

**Superior Court of the State of California
For the County of Los Angeles**

**TRANSWESTERN PIPELINE)
COMPANY,)**

Plaintiff,)

vs.)

Case No. BC 026959

**MONSANTO COMPANY and)
DOES 1 through 200, inclusive,)**

Defendant.)

October 8, 1992

**Deposition of PAUL BLOCHER HODGES, taken on
behalf of Plaintiff.**

GORE REPORTING COMPANY

**Boatmen's Tower, Suite 1175 - 100 North Broadway
St. Louis, Missouri 63102
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1 Superior Court of the State of California
2 For the County of Los Angeles
3

4 TRANSWESTERN PIPELINE)

5 COMPANY,)

6 Plaintiff,)

7)

8 v.) No. BC 026959

9)

10 MONSANTO COMPANY and)

11 DOES 1 through 200,)

12 inclusive,)

13 Defendants.)

14

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18 Deposition of PAUL BLOCHER HODGES
19 taken on behalf of Plaintiff, at the offices
20 of Bryan Cave, 500 North Broadway in the City
21 of St. Louis, State of Missouri, commencing
22 at 9:00 a.m. on the 8th day of October, 1992,
23 before J. Bryan Jordan, certified shorthand
24 reporter and notary public.

25

GORE REPORTING COMPANY - ST. LOUIS, MISSOURI

1 APPEARANCES:

2
3 FOR THE PLAINTIFF:

4 Ms. Janet M. Grady
5 Shearman & Sterling
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8 Los Angeles, California 90017
9 (213) 239-0300

10
11 FOR THE DEFENDANTS:

12 Mr. Donald F. Zimmer, Jr.
13 Bronson, Bronson & McKinnon
14 505 Montgomery Street
15 San Francisco, California 94111-2514
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1 Whereupon. . .

2 PAUL BLOCHER HODGES,
3 of sound mind, having been first duly sworn
4 to tell the truth, the whole truth, and
5 nothing but the truth in the case aforesaid,
6 testified upon his oath as follows, to-wit:

7 EXAMINATION

8 BY MS. GRADY:

9 Q. Mr. Hodges, could you state an
10 spell your full name for the record?

11 A. Okay, it's Paul Blocher,
12 B-l-o-c-h-e-r, Hodges, H-o-d-g-e-s.

13 Q. And could you also state your
14 business or home address?

15 A. I'm retired.

16 Q. Could you state your home address,
17 please, for the record?

18 A. Oh. 633 Greenwood Place,
19 Collinsville, Illinois, 62234.

20 Q. My name is Janet Grady, Mr.
21 Hodges, and I'm from the law firm of Shearman
22 & Sterling, and we represent Transwestern
23 Pipeline Company in this litigation against
24 Monsanto which involves the -- a product
25 called Turbinol that was manufactured by

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1 Monsanto. I'm sure that you've had time to
2 spend some time with Mr. Zimmer, but I'd like
3 to go over the ground rules of the deposition
4 so that you and I understand, are working off
5 of the same page in that regard.

6 You understand that you are under
7 oath today; correct?

8 A. Mm-hmm. (Nods head in affirmative
9 manner).

10 Q. And you understand that even
11 though you are providing testimony in an
12 informal setting in a conference room,
13 because you are under oath, it's just as if
14 you were testifying in a court of law? You
15 understand that?

16 A. Yes.

17 Q. It's important, because all of
18 your testimony, and my questions, and Mr.
19 Zimmer's objections will be taken down by our
20 reporter, that you answer audibly all
21 questions with either a "Yes," or a "No," or
22 some explanation, rather than using "Uh-huhs"
23 or "Huh-uhs," which are hard for our reporter
24 to take down. Do you understand that?

25 A. Okay.

1 Q. It's also important that we get
2 your best testimony today, so if you don't
3 understand a question or think that you might
4 not understand one of my questions, will you
5 please bring that to my attention?

6 A. Yes.

7 Q. You will have a chance to review
8 your testimony probably about 30 days or so
9 after the deposition. It will be typed up
10 into a booklet, and you can review it and
11 make any corrections that you think are
12 necessary to make it accurate, but if you do
13 make any corrections, we, we being
14 Transwestern Pipeline Company, will have the
15 opportunity to comment on those changes at
16 trial. Do you understand that?

17 A. Yes.

18 Q. Is there any reason, Mr. Hodges,
19 why you can't give your best testimony here
20 today?

21 A. No.

22 Q. Are you represented by counsel
23 today?

24 A. Yes; Mr. Zimmer.

25 Q. And you met with counsel

1 yesterday? Is that right?

2 A. Yes.

3 Q. Were you shown documents by Mr.
4 Zimmer?

5 A. Several, mm-hmm.

6 Q. Approximately how many documents?

7 A. Several. I don't know.

8 Q. Can you give me your best
9 estimate?

10 A. I don't know; five, ten, maybe.

11 Q. Did any of the documents that you
12 were shown refresh your recollection
13 concerning anything that happened while you
14 were employed by Monsanto?

15 A. Yes.

16 Q. Can you describe for me the
17 documents that refreshed your recollection,
18 please?

19 A. I don't know, there were something
20 about a task force, which I had completely
21 forgotten. I think that was the main thing.

22 Q. A PCB task force?

23 A. Yes.

24 Q. Anything else?

25 A. No, not particularly. My memory

1 on this, of course, was very, very vague,
2 because this was twenty, what, twenty
3 some-odd years ago or more and I've done a
4 lot of things since then, been retired for a
5 good many years, so I certainly haven't been
6 giving any thoughts to PCBs. I do very well
7 to remember anything two weeks ago, but
8 anyway, the -- I remembered, recall an
9 incident in California, where they found PCBs
10 in birds and fish, and that brought back
11 memories because I remembered that from
12 before. I think that's about the main
13 things.

14 Q. Okay. Mr. Hodges, could you
15 summarize for me your educational background
16 after high school?

17 A. Mm-hmm. Yes, I graduated from the
18 University of Kansas in chemical engineering
19 in 1939 and received a Master's in sanitary
20 and environmental engineering from Washington
21 University in, I believe it was '72.

22 Q. When did you first join Monsanto?

23 A. October 1940.

24 Q. Did you have any jobs after
25 graduating from the University of Kansas

1 prior to joining Monsanto?

2 A. Yes. I worked for the Colorado
3 Fuel and Iron Corporation for close to a year
4 in Pueblo.

5 Q. Was your job with Monsanto your
6 second job after you graduated from college?

7 A. Yes.

8 Q. And did you work for Monsanto
9 until you retired?

10 A. That's right.

11 Q. When did you retire?

12 A. 1979.

13 Q. I'd like to briefly go through
14 your long and, I'm sure, varied career at
15 Monsanto just by groups of functions. Can we
16 start in 1940? What job did you have when
17 you joined Monsanto?

