by Suskind?

17 MR. PRATT: Yes.

18 A You mean laying hands on examination?

19 Q Pardon me?

20 A The laying on hand examination by Suskind

21 and his group, physical examinations?

22 Q Yes, the '79 one, the morbidity study.

23 A The physical examinations?

24 Q Yes.

25 A No. I can't comment. I wasn't there.

1 Q So you had nothing to do with that, right?

2 A No. I was ill.

3 Q Okay. Have you ever been in any conferences

4 where Suskind was at?

5 A Yes.

6 Q Okay. Tell me the first time you know about

7 a conference that you were at where he was at.

8 A I don't remember the date. It was in

9 Cincinnati at Kettering.

10 Q What was being discussed?

11 A The results of this study.

12 Q Of the 1979 study?

13 A Yes.

14 Q Okay. And who all was present?

15 A Mr. Frazer, the plant manager. Galloway,

16 Mr. Dolen and myself from Monsanto.

17 Q Mr. Dolen is who?

18 A He is -- I don't know what his job is. He

19 works for Mr. Galloway.

20 Q He works for Galloway?

21 A Yes.

22 Q Okay. Galloway's position now is what?

23 A He is a Superintendent of Health and Environ-

24 mental. And I don't know what it is.

25 Q And who else was there?

1 A Dr. Suskind, and Dr. Ashe was there from
2 Monsanto. Dr. Tillman. And I forget the epidemiologist's
3 name. Do you know? It starts with a G.

4 Q Gaffey?

5 A Gaffey. From Kettering was Dr. Suskind, a
6 lady physician who's name I don't remember. Mrs. Suskind.
7 I think that was it.

8 Q Okay. What was discussed?

9 A Chloracne.

10 Q Okay. Anything else discussed?

11 A I don't think so.

12 Q Was this before the tests were run or after
13 the tests were run?

14 A It was after some of the tests were completed.

15 Q Okay. And the only thing that you recall that
16 was discussed was chloracne?

17 A Yes.

18 Q Was the protocol discussed, the medical
19 protocol?

20 A Would you explain your question please?

21 Q Was the medical protocol, in other words the
22 tests that they were going to run, was that discussed?

23 A Yes.

24 Q Did they find anything other than chloracne?

25 A I don't think they found anything that they

1 could attribute to chemical exposure except possibly acne.

2 Q They didn't find any central nervous system
3 damage or peripheral nervous system damage or liver damage
4 that they would attribute to --

5 A Chemical exposure?

6 Q Chemical exposure, right.

7 A I don't think so.

8 Q Okay. Anything else discussed besides
9 chloracne and the protocol?

10 A No.

11 Q Okay. Now let me ask you this. You have
12 been there since September the 5th of 1950. What I want
13 to talk to you about is workman's compensation. You know
14 what that is, don't you?

15 A Yes.

16 Q Occupational disease, you know what it is?

17 A Right.

18 Q Can you tell me the protocol or how you
19 administratively handle, first of all let's talk about
20 traumatic injuries. Insofar as the workman's compensation
21 fund is concerned. First of all, did you or your nurses
22 have anything to do with workman's comp or OD?

23 A The only thing I have to do is sending my
24 bills for patients I treat.

25 Q You mean outside the plant?

1 A Whatever.

2 Q Now I don't know if I am confusing me or
3 confusing you. In your capacity as the plant physician,
4 what would you or your dispensary, including the nurses,
5 have to do with anything with the filing of workman's
6 compensation claims?

7 A Oh, okay. I sign those cases. I sign those
8 cases that are given to the compensation commission.

9 Q Okay. Now, of course --

10 A If I am the only physician on the case.

11 Q If you are the only physician on the case?

12 A Yes.

13 Q Now of course that would be done if you had
14 broken arms, broken legs, right? There would be no question.

15 A No. They would probably be treated by
16 orthopedists and then he would sign them.

17 Q Okay. What about chemical exposures?

18 A Yes.

19 Q All right. Can you give me an idea in the
20 50's, say starting out in the 50's, how many of those
21 documents that you signed involved chemical exposure?

22 A No idea.

23 Q Would it be a hundred?

24 A I have no idea.

25 Q One?

1 A More than one.

2 Q Do you have any knowledge of who those people
3 were?

4 A No. I wouldn't remember.

5 Q How about in the 60's?

6 A Same answer.

7 Q Would that data be available?

8 A Anything that is available in the compensation
9 fund is available, yes.

10 Q Well, let me ask you this. Do you have in
11 the dispensary, do they have the forms there?

12 A Yes.

13 Q Okay.

14 A The physician's forms?

15 Q Yes.

16 A Yes.

17 Q Is there any other form that would go to the
18 compensation board besides the physician?

19 A I don't know.

20 Q Would the nurses fill those out?

21 A Yes. Or one of the secretaries in the
22 Safety Department.

23 Q Okay. And then you would sign it, right?

24 A After reading it, of course.

25 Q Okay. Do you know if you ever signed one

1 where an exposure was to Xylene?

2 A Can't remember.

3 Q Do you ever recall signing one where the

4 exposure was Carbondisulfide?

5 A Can't remember.

6 Q Do you ever remember signing one where it

7 was Benzene?

8 A Can't remember.

9 Q Do you ever remember signing one where it

10 was Aniline, was the exposure?

11 A Probably. I don't, I repeat, I don't remember.

12 Q Okay. How about PAB?

13 A I don't remember whether I signed those.

14 Q Does Monsanto have a urologist they use?

15 A Sir?

16 Q Does Monsanto have a urologist they refer

17 these cases to?

18 A Several.

19 Q Who are they?

20 A You mean locally?

21 Q Yes.

22 A Oh, Dr. Celis, C-e-l-i-s, I think it is and

23 his associate, and I forget his name. Dr. Ralph Holloway,

24 Dr. Rodney Dean, Dr. Lionel Nair and Dr. Shanmughan.

25 Q Do you ever recall signing a physician's

1 work comp form on Niran?

2 A Can't remember.

3 Q How about A-JON-C?

4 A Can't remember.

5 Q How about Sop-A-Nox?

6 A Are you saying that correctly? I think you
7 used that word before.

8 Q Sop-A-Nox. Maybe I am mispronouncing it.

9 MR. LOVE: I think it's pronounced
10 like s-o-a-p, Sop-A-Nox.

11 A No, I don't remember.

12 Q Do you ever recall signing a physician's work
13 comp form to the Commission on 2,4,5-T Trichlorophenoxyacetic
14 acid?

15 A Can't remember.

16 Q Do you ever remember signing one on dioxin?

17 A No.

18 Q Are you saying you don't recall signing one
19 on dioxin or that you know that you didn't?

20 A I am pretty well convinced I didn't on dioxin.

21 Q Pardon me?

22 A I am convinced I didn't on dioxin.

23 Q Do you have any knowledge on how many work
24 comp claims were made over the years? Do you have any
25 knowledge of that?

1 A No.

2 Q But on these chemicals I have just mentioned,
3 you have no knowledge at all what you signed or didn't sign
4 involving those chemicals, but you know you didn't on dioxin,
5 right?

6 A I feel confident I didn't on dioxin.

7 Q Okay. Doctor, have you had any cases of
8 chloracne that were not related to the explosion in '49
9 in the plant?

10 A We have had cases of acne that we have presumed
11 to be due to chlorinated hydrocarbons.

12 Q Do you know how many of those you have had?

13 A No.

14 Q Now what I am talking about is the persons
15 that were not involved in the explosion at all.

16 A There was not an explosion first in '49. It
17 was not an explosion.

18 Q What would you term it?

19 A It was a chemical reaction that went haywire.

20 Q Okay.

21 A There was no explosion.

22 Q Again the question is whatever you want to
23 call it, have you had any cases of chloracne that were,
24 of people who were not involved in the chemical reaction?

25 A In '49?

1 Q In '49.

2 A We have had cases of acne we presumed to be
3 due to chlorinated hydrocarbon exposure.

4 Q Do you have any idea how many you have had?

5 A No.

6 Q Would it be a hundred, two hundred, do you
7 have any idea?

8 A Anything I would give you would be a guess.
9 You probably know better than I do.

10 Q Did you as the plant doctor treat any of
11 these people that had chloracne?

12 A Yes.

13 Q Okay. What was the treatment for that?

14 A The majority of them had a dermatological
15 examination. By the way, I took dermatology in medical
16 school too. I forgot that yesterday.

17 Q Okay.

18 A Also obstetrics and gynecology and orthopedics.
19 I thought of some more. And the nurse would evacuate the
20 contents of some of these comedones. We would give them
21 whatever soaps, etcetera they needed for the cleanliness.
22 We would prescribe antibiotics if indicated, etcetera.

23 Q Okay. Do you as a plant physician have
24 anything to do with the hygiene in the plant, the industrial
25 hygiene?

1 A Yes.

2 Q Tell me what your function is there?

3 A Purely advisory.

4 Q Okay. And that would be who to, the plant
5 manager?

6 A Oh, I would probably go through Mr. Galloway.

7 Q Superintendent?

8 A Yes. Or the Safety Director, Mr. Bishop.

9 Q All right. Is that Dan Bishop?

10 A It's Robert Paul, I think.

11 Q Okay. And would you prescribe any kind of
12 protective devices for the people?

13 A Yes. I didn't prescribe it. They had it
14 available. You mean creams?

15 Q Well, I am talking more like now --

16 A Clothing?

17 Q Protective clothing.

18 A That was available for them, yes.

19 Q Okay. Did you ever prescribe any for the
20 2,4,5-T operation?

21 A It was available for them.

22 Q Well --

23 A They wore it, protective clothing after the
24 original exposure in '49.

25 Q What did they wear?

1 A Coveralls.

2 Q Were these impervious type coveralls?

3 A Gee, I don't remember. It was handled by the

4 Safety Department. Gloves, of course.

5 Q Were they impervious type gloves?

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

7 Q Anything else?

8 A The plant policy, everyone has to wear hard

9 hats and goggles, glasses. They were also given protective

10 creams.