18 A. I was working in the laboratory of
19 the Krummrich Plant. This was for about six
20 months. Then I was transferred to the
21 Sulphuric Acid Catalyst Department and the
22 Chemically Pure Acids Department as Technical
23 Assistant and, later, Assistant Supervisor;
24 was there till, I would guess, 1946. I had
25 about a three-month stint as Assistant Night

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1 Superintendent of the plant, and then became
2 Shift Supervisor for a group of the
3 departments. This went on for several years,
4 I think, till probably, I'm guessing, 1949.
5 I'm not sure of those dates.

6 Then I became supervisor of the
7 Aroclors Department and what we call our
8 Little Phosphorus Department that made
9 chlorinated phosphorus materials, and that
10 went on until about 1952, I believe, when I
11 became supervisor of our Hydrogenations
12 Department in benzyl chloride.

13 In either late '55 or early '56, I
14 became specialist in pollution control. My
15 job there was to set up a program for the
16 plant.

17 And this went on till, I believe,
18 1966, when I transferred to the -- Monsanto's
19 general offices as Manager of Environmental
20 Control for the Organic Division, and I
21 stayed in that spot until 1975, when I
22 transferred to Antwerp, Belgium, to oversee
23 construction of a large waste treatment
24 plant, there, and this lasted until I
25 retired, essentially.

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1 Q. All of the time that you worked
2 for Monsanto between 1940 and when you went
3 to the general offices in 1966, was that the
4 Krummrich Plant? Is that right?

5 A. That's right, yes.

6 Q. When you were shift -- excuse me,
7 when you were supervisor of the Aroclors
8 Department, how many people worked for you?

9 A. I don't know. I don't know,
10 perhaps a dozen.

11 Q. And what was the work of the
12 Aroclors Department?

13 A. Produce polychlorinated biphenyls.

14 Q. Was the Krummrich Plant the only
15 place at that time that PCBs were being
16 produced by Monsanto?

17 A. No.

18 MR. ZIMMER: Which time are we
19 talking about, just so I'm clear?

20 MS. GRADY: The time during when
21 Mr. Hodges was the supervisor of that
22 department between 1949 and 1952.

23 MR. ZIMMER: Okay.

24 A. No.

25 BY MS. GRADY:

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1 Q. What other, where else were PCBs
2 being produced?

3 A. Anniston, Alabama.

4 Q. Did the --

5 A. At some time, and I don't know
6 whether it was during that period or not,
7 Newport, Wales.

8 Q. Were --

9 A. I'm not sure of that time at all.

10 Q. Okay. Were any products that
11 contained Aroclors blended at the Krummrich
12 Plant?

13 A. I don't know.

14 Q. Was the Aroclors Department, at
15 the time you were supervisor of that
16 department, involved in blending Aroclors as
17 the constituent ingredient --

18 A. No.

19 Q. -- of any product?

20 Mr. Hodges, if you can remember to
21 try to wait until I finish the question
22 before you answer, and I'll try to do the
23 same with you, it'll make it easier for our
24 reporter.

25 A. Mm-hmm.

1 Q. Mr. Hodges, have you ever toured
2 the Queeny Plant?

3 A. No formal tour.

4 Q. Have you been -- you've been in
5 the Queeny Plant before, haven't you?

6 A. I've been there.

7 Q. Have you ever seen the label -- a
8 labeling operation at the Queeny Plant?

9 A. No.

10 Q. When you were supervisor of the
11 Aroclors Department at the Krummrich Plant,
12 were the Aroclors drummed where they were
13 produced?

14 A. Yes.

15 Q. Were labels put on the drums?

16 A. I don't remember that.

17 Q. Do you recall if the drums were
18 stenciled with paint?

19 A. Yes, they had to be marked with
20 Aroclor, whatever it was.

21 Q. And were they inventoried at the
22 plant, the drums of Aroclors?

23 A. I guess I don't understand your
24 question.

25 Q. Once they came off the line and

1 the drums were filled with Aroclors, were
2 they kept at the plant until they were
3 shipped out?

4 A. I don't remember, but I don't
5 think so.

6 Q. Do you recall if they were shipped
7 to a warehouse?

8 MR. ZIMMER: I'll object that it
9 lacks foundation.

10 A. I don't -- I don't really
11 remember, but logic would say yes, they went
12 to a warehouse.

13 MR. ZIMMER: Okay, be careful, Mr.
14 Hodges, to tell her only what you remember
15 and not what logic would dictate. She's here
16 to test your memory and recollection, not
17 what you would assume or put together for her
18 logically.

19 THE WITNESS: Mm-hmm.

20 BY MS. GRADY:

21 Q. In your employment with Monsanto,
22 did you ever see the process of blending
23 Aroclors with other substances to create
24 products?

25 A. No.

1 Q. Have you ever heard of a product
2 called Turbinol?

3 A. No.

4 Q. Have you ever heard of a product
5 called MCS 153?

6 A. No.

7 Q. Have you heard of the Pydraul line
8 of products?

9 A. Only by name.

10 Q. Do you know where the Pydrauls
11 were blended?

12 A. No.

13 Q. How much time did you spend on PCB
14 issues in 1966 when you assumed your position
15 in the general offices?

16 A. I don't remember.

17 Q. Do you recall how much time you
18 spent on PCB issues in 1967?

19 A. No.

20 Q. There was a time when your job as
21 environmental -- excuse me, Manager of
22 Environmental Control was made up of,
23 entirely, of working on PCB issues; correct?

24 MR. ZIMMER: Objection; assumes
25 facts not in evidence.

1 A. No. Repeat your question, please.

2 BY MS. GRADY:

3 Q. There was a time when your job was
4 Manager of Environmental Control consisted
5 entirely of working on PCB issues; correct?

6 A. No.

7 Q. There was a time when working on
8 PCB issues made up the majority of your work
9 as Manager of Environmental Control; correct?

10 A. No.

11 Q. What was the high point in terms
12 of the time you spent on PCB-related
13 environmental issues?

14 A. Oh, I don't remember.

15 Q. Did you spend 50 percent of your
16 time on it?

17 A. No.

18 Q. Less than 50 percent of your time?

19 A. I'm not sure.

20 Q. Mr. Hodges, did you come to the
21 belief that PCBs were an environmental
22 problem at some point in time?

23 A. Yes.

24 Q. When was that?

25 A. I don't remember that, either.

1 Q. Are you familiar with the use of
2 liquid seals in machinery?

3 A. Of what?

4 Q. Liquid seals.

5 MR. ZIMMER: What type of
6 machinery are we talking about?

7 MS. GRADY: Compressors.

8 A. What kind of machinery?

9 BY MS. GRADY:

10 Q. Compressors.

11 A. I'm trying to think. In our
12 Chlorine Department, we had some kind of
13 liquid seals, but I don't remember what they
14 were.

15 Q. What was your understanding of a
16 liquid seal?

17 A. I don't really have any
18 understanding of it. I never had anything to
19 do with them.

20 Q. You just knew they were used?

21 A. Yes.

22 Q. Were you a member of something
23 called the PCB committee?

24 A. I saw a document yesterday that
25 said I was. That was my first recollection

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1 of it.

2 Q. What was the purpose of the PCB
3 committee?

4 A. To deal with the problem that had
5 shown up relative to the PCBs.

6 Q. And who were the other members of
7 the PCB committee?

8 A. I don't remember.

9 Q. When was it first started?

10 A. I don't remember that, either.

11 Q. Are you familiar with something
12 Mr. Hodges called the ad hoc PCB committee or
13 task force?

14 A. I believe that's what they called
15 the committee.

16 Q. So you don't distinguish in your
17 mind between something called the PCB
18 committee and something called an ad hoc PCB
19 committee? Is that right?

20 A. I don't, no.

21 Q. Mr. Hodges, are you familiar with
22 something called the Corporate Management
23 Committee at Monsanto?

24 A. Vaguely.

25 Q. Did you ever make a presentation

1 to the Corporate Management Committee about
2 PCBs?

3 A. Not to my knowledge.

4 Q. What about something called the
5 Corporate Development -- excuse me,
6 Development Committee?

7 A. I have no knowledge of that.

8 Q. Okay. Let me show you some
9 documents and see if I can refresh your
10 recollection.

11 MS. GRADY: The first exhibit I'm
12 going to mark today is Exhibit 869, and Mr.
13 Hodges, for each exhibit I hand you, you
14 don't necessarily -- you should feel free to
15 read as much of the exhibit as you want. For
16 many of them, the questions I ask will not
17 require you to read the whole document, but
18 if you could familiarize yourself with it
19 and, in particular, figure out if you recall
20 seeing it before, that would be useful.

21 (Plaintiff's Deposition
22 Exhibit 869 marked for
23 identification.)

24 MS. GRADY: Let me describe
25 Exhibit 869 for The record as Bates range

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1 TRAN 057161 through 057162. And Counsel, I
2 apologize; it looks like there's some
3 bleed-through of the printing.

4 MR. ZIMMER: Quite all right. I
5 don't think it gets in the way of anything.
6 BY MS. GRADY:

7 Q. Okay, which purports to be a
8 memorandum from Elmer Wheeler to W. R.
9 Richard, dated December 9th, 1968; subject,
10 Aroclors, minutes of our discussion with Dr.
11 Calandra." Mr. Hodges is shown has a "cc" on
12 the memorandum.

13 A. As what?

14 Q. You are shown as a "cc" on the
15 memorandum.

16 A. That's right.

17 Q. Mr. Hodges, do you -- have you
18 seen Exhibit 869 prior to today?

19 A. I don't know. I'm on the
20 distribution. I assume I got it, but I can't
21 remember.

22 MR. ZIMMER: Mr. Hodges, remember
23 not to assume because the document shows you
24 as a "cc" that you necessarily got it. She's
25 here to test what you remember, not what the

1 document says.

2 THE WITNESS: Okay.

3 A. I don't remember.

4 BY MS. GRADY:

5 Q. Did you play any role in designing
6 toxicity studies of PCBs?

7 A. No.

8 Q. Did you play any role in ordering
9 biodegradation studies of PCBs?

10 A. No.

11 Q. Did you play any role in ordering
12 decomposition studies of PCBs?

13 A. No.

14 Q. What was your role in relation to
15 the PCB issue that Monsanto faced?

16 MR. ZIMMER: In which time frame
17 are we talking about?

18 BY MS. GRADY:

19 Q. When you were head of
20 environmental controls between 1966 and 1975.

21 A. Well, I was aware that the problem
22 was going, was going on, and as we responded
23 to it, why, I worked with the plants that
24 were involved, and I went to meetings, I'm
25 sure. That was about it.

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1 Q. Was your primary role aimed at
2 reducing the amount of PCBs released to the
3 environment from Monsanto's production
4 plants?

5 A. Yes.

6 Q. Have you ever heard of someone
7 named Dr. Calandra?

8 A. No.

9 Q. Do you recall attending meetings
10 at Monsanto where results of PCB animal
11 toxicity studies were discussed?

12 A. I don't recall.

13 Q. Do you recall attending meetings
14 where results of biodegradation studies on
15 PCBs were discussed?

16 A. I don't recall that, either.

17 Q. Did you have any contact with a
18 scientist named Dr. Risebrough?

19 A. No.

20 Q. You mentioned an incident out in
21 San Francisco. Did you have any role at
22 Monsanto in analyzing an issue out in San
23 Francisco that involved finding PCBs?

24 A. No.

25 Q. Do you recall how often the PCB

1 committee met?

2 A. No.

3 Q. Could you read the last paragraph
4 of Exhibit 869, the one that's numbered 11?

5 A. "It was a consensus that the group
6 should schedule monthly meetings to review
7 progress, for such meeting was tentatively
8 scheduled for January 15th at Dr. Calandra's
9 laboratories in Chicago."

10 Q. Does that refresh your
11 recollection in any way about how often the
12 PCB committee met?

13 A. No. I'm very positive I was not
14 at that meeting.

15 Q. Okay. Did you do an initial
16 analysis of the Anniston and Krummrich plants
17 to determine how much PCB was being released
18 from those plants?

19 A. No, I didn't do it. I requested
20 the plants to do it.

21 Q. What was the result of that
22 request?

23 A. I haven't any idea.

24 Q. Do you recall when you made the
25 request?

1 A. No.

2 Q. Okay. Does the name W. A. Kuhn,
3 K-u-h-n, sound familiar to you?

4 A. Yes.

5 Q. Who is W. A. Kuhn?

6 A. He was in the Business Group. I
7 don't know what his title was.

8 Q. And do you know what his, what his
9 job was, what he worked on?

10 A. No.

11 Q. When you were the head of
12 environmental controls, was that a position
13 that reported through the Organics Division?

14 A. Yes.

15 Q. And who was your boss?

16 A. Desmond Hosmer.

17 Q. What was Mr. Hosmer's title?

18 A. I don't remember exactly what it
19 was.

20 MS. GRADY: All right, the next
21 exhibit I'd like to mark is Exhibit 871 --

22 THE WITNESS: You want this back?

23 MS. GRADY: No, if you keep up,
24 we're going to give it to our reporter at the
25 end of the deposition.

1 (Plaintiff's Deposition

2 Exhibit 871

3 Marked for identification.)

4 MS. GRADY: -- which I'll describe
5 for the record as a two-page document bearing
6 Bates range TRAN 086143 through 086144, which
7 purports to be a memorandum from Paul Hodges
8 to Messrs. Wright, W-r-i-g-h-t, at Anniston,
9 and Buckley at Krummrich, subject, Aroclors
10 and plant effluent; date, January 23rd, 1969.