11 Q What were those creams, can you tell me?

12 A No.

13 Q Do they still use them?

14 A I think there are still some down there.

15 Q Well, maybe you are not the one I want to talk

16 to on this particular point. But did you, is what you are

17 saying that what you did was that you would prescribe, here

18 is what you ought to wear to be working in this particular

19 chemical?

20 A I didn't prescribe, no.

21 Q All right. Who would have been that person

22 or that committee?

23 A Again, the Safety Director or the Superintendent.

24 Q They are not doctors though, right?

25 A No.

1 Q Would it come from the Medical Department in
2 St. Louis, do you think?

3 A Possibly.

4 Q Have you ever seen any documents where they
5 have prescribed, told them that if you are going to work
6 in this chemical you should wear this or so forth?

7 A Have I ever seen it?

8 Q Yes.

9 A No, it wouldn't come to me.

10 Q When did it come to your attention that
11 dioxin was causing this chloracne?

12 A It's never been proven dioxin caused this
13 chloracne.

14 Q What?

15 A It's never been proved dioxin caused this
16 chloracne.

17 Q Well, do you think it was caused by 2,4,5-T?

18 A No.

19 Q Were you familiar at all with the --

20 A You are talking about the finished product?

21 Q Yes.

22 A No.

23 Q Were you familiar at all with a study by a
24 company in Germany by the name of BASF?

25 A I perhaps have read it. I wouldn't say I am

1 familiar with it.

2 MR. LOVE: Could you identify
3 that better, Paul, by date or something?

4 Q 1957, '56.

5 A I think I probably read the report.

6 (Whereupon a document was marked
7 for identification by the Reporter
8 as Plaintiffs' Deposition Exhibit
9 No. 5.)

10 Q Go ahead and read it.

11 What is that document marked
12 Plaintiffs' Exhibit No. 5, Doctor?

13 A It's a, evidently a communication from the
14 then Safety Director, L.C. Weger, W-e-g-e-r, to whom I do
15 not know, concerning a meeting at the Kettering Laboratory
16 on June the 22nd, 1956.

17 Q And who was present at that meeting?

18 A Dr. Raymond Suskind, Dr. Julin, J-u-l-i-n.
19 Fann, F-a-n-n, from Kettering. Myself. Mr. C.F. Luecke,
20 Monsanto, Nitro Safety Department. Mr. E.L. Godfrey, Monsanto,
21 Nitro.

22 Q Who is Luecke and who is Godfrey?

23 A Luecke is the Superintendent. Godfrey, I am
24 trying to remember who he was. I don't remember who he was.

25 Mr. E.P. Wheeler, Monsanto,

1 St. Louis. He is Industrial Hygienist, I believe. Mr. P.N.
2 Bowles of Blagg, Stone, Maury, Anderson and Bowles at that
3 time.

4 MR. LOVE: Mauzy, M-a-u-z-y.

5 A And Mr. Weger.

6 Q Okay. And this, what this is is the minutes
7 of those meetings, is that right?

8 A I don't know. Yes, it says minutes.

9 Q Okay. What was discussed that first paragraph?

10 A Dr. Suskind presented the group with copies
11 of a written summary of the experimental work done at the
12 Kettering Laboratory during the past several months. A
13 copy of this summary is attached. Dr. Suskind elaborated
14 on the work covered by the report and by sketching a cross
15 section of the skin, explained to the group how chloracne
16 affects the hair follicle and the sebaceous gland. Dr.
17 Suskind pointed out that -- do you want me to read it all?

18 Q Yes. Go ahead.

19 A Pointed out that the percent concentration
20 and total dose referred to in the table in his summary
21 represents the sample in each case and not actual tri-
22 chlorophenate. It was not possible to use higher concentra-
23 tions of Sodium TCP because of the extreme irritation of the
24 skin so that while the Halowax was applied as a 20 percent
25 concentration, the maximum concentration of any of the TCP

1 samples was seven percent.

2 MR. LOVE: Paul, would you like
3 to have me stipulate that he has read this document and just
4 have Jim type it in the record?

5 MR. PRATT: I want to ask some
6 questions.

7 A And in some instances was held as low as 2.5
8 percent or 2.45 percent and 0.78 percent Trichlorophenol.

9 Q Is he pointing out there that that chloracne
10 was being caused by Sodium TCP?

11 A Trichlorophenate.

12 Q Yes.

13 A Yes.

14 Q And Sodium Trichlorophenate is part of the
15 process to make 2,4,5-T?

16 A Correct.

17 Q And in the second paragraph, he states that
18 he found that the Nitro plant's normal Sodium Trichlorophenate
19 produces definite chloracne. Isn't that correct?

20 A I think that is what he is saying in that
21 report.

22 Q And on the second page, Roman Numeral Number
23 Two, Mr. Wheeler who is one of those present talks about a
24 recent visit with BASF in Germany. Isn't that correct?

25 A Yes.

1 Q He also went on to say that the BASF Company
2 was very interested in exchanging data, isn't that correct?

3 A Yes.

4 Q Because they had a similar problem.

5 A Yes.

6 Q And that being the symptoms and complaints of
7 the workers in the German plant parallel to the Monsanto
8 experience, right?

9 A Mr. Wheeler is not a doctor of medicine. I
10 don't know what that is about.

11 Q Well, why don't we just start reading this.
12 Read that paragraph into the record, sir.

13 A It appeared to Mr. Wheeler that the symptoms
14 and complaints manifested by the workers in the German
15 plant paralleled the Monsanto experience, but it was his
16 opinion that the German cases were probably more severe.
17 Again, he is not a doctor of medicine so I don't know. You
18 are quoting him.

19 Q Well, did he talk to a Dr. Oettel?

20 A Oettel, yes.

21 Q Oettel, right.

22 A Again, he is not a doctor of medicine. He
23 is an industrial hygienist.

24 Q Well, I am sure they had him in this room for
25 a reason, right?

1 MR. LOVE: Let me ask who we
2 are talking about, Oettel?

3 Q Oettel is from Germany.

4 A Mr. Wheeler from St. Louis, the industrial
5 hygienist is not a doctor.

6 Q Would you read into the record the last
7 sentence in that second paragraph?

8 A Dr. Oettel of BASF seemed particularly
9 interested that the Monsanto cases had also presented
10 objective complaints suggesting peripheral neuritis. Long
11 distance for diagnosis.

12 Q And of course that document is Plaintiffs'
13 Exhibit 5, is June 22nd, 1956, isn't it?

14 A Yes.

15 Q Okay. Will you read the complete third
16 paragraph into the record?

17 A It was agreed that Mr. Wheeler will request
18 approval from the Organic Division for exchange of informa-
19 tion with BASF, and it is anticipated that Dr. Suskind will
20 correspond directly with Dr. Oettel, and that someone at
21 Nitro will be designated to carry out the exchange of such
22 plant information as is approved. Each party conducting
23 correspondence will provide the other party and the Monsanto
24 Medical Department with carbon copies of all materials sent
25 and received.

1 Q Did you see any future or after that meeting,
2 did you see any of the correspondence?

3 A Can't remember.

4 Q Would you be put on the CC list for that, or
5 do you have any idea?

6 A I would say probably. I have no idea.

7 Q Did you ever see any correspondence from
8 the German company?

9 A Can't remember.

10 Q But in 1956 would it be fair to say that
11 Monsanto knew that another company that manufactured 2,4,5-T
12 was having the same chloracne problem that Monsanto was
13 having?

14 MR. LOVE: Objection to the
15 question. I think he can testify as to his own knowledge.
16 But I don't think he can testify as to the knowledge of the
17 company. Now to the extent you can imply his individual
18 knowledge as a plant physician on a part time basis to the
19 entire company, I suppose it's appropriate, but I think it's
20 an improper question and I object to it. If you can answer
21 it now, go ahead and do it.

22 Q Go ahead.

23 A What is your question?

24 (Whereupon the last question
25 was read by the Reporter.)

1 MR. PRATT: Your objection is
2 there.

3 A From that, it would appear that Mr. Wheeler
4 had knowledge of it.

5 MR. LOVE: Does the document
6 indicate that BASF was manufacturing 2,4,5-T?

7 MR. PRATT: No, but that is what
8 they were making.

9 MR. LOVE: We will take your
10 word for it.

11 MR. PRATT: I have read the
12 study. Have we got an answer out of him yet or not?

13 Well, you were there. I guess
14 you had knowledge of it too, right?

15 A Of what Mr. Wheeler said.

16 Q Of what Mr. Wheeler said, okay.

17 MR. LOVE: Off the record.

18 (Whereupon a discussion was
19 had off the record.)

20 MR. PRATT: Plaintiffs'
21 Deposition Exhibit 5 are the following numbers. The first
22 page 8328064. The second page 8328065. Third page 8328066.

23 Let me ask you this, Doctor.
24 In your capacity as plant physician, did you have anything
25 to do with disposal of chemicals?

1 A No.

2 Q You wouldn't have been in a position or it
3 wasn't your job to advise them on where to dispose of
4 certain things?

5 A Correct.

6 MR. PRATT: Go ahead and mark
7 that.

8 (Whereupon a document was marked
9 for identification by the Reporter
10 as Plaintiffs' Deposition Exhibit
11 No. 6.)