11 Mr. Hodges, is that your signature
12 on the second page of Exhibit 871?

13 A. Yes.

14 Q. And did you write Exhibit 871?

15 A. It's a -- yes.

16 Q. Does this refresh your
17 recollection about requests that you made to
18 production plants to analyze how much PCBs
19 was being -- were being released?

20 A. Yes.

21 Q. Do you believe that the first
22 analysis of PCB release from Monsanto plants
23 was in 1969?

24 MR. ZIMMER: No foundation. Calls
25 for speculation.

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1 A. I don't, I don't remember,
2 actually.

3 BY MS. GRADY:

4 Q. What other issues as head of
5 environmental control did you work on, other
6 than issues related to PCBs?

7 A. Well, the entire effluents from
8 all of the, the plants in the Organics
9 Division, we were getting geared up on
10 reducing those, controlling much better, and
11 on the air effluents, as well.

12 Q. I'm sorry, on the --

13 A. Air, air releases into the
14 atmosphere.

15 Q. Oh, and what were the major issues
16 with respect to effluent release other than
17 PCBs?

18 A. It, it varied with the plants.

19 Q. What about at Anniston?

20 A. Niran.

21 Q. Excuse me?

22 A. Niran.

23 Q. What's Niran?

24 A. It's a material that, for boll
25 weevils. It was Parathion.

1 Q. So the release of Parathion was an
2 issue at the Anniston Plant; is that right?

3 A. Yes.

4 Q. What about at the Krummrich Plant?

5 A. Phenols.

6 Q. And what kind of criteria were
7 used to determine the level of effluents
8 allowed to escape from Monsanto plants?

9 MR. ZIMMER: In what time period?

10 MS. GRADY: '66 to '75.

11 MR. ZIMMER: Throughout that
12 entire period?

13 MS. GRADY: If it changed, please
14 tell me.

15 A. This was requirements of control
16 agencies, largely.

17 BY MS. GRADY:

18 Q. What about cost factors; were
19 those considered?

20 A. Certainly.

21 (Plaintiff's Deposition
22 Exhibit 876 marked for
23 identification.)

24 MS. GRADY: The next exhibit is
25 Exhibit 876, which I'll describe for the

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1 record as a four-page document bearing two
2 sets of Bates numbers. One is PRR 021889
3 through 021892, and the other is SCM 037311
4 through 037314. This document is entitled,
5 "Chlorinated Biphenyls, Chronological Events"
6 and consists of a series of dates followed by
7 what looks like events or correspondence.

8 BY MS. GRADY:

9 Q. Mr. Hodges, have you seen Exhibit
10 876 prior to today?

11 A. No.

12 Q. Okay, the next exhibit was marked
13 in a previous deposition as Exhibit 550, and
14 it consists an agenda followed by some
15 handwritten notes for what purports to be a
16 June 4th, 1969, meeting. Mr. Hodges' name
17 appears on the "cc" list. I'm sorry, I guess
18 that's a June 6th meeting that is being
19 discussed.

20 I'm also going to hand you, Mr.
21 Hodges, what what I'm going to mark today as
22 Exhibit 933, which is a two-page document
23 bearing Bates range TRAN 022339 through
24 22340. It's meeting notes, purports to be
25 meeting notes from a 6/6 meeting, "Aroclor

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1 Toxicity," and I'd ask you to look at Exhibit
2 933 and tell me if that's your handwriting.

3 A. No.

4 Q. What about Exhibit 550? Is that
5 your handwriting on the, after the cover
6 page?

7 A. No.

8 Q. Mr. Hodges, did you attend a
9 meeting in June 1969 where the -- where
10 information was provided about certain issues
11 and incidents involving PCBs?

12 A. I don't remember.

13 Q. Do you recall discussion of an
14 issue at any time when you were at Monsanto
15 about birds being found in England with high
16 doses of PCBs in their systems?

17 A. No. This was in England, you
18 said?

19 Q. Yes, the North Coast.

20 A. No.

21 Q. Are you familiar at all with the
22 work of a Dr. Jensen in Sweden regarding
23 PCBs?

24 A. No.

25 Q. What about the work of a scientist

1 named Dr. Widmark?

2 A. No.

3 Q. Do you know when Monsanto first
4 learned about allegations that PCBs might be
5 persisting in the environment?

6 MR. ZIMMER: When Monsanto first
7 learned that?

8 MS. GRADY: I'll change it.

9 A. What was this?

10 BY MS. GRADY:

11 Q. Do you recall -- let me strike
12 that last question.

13 Do you recall when you first
14 learned about allegations concerning PCBs
15 persisting in the environment?

16 A. I don't know the exact date. I
17 don't.

18 Q. Do you recall whether it was --
19 how exact do you recall?

20 A. What's that?

21 Q. What's the closest you can come?
22 Sometime in the Sixties?

23 A. It was in the Sixties, and this
24 was when we -- from California, and we didn't
25 believe it.

1 Q. Why didn't you believe it?

2 A. We considered that PCBs were
3 completely innocuous.

4 Q. Why was that?

5 A. Up to that time, at least, there
6 was no reason to think otherwise. They are
7 very, very stable. I worked in the plant,
8 there were no toxicity problems, and I
9 even -- I built a house about that time, and
10 I put PCBs in my caulking compound, and I
11 wouldn't have done that if I'd have thought
12 they were bad.

13 Q. Are you familiar with the term
14 "chloracne"?

15 A. Yes.

16 Q. Were you -- did you have any
17 knowledge of the association of chloracne
18 with contact with PCBs?

19 A. No.

20 Q. Had -- did you participate or hear
21 any discussions at Monsanto about liver
22 damage and exposure to PCBs?

23 A. I don't remember.

24 Q. Did there come a point in time in
25 your understanding of the PCB issues where

1 you came to the understanding that the work
2 done out in San Francisco was basically
3 valid?

4 MR. ZIMMER: Lacks foundation.
5 You can answer.

6 A. I'm sorry, what?

7 MR. ZIMMER: You can answer. I
8 just made an objection for the record.

9 THE WITNESS: Oh.

10 A. Yes.

11 BY MS. GRADY:

12 Q. And when was that?

13 A. Oh, I haven't any idea. It was
14 when enough evidence came in from there and
15 other places.

16 Q. Do you recall how long after you
17 first heard about the incident in San
18 Francisco that you came to the understanding
19 that the research done out there was
20 basically valid?

21 A. No.

22 Q. Could you look at the last page of
23 Exhibit 550? Under the heading "pollution,"
24 and you can read to yourself, please, the
25 discussion of -- that follows that heading.

1 A. Okay.

2 Q. Do you recall if you learned at
3 any point that the Krummrich Plant was
4 dumping Therminol?

5 A. No, I don't recall it.

6 Q. Are you familiar with a product
7 called Therminol?

8 A. No.

9 Q. How large were the losses in PCBs
10 from the production plants at the time you
11 ordered the first survey of, of effluent
12 losses?