12 Q Doctor, I hand you what has been marked
13 Plaintiffs' Exhibit No. 6.

14 MR. LOVE: Paul, I think this
15 is one page of a two page document.

16 MR. PRATT: Well, that's all I've
17 got. But it suits what I want to do.

18 Are you familiar with that
19 meeting?

20 A Vaguely.

21 Q And did you participate in that meeting?

22 A No. I did the dinner meeting on the 2nd of
23 April, I think. But I became ill on the 3rd of April.
24 That's when I quit I should say. I was ill way before that.

25 Q Were you there when he spoke to the people in

1 the plant?

2 A Yes. Is that this?

3 Q Yes.

4 A Yes, I was there. This is after the last time
5 he came down for the survey, correct?

6 Q Yes.

7 MR. LOVE: '79.

8 MR. PRATT: I think that's right.

9 A Yes, I was there.

10 Q Do you remember a girl by the name of Diane
11 Tidd?

12 A Yes.

13 Q I don't know that we have this on the record.
14 Did this woman have chloracne?

15 A She has acne.

16 Q Okay.

17 A Possibly chemically induced.

18 Q Would this document here that we have give us
19 enlightenment? If it will, I will mark it.

20 A I don't know what it is.

21 Q Did you treat her at all?

22 A Yes.

23 Q And what did you treat her for?

24 A Acne.

25 Q Okay. Will you tell us the difference between

1 chloracne and acne vulgaris?

2 A There is no difference.

3 Q It looks the same pretty much doesn't it?

4 A Yes.

5 Q Okay. What did you give her for the acne
6 that you treated her for?

7 A Can't remember.

8 Q What would you normally give?

9 A Don't we have her chart here?

10 Q What?

11 A Don't we have her chart here?

12 Q I don't see it.

13 MR. LOVE: I don't think that
14 has been produced yet, Paul. She was in the last group of
15 21 that were filed. Those medical files are in the process
16 of being copied but have not yet been produced for you.
17 Unless you got them some other way.

18 MR. PRATT: No.

19 A Where did that come from?

20 MR. PRATT: You've got me.

21 MR. LOVE: Do you want to make
22 it an Exhibit?

23 Q Do you know a Dr. Hawkins?

24 A Yes.

25 Q He is a dermatologist, right?

1 A Correct.

2 Q Did she, if you recall, because we don't have
3 the record and you may not, did she give you any other
4 complaints other than the chloracne or the acne?

5 A I can't remember.

6 Q Okay. Do you remember a fellow by the name
7 of William Davis, Sr.?

8 A Yes.

9 Q Okay. Jim, Plaintiffs' Exhibit, Group Exhibit
10 7 will be of William Davis, Sr. And the numbers are 9418595
11 through 9418631.

12 (Whereupon a file was marked
13 for identification by the
14 Reporter as Plaintiffs' Deposition
15 Exhibit No. 7.)

16 Q He was a private patient of yours too, wasn't
17 he?

18 A Yes.

19 Q How old was Mr. Davis when he died?

20 A I don't know. He was not a private patient
21 of mine when he expired.

22 Q Pardon me?

23 A He was not a private patient of mine when he
24 expired.

25 MR. PRATT: Let's go.

1 (Whereupon proceedings were
2 continued to May 26, 1983,
3 whereupon the following proceedings
4 were had.)

5 Q Okay. Doctor. To start out, I think we
6 concluded on Wednesday or Tuesday it was I guess, and I
7 don't have that many questions for you, because I am not
8 going to go through all these files, because we have looked
9 at a couple of them. And there is nothing there with any
10 interest to me.

11 Have you conducted any studies
12 of your own concerning the chemicals that are involved,
13 dioxin, 2,4,5-T, etcetera?

14 A No.

15 Q Let me ask you this. Are you familiar with
16 what they call a PAB program?

17 A Yes.

18 Q What is your knowledge concerning that program?

19 A Starting at the beginning?

20 Q Yes.

21 A Well, let's see. I forget the year, but someone
22 received something in the St. Louis office that Aniline
23 derivatives could cause, could possibly cause bladder tumors.
24 And at that time, Mr. Edward Volks was Safety Director. He
25 and I found that people that were exposed to Paraminobiphenyl

1 had more tumors in those individuals than we expected
2 statistically speaking. And then we decided to cystoscope
3 each individual that had been exposed annually.

4 Q What other aspects of the PAB program were
5 there? Were there payments made?

6 A I don't know about that.

7 Q You don't have anything to do with that,
8 okay. How about the 2,4,5-T program? Did they have one
9 of those?

10 A Other than the bills that would accumulate?

11 Q Yes.

12 A No. I had nothing to do with that.

13 Q On both those programs, the company paid the
14 medical, I take it, right?

15 A They paid --

16 MR. LOVE: Let me, you are
17 talking about both of those programs?

18 MR. PRATT: PAB and 2,4,5-T.

19 MR. LOVE: Did you establish
20 that there was a 2,4,5-T program?

21 MR. PRATT: I think that's what
22 he said, paying the bills.

23 MR. LOVE: I am sorry.

24 A Where are we then?

25 Q Well, on both these programs, the PAB program

1 and the 2,4,5-T program, the company paid the bills?