13 A. I don't know. I mean, if we were
14 to do a survey, obviously, I wouldn't know
15 what those were.

16 Q. After you got the survey results?

17 A. I'm still -- I don't remember what
18 they were.

19 Q. Okay, the next exhibit has been
20 marked in a previous deposition as Exhibit
21 553. It's Bates number TRAN 058985.

22 (Witness peruses said
23 document.)

24 BY MS. GRADY:

25 Q. Mr. Hodges, does looking at

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1 Exhibit 553 refresh your recollection in any
2 way about a group or a committee studying
3 PCBs in the environment at Monsanto?

4 A. This is what it says here, yes.

5 Q. Does it cause you to have any
6 enlarged -- anymore recollection of what that
7 committee was, the issues they looked at, who
8 the members were?

9 A. No. Not much.

10 Q. Tell me everything you can recall
11 about the committee at Monsanto that was
12 studying PCBs in the environment.

13 A. Really, I really don't recall much
14 of anything about it.

15 Q. Do you recall anything about it?
16 Whatever you recall, I want to know, no
17 matter how small that is.

18 A. I have a real, real loss on it.
19 I --

20 Q. Nothing is coming back?

21 A. Certainly not very much.
22 Actually, I had completely forgotten that I
23 was ever on such a committee. It says I was,
24 and I'm sure I must have been, but I've
25 forgotten it completely.

1 Q. Other than Exhibit 553, which
2 indicates that you were on some sort of
3 subcommittee, do you recall anything else
4 about any work that you did on a committee or
5 a subcommittee studying PCB environmental
6 issues?

7 A. No. I don't.

8 Q. The next exhibit was marked in a
9 previous deposition as Exhibit 552.

10 Mr. Hodges, are these -- is this
11 your handwriting?

12 A. No.

13 Q. What, if anything, do you recall
14 about any discussion about PCB residues in
15 fish?

16 A. In where?

17 Q. Fish.

18 A. Only, let's see, the California
19 thing, and then later -- and I don't know
20 when it was, found PCBs in fish in Lake
21 Michigan, and that's the extent of my memory
22 on that.

23 Q. Do you recall anything about PCBs
24 being --

25 A. I think in the Hudson River also,

1 I believe.

2 Q. Hudson River?

3 A. I think so.

4 Q. Do you recall anything about an
5 incident in Florida involving PCBs in shrimp?

6 A. No.

7 Q. The next exhibit is Exhibit 880,
8 which I'll describe for the record as a
9 multipage document bearing Bates range TRAN
10 025165 through 025183. It purports to be an
11 Anniston Plant Technical Services Department
12 monthly report dated September 1969.

13 Mr. Hodges, does the form of
14 Exhibit 880 look familiar to you?

15 A. No.

16 Q. Have you ever seen monthly reports
17 coming out of the Anniston Plant?

18 A. I don't remember.

19 Q. Your name is listed under the
20 general office "cc" list. Does that help you
21 remember one way or another?

22 A. No. It's there, but I don't
23 remember.

24 (Plaintiff's Deposition

25 Exhibit 881

1 Marked for identification.)

2 MS. GRADY: Okay, the next exhibit
3 is Exhibit 881, which I'll describe for the
4 record as a multipage document bearing a
5 couple of different Bates numbers. One set
6 is MON 0178 through 0182. The other is a
7 Bates number 40114 through 40118. This
8 exhibit was marked as a plaintiff's exhibit
9 in two other matters, apparently, but we've
10 added our Exhibit Number to it. Purports to
11 be a memorandum from Elmer Wheeler to Paul
12 Hodges, followed by minutes of Aroclor ad hoc
13 committee first meeting. Date, September
14 5th, 1969.

15 BY MS. GRADY:

16 Q. Mr. Hodges, if you could skim
17 through the purported notes of the committee
18 meeting and see if they refresh your
19 recollection in any way about your possible
20 attendance at such a meeting.

21 (Witness peruses said
22 document.)

23 A. I think I recall this part in
24 which I was involved.

25 BY MS. GRADY:

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1 Q. Are you looking at page --

2 A. Page 3.

3 Q. Page 3?

4 A. Mm-hmm.

5 Q. "Problem in producing plants"?

6 A. That was an area of my
7 responsibility.

8 Q. What do you recall about that
9 discussion?

10 A. I don't recall this discussion at
11 all, but obviously, we -- because later on, I
12 ordered, asked the plants to find out what
13 they, what they were doing, was part of it.

14 Q. Did you have any involvement in
15 PCB environmental discharge issues at
16 Monsanto's customers?

17 A. No.

18 Q. Your role was strictly limited to
19 discharge of PCBs at Monsanto's own
20 facilities?

21 A. That's right, for the Organics
22 Division.

23 MS. GRADY: For the Organic
24 Division.

25 (Plaintiff's Deposition

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Exhibit 937

Marked for identification.)

BY MS. GRADY:

Q. Let me show you Exhibit 937, which bears Bates number 024269 through 024271, purports to be handwritten notes of a task force, September 5th -- September 5th. Mr. Hodges, is this your handwriting?

A. No.

(Plaintiff's Deposition

Exhibit 883

Marked for identification.)

MS. GRADY: The next exhibit is Exhibit 883, which is a multipage exhibit bearing Bates number TRAN 023807 through TRAN 023814, purports to be a memorandum from P. R. Richard to Elmer Wheeler: Subject, defense of Aroclor F. fluids, shows Mr. Hodges as a "cc".

BY MS. GRADY:

Q. Mr. Hodges, have you seen Exhibit 883 prior to today?

A. I don't remember.

Q. Who was M. Farrar?

A. Somebody in Research.

1 Q. What about --

2 A. I don't know what his title was.

3 Q. What about H. Bergen?

4 A. Businessman.

5 Q. How did those fellows relate to
6 your position, if they did?

7 A. They didn't.

8 Q. In your discussions about PCBs
9 when you worked at Monsanto, do you recall
10 use of the phrase "closed systems" versus
11 "open systems"?

12 A. No.

13 Q. Do you recall discussions of leaks
14 from air compressor fluids into, into the
15 products being compressed?

16 MR. ZIMMER: Within Monsanto's
17 plants?

18 MS. GRADY: No.

19 A. No, I don't recall any such thing.

20 MR. ZIMMER: Well, I guess it's
21 moot.

22 (Plaintiff's Deposition

23 Exhibit 884

24 Marked for identification.)

25 MS. GRADY: Okay, Exhibit 884. Is

1 a multipage exhibit bearing Bates range TRAN
2 023780 through TRAN 023785, purports to be a
3 progress report from the Krummrich Plant;
4 title, "Water Pollution, Aroclor Control"
5 from M. A. Pierle, P-i-e-r-l-e. Mr. Hodges'
6 name is shown on the distribution list.

7 BY MS. GRADY:

8 Q. Mr. Hodges, do you recognize the
9 form of Exhibit 884 as one you are familiar
10 with?

11 A. As a progress report?

12 Q. Yes.

13 A. Yes, this is the form.

14 Q. What were progress reports?

15 A. Just what it implies; status of
16 whatever was under investigation or
17 discussion.

18 Q. Did Monsanto have a system for
19 requiring periodic reports on assignments
20 that had been given?

21 A. No.

22 Q. Why did progress reports on water
23 pollution Aroclor control come to you?

24 A. Because of my position as Manager
25 of Environmental Control.

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1 Q. When you were at the Krummrich
2 Plant, were Aroclors produced in Department
3 246?

4 A. Yes.

5 Q. What is Department 246?

6 A. Well, that's the Aroclors
7 Department.

8 Q. Do you recall an instance where
9 the progress reported in reducing the amount
10 of PCBs released to the environment was not
11 adequate from your perspective?

12 A. I don't recall any such thing.

13 (Plaintiff's Deposition

14 Exhibit 885

15 Marked for identification.)

16 MS. GRADY: The next exhibit is
17 885. It's a two-page document bearing Bates
18 range TRAN 059453 through TRAN 059454,
19 purports to be a memorandum from E. V. John
20 and Paul Hodges to plant communicators,
21 pollution control engineers and plant
22 managers, dated October 1st, 1969.

23 BY MS. GRADY:

24 Q. Did you draft Exhibit 885, Mr.
25 Hodges?

1 A. I don't know.

2 Q. Do you recall seeing it prior to
3 today?

4 A. I don't recall it.

5 Q. Did you understand part of your
6 work to be to gather information and make
7 recommendations concerning the manufacturing
8 of Aroclor products?

9 A. Give me that again.

10 Q. Sure. Did you understand part of
11 your job as environmental control manager --

12 A. Yes.

13 Q. -- to be, to make recommendations
14 about the manufacturing, the future
15 manufacturing of Aroclors?

16 MR. ZIMMER: You mean like whether
17 to manufacture them or not? Is that what you
18 are after?

19 BY MS. GRADY:

20 Q. Whether to manufacture them --

21 A. No.

22 Q. -- how to manufacture them?

23 A. My work was with the discharge.

24 Q. Solely with the discharge?

25 A. Yes.

1 Q. Did you ever make a recommendation
2 that manufacture of Aroclors should be halted
3 at any Monsanto plant?

4 A. No.

5 (Plaintiff's Deposition
6 Exhibit 555 is handed to the
7 witness.)

8 MS. GRADY: The next exhibit has
9 been marked in a previous deposition as
10 Exhibit 555. It's a multipage document
11 headed "Report of Aroclor Ad Hoc Committee"
12 dated October 2nd, 1969.

13 Mr. Hodges is shown as one of the
14 authors.

15 MR. ZIMMER: I'm not sure I agree
16 with that characterization, but his name
17 appears on the front page.

18 BY MS. GRADY:

19 Q. Mr. Hodges, does your handwriting
20 appear anywhere on this exhibit?

21 A. I'm looking through. Not so far.

22 (Witness peruses said
23 document.)

24 A. (Continuing) No.

25 Q. Do you have any personal knowledge

1 as to whether all Monsanto customers were
2 notified that Monsanto, the Monsanto products
3 they purchased contained PCBs?

4 MR. ZIMMER: No foundation.

5 A. I have no knowledge of it.

6 MS. GRADY: No foundation for his
7 own personal knowledge?

8 MR. ZIMMER: For a guy that was in
9 charge of supervising discharge?

10 MS. GRADY: Fritz, you've got to
11 listen to the question. I asked him if he
12 had any personal knowledge.

13 MR. ZIMMER: I understand, but how
14 would he?

15 MS. GRADY: Oh, so you are saying
16 that --

17 A. It's not my job.

18 MS. GRADY: So I don't get to ask
19 the question.

20 MR. ZIMMER: You get to ask the
21 question, I get to make my objection. I
22 think you are wasting this gentleman's name.

23 MS. GRADY: Oh.

24 BY MS. GRADY:

25 Q. Could you look at page TRAN

1 024257, please?

2 A. What page?

3 MR. ZIMMER: She's referring to
4 these numbers down in the lower right-hand
5 corner.

6 What was the number?

7 MS. GRADY: TRAN 024257.

8 BY MS. GRADY:

9 Q. You mentioned, Mr. Hodges, that
10 you built a house where you used a PCB
11 product that contained -- excuse me, that you
12 used a caulking compound that contained PCBs.
13 Is that right?

14 A. Yes.

15 MR. ZIMMER: That mischaracterizes
16 his testimony. It didn't contain it. He put
17 it in it, is what he said.

18 A. Yeah, I put it in it.

19 BY MS. GRADY:

20 Q. You put the PCBs in the caulking
21 compound?

22 A. Yes.

23 Q. Do you recall -- look down at the
24 bottom of the page. Do you recall any
25 discussion with anyone at Monsanto about

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1 caulking compounds and sealants that
2 contained PCBs being a problem?

3 A. No. As far as I know, it was my
4 own idea.

5 Q. Do you recall any discussion about
6 oil or, and/or grease lubricant applications
7 with products containing PCBs being a
8 problem?

9 A. No.

10 Q. And by "problem," I mean an
11 environmental problem, did you understand the
12 question that way?

13 A. Yes, but I don't recall any
14 discussions.

15 Q. Do you recall being part of any
16 effort to gather information about PCB issues
17 for an upper-level management group that was
18 making corporate decisions about PCBs?

19 A. No.

20 Q. Let me show you Exhibit 889, which
21 is a four-page document bearing Bates range
22 STR 018891 through 018894, dated 10/29/69:
23 Title, "Executive Summary, PCB Pollution."
24 Do you recall seeing Exhibit 889 prior to
25 today?

1 A. No.

2 Q. Do you recall discussions during
3 the time that you were head of environmental
4 control at Monsanto about the difficulty of
5 controlling the escape of PCBs into the
6 environment from industrial fluids?

7 A. No.

8 Q. Could you look at the
9 second-to-the-last page of Exhibit 889 down
10 at the bottom where it says, "Monsanto future
11 action" and read to yourself that paragraph
12 that starts, "Presentation to CDC?"

13 (Witness peruses said
14 document.)

15 Q. (Continuing) Did you ever make a
16 presentation to something called the CDC
17 about plant clean-up and control required
18 with relation to PCBs?

19 A. Not that I recall.

20 MS. GRADY: Why don't we take a
21 five-minute break. Off the record.

22 (Recess)

23 MS. GRADY: Back on the record.

24 BY MS. GRADY:

25 Q. Let's mark as our next exhibit

1 Exhibit 890. It's a multipage exhibit
2 bearing Bates range STR 021938 through
3 021961, purports to be an outline, followed
4 by -- an outline entitled PCB environmental
5 pollution abatement plan, rough draft,
6 11/10/69, followed by a document called "PCB
7 Environmental Pollution Abatement Plan."