2 A Yes. As far as my knowledge. I have nothing
3 to do with paying bills, of course.

4 Q All right. Were there any other programs that
5 were initiated during your tenure with this company other
6 than the two we have just mentioned?

7 A I don't understand your question.

8 Q Well, were there any other programs such as
9 the PAB program, the 2,4,5-T program that were initiated
10 or administered by the company during the time you have
11 been working for them?

12 A They do periodic physicals on individuals.
13 They have an organization that comes in periodically and
14 runs laboratory tests and x-rays and EKG's on those that
15 so desire.

16 Q And who is that organization that does that?

17 A PHS, isn't it? I don't know what that stands
18 for.

19 Q All right. Do you have in the PHS multi-
20 phasing testing program, do you have any unauthored computer
21 printouts of the test results in your possession?

22 A I am sorry. I don't understand.

23 Q Do you have any data in your possession,
24 either at the plant or in your office, private office,
25 concerning any computer printouts that were generated from

1 these tests in the PHS multiphasic testing program?

2 A Yes. We retain a copy of each individual's
3 testing.

4 Q Okay. And where are those located?

5 A They are placed in the individual's chart.

6 Q Each guy's chart?

7 A A copy. He is given a copy of the original
8 himself.

9 Q All right.

10 A To take to his private physician.

11 Q Are those at the plant?

12 A Yes.

13 Q Do you have any personal files on any of the
14 people that are on that subpoena other than the medical
15 records that you have, that we have gotten from you by way
16 of deposition?

17 A No.

18 Q I am going to talk about some symptoms here.
19 And I am going to ask you some questions. These are symptoms
20 or complaints.

21 Fatigue, persistent cough, sore
22 throat, nausea, upset stomach, dizziness, light-headedness,
23 sleep difficulties, sleeplessness, exhaustion, face red,
24 burning and numb, shortness of breath, breathing problems,
25 dark urine, urinary frequency, urination urgency, blood in

1 urine, runny nose, nosebleeds, eyes that water or are
2 irritated, loss of vision, aching joints, leg pain,
3 extremities numb and tingling, nervousness, anxiety, ear
4 problems, kidney difficulty, loss of libido, diarrhea, loss
5 of memory, loss of attention or concentration, lumps or
6 lypomas, skin rashes, cancer, weight gain, weight loss,
7 depression, personality change, Peyronie's disease, high
8 blood pressure, chest pains, headaches.

9 Can any of those symptoms or
10 complaints be related to 2,3,7,8 Tetrachlorodibenzo-para-
11 dioxin in your opinion?

12 A Rash for certain.

13 Q Rash?

14 A Yes.

15 Q All right. And of course would you say
16 chloracne could be?

17 A Did you mention chloracne?

18 Q No, I didn't mention chloracne. Would
19 chloracne be a problem, that is a medical problem that
20 is related to dioxin?

21 A Dioxin is supposed to cause that type of
22 rash. Is that what you are saying?

23 Q Yes. Is that your answer?

24 A Yes.

25 Q That it will?

1 A That is what I have read.

2 Q Okay. Now will any of those other things
3 in your opinion, can they be related to dioxin exposure?

4 A I have heard of complaints that they have
5 had from dioxin exposure.

6 Q Pardon me?

7 A I have heard some of those complaints. Not
8 all of them.

9 Q Which ones?

10 A Well, leg aches, mostly subjective symptoms.
11 I can't remember all of them you enumerated.

12 Q Did you tell anybody that worked in that plant
13 that the chloracne was caused or skin rashes were caused
14 from dioxin?

15 A No.

16 Q Did you ever tell anybody in that plant, and
17 I am talking about the workers, that this list of symptoms
18 that I have related was caused from dioxin?

19 A No.

20 MR. LOVE: Objection to the
21 question. But he has already answered. That's all right.

22 Q Now you say you are part time, Doctor?

23 A Yes.

24 Q Lawyers always like to find this out. What
25 is your salary with Monsanto?

1 MR. LOVE: Objection to the
2 question.

3 MR. PRATT: Okay.

4 MR. LOVE: Do you want to tell
5 us what the relevancy of that is?

6 MR. PRATT: Goes to his interest
7 and bias, my friend.

8 MR. LOVE: He is an employee
9 of the company.

10 MR. PRATT: I want to know his
11 salary, what he makes.

12 MR. LOVE: I am going to instruct
13 him not to answer the question.

14 MR. PRATT: Certify it. That's
15 all I have.

16 MR. LOVE: Are you through?

17 MR. PRATT: Yes.

18 CROSS-EXAMINATION

19 BY MR. LOVE:

20 Q Dr. Wallace, I have a few questions that I
21 want to ask. With specific regard to certain interrogatories
22 that were served on us by the Plaintiffs in this case, which
23 are dated April 5, 1983 --

24 MR. PRATT: Let me see a copy
25 so I know what you are talking about.

1 Q The Defendant, Monsanto Company, has been
2 asked certain questions with regard to physicians employed
3 at the Nitro plant from 1941 to the present. And I'm going
4 to ask you this question with regard to you. These questions
5 with regard to you. Some of which you may have already
6 answered, and if you have, just say that you have already
7 answered.