8 (Plaintiff's Deposition

9 Exhibit 890

10 Marked for identification.)

11 BY MS. GRADY:

12 Q. I'll have you take a look through
13 this, Mr. Hodges, and tell me if you
14 recognize it and if any of the handwriting in
15 this document is yours.

16 A. No and no.

17 Q. Could I direct your attention to
18 the page that up at the top says page 14.
19 Under Item 2 on that -- D-2 on that page,
20 "Manufacturing," it says, "Clean up plants."
21 Do you recall, was that your responsibility?

22 A. Yes.

23 Q. And do you recall any discussions
24 you had with high-level Monsanto managers
25 concerning cleaning up Monsanto's plants of

GORE REPORTING COMPANY - ST. LOUIS, MISSOURI

1 PCBs?

2 A. No.

3 Q. Do you recall discussion at
4 Monsanto concerning discontinuing the
5 manufacture of all PCBs?

6 A. No.

7 Q. The last pages of this exhibit are
8 some handwritten charts, entitled "Profit and
9 Liability Versus Time," is the second-to-the-
10 last page of the exhibit, and the last page
11 of the exhibit is "Probability of Success."

12 Does any of your handwriting
13 appear on these two pages?

14 A. No.

15 Q. Do these charts look familiar to
16 you?

17 A. No.

18 Q. Do you recall any discussion about
19 how reducing the production of PCBs would
20 affect Monsanto's profit?

21 A. No.

22 MS. GRADY: The next exhibit is
23 Exhibit 894, which bears Bates range TRAN
24 058813 through -- I'm sorry, that's the first
25 page of the exhibit and then the second two

GORE REPORTING COMPANY - ST. LOUIS, MISSOURI

1 pages are TRAN 058621 through 058622. The
2 first page is a memorandum from E. V. John to
3 a list of people including Mr. Hodges, dated
4 November 26th, 1969, concerning a PCB
5 meeting, and the second document in this
6 exhibit is what purports to be a letter from
7 environment magazine to Monsanto Company,
8 dated November 18th, 1969, from someone named
9 Kevin P. Shea, S-h-e-a.

10 Do either of the documents that
11 make up Exhibit 894 look familiar to you, Mr.
12 Hodges?

13 A. I don't recall.

14 Q. At what Monsanto plants was
15 Aroclor manufactured?

16 MR. ZIMMER: In what time frame?

17 MS. GRADY: '66 through '75.

18 A. At Krummrich, Anniston and Newport
19 Wales.

20 BY MS. GRADY:

21 Q. At what Monsanto plants were
22 products containing Aroclors blended?

23 A. I don't know.

24 Q. Were emissions of plants where
25 Aroclors were not manufactured but they were

1 used to produce other products, were
2 emissions at those plants monitored?

3 A. At what time?

4 Q. Anytime you were head of
5 Environmental Control.

6 A. I don't remember, actually.

7 Q. You don't recall whether that was
8 done or not done at any particular point in
9 time?

10 A. No.

11 (PPlaintiff's Deposition

12 Exhibit 909

13 Marked for identification.)

14 MS. GRADY: The next exhibit is
15 Exhibit 909, which is a multipage exhibit
16 bearing Bates range TRAN 085096 through
17 085103, purports to be a memorandum from
18 R. C. Neal and A. E. Peterson to a list of
19 people: Subject, Aroclor use at JFQ; date,
20 September 21st, 1970. Mr. Hodges is shown on
21 the "cc" list.

22 Mr. Hodges, do you recognize
23 Exhibit 909?

24 A. I don't recall it.

25 Q. Did you receive periodic reports

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1 from the Queeny Plant concerning what they
2 were doing to limit emissions of PCBs?

3 A. I don't remember.

4 Q. You testified earlier that you
5 could not remember when you formed the
6 understanding that PCBs were an environmental
7 contaminant. Could you read the last
8 paragraph on the first page of Exhibit 909
9 and see if that refreshes your recollection
10 in any way concerning the date when you came
11 to that understanding?

12 A. What do you want to know about
13 this?

14 Q. Does this refresh your
15 recollection about when you formed the
16 understanding that PCBs were an environmental
17 contaminant?

18 A. No.

19 Q. Like, for instance, whether it was
20 prior to September 21st, 1970?

21 A. Oh, I'm sure it was, yes.

22 Q. You just don't --

23 A. I don't know when, though.

24 Q. But it was sometime before
25 September 1970?

1 A. Yes, obviously.

2 Q. Do you recall that there were some
3 heater units at the Queeny Plant that used
4 Aroclors?

5 A. I don't recall.

6 Q. Do you recall loss of Aroclors
7 from machinery used at the Queeny Plant?

8 A. No, I don't recall.

9 Q. Do you have any personal knowledge
10 as to whether, prior to 1970, Monsanto's
11 customers had been told not to dump PCBs down
12 sewers?

13 A. No.

14 Q. Could I direct your attention to
15 what's marked up at the top, page 4 of
16 Exhibit 909? In the first paragraph, could
17 you read that about the seal fluid for a Nash
18 compressor?

19 (Witness peruses said
20 document.)

21 Q. Does that refresh your
22 recollection in any way about the loss of
23 Aroclors from machinery at the Queeny Plant?

24 A. No.

25 MR. ZIMMER: No foundation and

1 assumes facts not in evidence.

2 BY MS. GRADY:

3 Q. Mr. Hodges, if I wanted to find
4 out about the loss of Aroclors from a Nash
5 compressor at the Queeny Plant in 1970
6 through '72, who would you recommend I talk
7 to?

8 MR. ZIMMER: Calls for
9 speculation.

10 You can answer.

11 A. I don't know. I'm long, long
12 since out of it.

13 BY MS. GRADY:

14 Q. Do you recall who was -- maybe you
15 recall this from when you worked in the
16 Krummrich Plant -- was the organization of
17 the plant such that there was an individual
18 responsible for maintenance of the machines
19 used in the plant?

20 A. I'm sure.

21 Q. But you don't recall one way or
22 another?

23 A. No.

24 Q. Okay. Did you or you in
25 conjunction with other people at Monsanto set

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1 a limit on how much PCB effluent could be
2 discharged from a Monsanto plant?

3 A. Not to my knowledge.

4 Q. Could you look at the page in this
5 Exhibit 909 that is marked page 6 up at the
6 top? Under the section in the middle, there,
7 that says "Discussion" and starts, "According
8 to Paul Hodges," could you read that
9 paragraph, please?

10 A. I see what it says, but I don't
11 recall it.

12 Q. Okay. This says that there was a
13 tentative maximum of ten parts per billion
14 for effluent from Monsanto plants. Is that
15 right?

16 MR. ZIMMER: The document speaks
17 for itself.

18 MS. GRADY: That's true; that was
19 just readable.

20 BY MS. GRADY:

21 Q. That does not refresh your
22 recollection about any --

23 A. No.

24 Q. -- limits on effluent?

25 (Plaintiff's Deposition

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Exhibit 912

Marked for identification.)

MS. GRADY: Okay, let me show you Exhibit 912, which is made up of TRAN 036827 through TRAN 036837, purports to be a memorandum from the J. F. Queeny Plant to a list of people that is made up of Paul Hodges, Mr. Papageorge and Mr. Savage. The subject is "Aroclor Loss Status Report," and the date is 9-21-70. I ask you to take a look at Exhibit 912 and tell me if it looks familiar to you.

MR. ZIMMER: I think the date on this one is actually December 29, '70, references the 9/21/70 report.

MS. GRADY: Oh, thanks. You are right. You are absolutely right.

MR. ZIMMER: No problem.

A. What was the question?

BY MS. GRADY:

Q. The question was whether this document that's Exhibit 912 looks familiar to you.

A. No.

Q. Does it refresh your recollection

1 in any way about any reports you might have
2 received about Aroclor loss at the Queeny
3 Plant?

4 A. No.

5 Q. Can I direct your attention to
6 page 6 of this? It's up in the upper
7 right-hand corner, it says, page 6 of this
8 exhibit, there's a section called "Nash
9 Compressor HCl System," and the first
10 sentence says, "Aroclor 12321 used as the
11 sealing fluid for the Nash compressor HCl
12 system. Losses are estimated at 6,000 pounds
13 annually." Mr. Hodges, does that refresh
14 your recollection about any discussions you
15 ever had with anyone at Monsanto about losses
16 of Aroclors from machinery at Monsanto
17 plants?

18 A. No.

19 Q. Do you know what a Nash compressor
20 is?

21 A. Vaguely.

22 Q. What is it?

23 A. It's used to compress chlorine at
24 the Krummrich Plant, but I had no experience
25 with it.

1 Q. Do you know how it worked?

2 A. Not really.

3 Q. On the next page there is
4 discussion, at page 7 there's a discussion of
5 "Heating units, two heating systems employing
6 Aroclor 1248 are in use. Annual losses total
7 of approximately 2,500 pounds from these
8 units. The bulk of the losses are the result
9 of pump leaks."

10 Does that refresh your
11 recollection in any way about any discussions
12 you ever had with anyone at Monsanto about
13 losses of Aroclors from machinery used in
14 Monsanto plants?

15 A. No.

16 Q. Do you remember that -- do you
17 remember Aroclor blending operations being
18 terminated at the Queeny Plant?

19 A. No.

20 Q. Did you ever provide advice to
21 Monsanto's customers concerning how they
22 could reduce PCB effluent release from their
23 plants?

24 A. No.

25 Q. Was there someone, to your

1 knowledge, at Monsanto that provided that
2 service?

3 A. Not to my knowledge.

4 Q. Have you ever heard of a company
5 called Transwestern Pipeline Company prior
6 to --

7 A. No.

8 Q. -- your appearance?

9 Have you ever heard of a company
10 called Texas Eastern?

11 A. No.

12 Q. Do you recall efforts being made
13 to survey the Monsanto plants to ensure that
14 no Aroclors came in contact with anything
15 that later would come in contact with food?

16 A. Give me that question again.

17 Q. Sure. Do you recall any
18 discussions or any efforts at Monsanto to
19 survey the manufacturing plants to ensure
20 that no Aroclor products came in contact with
21 anything that would later come in contact
22 with food?

23 A. No.

24 Q. Let me show you Exhibit 922, which
25 I don't have.

1 (Plaintiff's Deposition

2 Exhibit 925

3 Marked for identification.)

4 MS. GRADY: Well, let me show you
5 Exhibit 925, then. Which I'll describe for
6 the record as a four-page exhibit bearing
7 Bates range TRAN 036583 through TRAN 036586
8 from A. P. Peterson and M. T. Schade,
9 S-c-h-a-d-e to F. J. Holzapfel,
10 H-o-l-z-a-p-f-e-l, dated November 30th, 1971:
11 Subject, potential PCB contamination, JFQ.

12 (Witness peruses said
13 document.)

14 BY MS. GRADY:

15 Q. Have you seen Exhibit 925 prior to
16 today, Mr. Hodges?

17 A. No.

18 Q. Do you recall --

19 A. I don't remember, I should say.

20 Q. Do you recall any discussions
21 while you were at Monsanto about the use of
22 Aroclors in air compressors as a possible
23 problem?

24 A. I don't recall.

25 Q. Have you ever had your deposition

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1 taken before?

2 A. No.

3 Q. Have you ever provided
4 consultation concerning litigation involving
5 PCBs?

6 A. No.

7 Q. Have you ever testified in any
8 litigation?

9 A. Not in litigation.

10 Q. Have you testified in
11 Congressional hearings or other
12 administrative hearings?

13 A. No, I've testified in agencies
14 setting up regulations.

15 Q. Did those regulations involve
16 PCBs?

17 A. No.

18 MS. GRADY: I have no further
19 questions. Thank you, very much, for your
20 time.

21 Any questions, Mr. Zimmer?

22 MR. ZIMMER: No.

23 MS. GRADY: Can we stipulate on
24 the record that we'll have the usual routine
25 with regard to provision of the transcript to

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1 Mr. Hodges, his signing of it, and our
2 ability to use the transcript if signature is
3 not provided?

4 MR. ZIMMER: That's fine.

5 THE WITNESS: Incidentally, I
6 would, if you are going to send a copy to me,
7 it ought to come to Arizona.

8 MS. GRADY: Okay, maybe you could
9 provide that address to our reporter, since
10 he'll have that responsibility, and we can do
11 that off the record. Thank you, very much.

12 (Whereupon, at 10:15 a.m.,
13 the deposition was
14 concluded.)
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COMES NOW THE WITNESS, PAUL
BLOCHER HODGES, and having read the foregoing
transcript of the deposition taken on the 8th
day of October, 1992, acknowledges by
signature hereto that it is a true and
accurate transcript of the testimony given on
the date hereinabove mentioned.

PAUL BLOCHER HODGES

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

My Commission expires: -----

Notary Public

1 STATE OF MISSOURI)

2 SS:)

3 CITY OF ST. LOUIS)

4 I J. Bryan Jordan, notary public
5 in and for the State of Missouri, duly
6 commissioned, qualified and authorized to
7 administer oaths and to certify depositions,
8 do hereby certify that pursuant to agreement
9 in the civil cause now pending and
10 undetermined in the Superior Court of the
11 County of Los Angeles, for the State of
12 California, to be used in the trial of said
13 cause in said court, I was attended at the
14 offices of Bryan Cave, in the City of St.
15 Louis, State of Missouri, by the aforesaid
16 witness and by the aforesaid attorneys, on
17 the 8th day of October, 1992.

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

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

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

15 Witness my hand and notarial seal
16 at St. Louis, Missouri, this 26th day of
17 October, 1992.

18 My commission expires July 20,
19 1994.

20
21 -----

22 J. Bryan Jordan

23 Notary Public in and for the

24 State of Missouri

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