8 You are employed as the plant
9 physician and have been so employed since September the 5th
10 of 1950. Is that correct?

11 A I think that's right.

12 Q All right, sir. Have you been the only plant
13 physician since that time?

14 A For the Nitro plant?

15 Q For the Nitro plant.

16 A Yes.

17 Q Do you have a specialty as a physician?

18 A I am a Fellow of the American Academy of
19 Family Practice.

20 Q You have testified earlier as to your training
21 and experience, have you not?

22 A Yes.

23 Q Have you had any special training in the area
24 of occupational health other than that to which you have
25 testified earlier?

1 A That's a difficult question. Years of
2 experience, of course.

3 Q All right. That's fine.

4 A I have been an industrial physician longer
5 than anybody in the State of West Virginia as of this date.

6 Q Are you a full or part time employee of the
7 company?

8 A I've answered that before, part time.

9 Q What are your hours and days of work?

10 A We have answered that previously.

11 Q Are you employed pursuant to a written
12 contract?

13 A Yes.

14 Q Where is a copy of that contract?

15 A I don't know.

16 Q Do you have a copy of the contract?

17 A I have a copy, yes.

18 Q And where would that be located?

19 A My copy?

20 Q Yes, sir.

21 A Probably in my safety vault. I say probably.

22 Q It's in your own personal records somewhere,
23 is that correct?

24 A Yes, correct.

25 Q Do your responsibilities as a plant physician

1 include supervising nurses or other paraprofessionals?

2 A The nurses do not work for me. I supervise
3 them for medical problems.

4 Q All right, sir. Do you have a written job
5 description, or would that be contained within your contract,
6 or is there any specific document that would be considered
7 a job description?

8 A If there is, I don't remember seeing it.

9 Q Who is your supervisor?

10 A Mr. Max Galloway is in charge -- he is in
11 charge of the dispensary. The dispensary is also under the
12 jurisdiction of the Safety Director, Mr. Robert Paul Bishop.
13 But I do not work for Mr. Bishop. Do you follow what I mean?

14 Q Yes, sir. Where is Mr. Galloway's office?

15 A In the main office building.

16 Q At the Nitro plant?

17 A Correct.

18 Q Are you required to examine all employees on a
19 regular basis?

20 A We try to examine all the employees on a
21 periodic basis, or those that have not had a physical
22 examination at the Nitro plant.

23 Q Do I understand that the opportunity for a
24 physical examination is there for all employees?

25 A Correct. Well, the superintendents go to an

1 outside physician, and the plant manager.

2 Q How often are these examinations performed
3 or made available to the employees?

4 A I don't know. The nurse does that work.
5 That comes out of Central Medical Office for different
6 age groups.

7 Q Have the frequency of those examinations
8 changed since you have been the plant physician?

9 A I do not know.

10 Q Are you required to inspect the facilities
11 of the plant on a regular basis?

12 A Periodic basis.

13 Q How often?

14 A Oh, there has never been any regular inspections.
15 Whenever necessary. Of course, I try to go around quite
16 often.

17 Q Tell me the location of your office at the
18 Nitro plant. Is it in a specific building?

19 A Yes.

20 Q Can you identify that building? Does it have
21 a number?

22 A It has a number. I don't know the number.

23 Q And how long has it been in its present
24 location?

25 A The same building?

1 Q Yes, sir.

2 A Ever since I have been with Monsanto Nitro
3 Plant. It has been moved from one room to another. But
4 it's been in the same building.

5 Q As best you can, tell me what the building
6 is constructed of. What material is it constructed of,
7 as best you can?

8 A Masonry construction.

9 Q All right. Is your office on the first,
10 second or what floor of the building?

11 A First.

12 Q How close is your office to the Building 41?

13 A I don't know.

14 Q How close is it to Building 34 if you know?

15 A I don't know. They are both within walking
16 distance.

17 Q Tell me generally what equipment is available
18 in the dispensary.

19 A Primarily diagnostic equipment.

20 Q Can you be more specific?

21 A Okay. Well, of course, stethoscopes, otoscopes,
22 ophthalmoscopes, sight screeners, audiogram, scales, examining
23 table with stirrups, gloves, tongue depressors, percussion
24 hammer. I guess that would pretty well cover the examining
25 room.

1 Q How many beds or examining tables are located
2 in the dispensary?

3 A Two beds. One examining table.

4 Q Can you tell me what drugs are generally
5 stocked in the dispensary?

6 A Drugs?

7 Q Yes, sir.

8 A You mean medicines?

9 Q Drugs.

10 A Narcotics?

11 Q The word used as drugs. How would you define
12 the word drugs?

13 A Well, we have no narcotics stocked. The
14 nurses have some analgesics, so-called cold pills, throat
15 lozenges, antiseptics, bandages, splints.

16 Q How about penicillin for example?

17 A No.

18 Q Any other drugs within your definition that
19 you can tell us that it's generally stocked with?

20 A We have nothing that we use for extended
21 therapy. These medicines that are retained in the dispensary
22 are used primarily just to keep the employee fairly com-
23 fortable until he can acquire the services of his family
24 physician. If anything is required for my own extended
25 therapy, I will write a prescription to that employee.

1 Q Is it the practice to dispense the items that
2 you have just described from the dispensary?

3 A Yes. They are over the counter drugs that the
4 nurse gives out.

5 Q What are the hours of operation of the
6 dispensary if you know?

7 A If I know? I think I know the nurses' hours.
8 Do you want that?

9 Q I want to know the hours that it's open.

10 A The dispensary is open all hours of the day
11 and night if it's necessary.

12 Q What personnel is responsible for staffing it
13 during a normal day?

14 A A nurse.

15 Q And do you know, is there one shift or two
16 shifts?

17 A One shift.

18 Q So is it normally open eight hours a day,
19 staffed by a nurse?

20 A It is open 24 hours a day if necessary. A
21 nurse is on the premises eight hours a day, five days a
22 week.

23 Q Now what, how would you say generally, what
24 procedures or operations are performed within the dispensary?

25 A Routine physical examinations, preventive

1 medicine. Therapy for individuals dictates whether it
2 requires my own personal service or a specialist of their
3 choice. Again, I repeat myself but there are medicines
4 given for the patients' and employees' personal comfort
5 if at all possible. We do nothing to interfere with the
6 private practice of medicine in the dispensary.

7 Q If you know, what is the procedure by which
8 an employee can come to the dispensary?

9 A Walk in the door.

10 Q If you know, where are the medical files
11 located?

12 A In the dispensary.

13 Q Who has custody, what person has custody of
14 those files?

15 A The nurse has a key to the filing cabinets.
16 I don't know who else does. I don't carry one myself.

17 Q If you know, are there any written policies
18 or procedures governing the operation of the dispensary?

19 A I'm sure there are. I don't know what they
20 are.

21 Q Do you know where they would be or who would
22 have them?

23 A No. Probably the plant manager's office, I
24 would guess.

25 Q Does the dispensary provide overnight care?

1 A Hopefully not.

2 Q Do you want to explain that?

3 A No. I will just answer no.

4 Q All right. Does it provide care for longer
5 than one but less than ten hours?

6 A Longer than one and less than ten? No one
7 would be there over ten hours.

8 Q Well, does it provide --

9 A They could be there one hour but nobody would
10 be there ten hours.

11 Q Does it provide optical and auditory services?

12 A That has been answered. But we do. Examina-
13 tions.

14 Q Has there been any change in the size or
15 location or staffing of the dispensary since you have been
16 the plant physician?

17 A Yes.

18 Q Can you tell me generally since 1950 what
19 those changes have been?

20 A It has been enlarged and modernized. We have
21 more nurses on duty ordinarily than we used to have in the
22 past.

23 Q Can you tell me, if you recall, can you tell
24 me when those changes took place?

25 A No.

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MR. LOVE: I think that's all.

MR. PRATT: Okay. For the record, we will shut this deposition down. If during the course of other depositions we need to get the Doctor again, I take it there will be no problem with that, right?

MR. LOVE: Be happy to make the Doctor available at a reasonable time.

MR. PRATT: Good.

Dr. Richard C. Wallace

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4 STATE OF ILLINOIS)
5)
6) SS
7)
8 COUNTY OF MADISON)

9 I, JAMES W. MAY, a Notary Public, duly
10 commissioned and qualified in and for the County of
11 Madison, State of Illinois, do hereby certify that
12 pursuant to notice came before me on the 23rd, 24th and
13 26th of May, A.D., 1983, at the law offices of W. Stuart
14 Caldwell, Charleston National Bank Building, Charleston,
15 West Virginia, DR. RICHARD C. WALLACE, who was by me duly
16 sworn to testify to the truth and nothing but the truth
17 of his knowledge touching and concerning the matters in
18 controversy in this case; that he was thereupon carefully
19 examined upon oath, and his examination reduced to writing
20 under my supervision; and that the deposition is a true
21 record of the testimony given by the witness.

22
23 I FURTHER CERTIFY that I am neither
24 attorney nor counsel for nor related to nor employed by
25 any of the parties to the action in which this deposition

1 is taken; and further, that I am not a relative or an
2 employee of any attorney or counsel employed by the parties
3 hereto, or financially interested in the action.

4
5 IN WITNESS WHEREOF, I have hereunto set
6 my hand and affixed my notarial seal on this _____
7 day of _____, A.D., 1983.

8
9
10 Notary Public within and
11 for the County of Madison,
12 in the State of Illinois.
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