

1 A. Yes, it is.

2 Q. And the exhibit itself doesn't have the
3 attachments, correct?

4 A. It does not.

5 Q. And is this a true and accurate copy of the
6 letter written by you November 7, 1975 to Michael Modan
7 absent the exhibits?

8 A. I presume it is, but just as a matter of
9 reference, this is the first copy I've seen so far where we
10 have such a striking difference between pages of the copy.
11 There is a very distinct difference in page one and page
12 two, but this would seem to be a representative copy of the
13 memo at November 7th, 1975.

14 Q. Is this a document that you maintained in your
15 files at Monsanto as part of Monsanto regularly-conducted
16 business?

17 A. A cover letter, yes.

18 Q. Okay. Would you now look at Exhibit 1510?

19 A. Yes.

20 Q. At page 317 of Plaintiff's Exhibit 1510 is
21 there a paper authored by you entitled "Chlorinated
22 Biphenyl Dielectrics - Their Utility and Potential Substi-
23 tutes"?

24 A. There is.

25 Q. And does that continue on through page 324 of

1 that exhibit?

2 A. Yes, it does.

3 Q. Is that a true and accurate copy of a report
4 that you prepared?

5 A. Yes, it is.

6 Q. Did you maintain a copy of this report in your
7 files at Monsanto as part of Monsanto's regularly-conducted
8 business?

9 A. Yes, I did.

10 Q. The beginning of Plaintiff's Exhibit 1510
11 refers to "Session V, Economics and Substitutes." Turn to
12 the first page of the exhibit.

13 A. Uh-huh.

14 Q. Did you present this paper at a conference?

15 A. I presented this paper at a conference at the
16 Pitt Hotel in Chicago in November of 1975.

17 Q. And that was as part of the National
18 Conference on Polychlorinated Biphenyls, November 19 to 21?

19 A. Yes, it was.

20 Q. And I'd asked you to refer to Plaintiff's
21 Exhibit 1509. Does Plaintiff's Exhibit 1509 also contain
22 the report that is referenced in 1510 beginning at page 317
23 and ending at 324?

24 A. Yes, it does.

25 MR. FEATHERSTONE: Are you going to attach

1 1509 to the transcript?

2 MR. BRADLEY: I was not intending to.

3 MR. FEATHERSTONE: Would you just describe on
4 the record what 1509 is?

5 MR. BRADLEY: I'd be happy to do that. 1509,
6 the top right-hand, it says U.S. Department of Commerce,
7 National Technical Information Service, PB-253 248, and
8 it's entitled "National Conference on Polychlorinated
9 Biphenyls," November 19 to 21, 1975, Chicago, Illinois.

10 It begins with Bates number 774190 and ends at
11 Bates number 774667.

12 MR. FEATHERSTONE: That's the Nevada Power
13 Bates number?

14 MR. BRADLEY: Yes.

15 Why did you write Plaintiff's Exhibit 358 --
16 Let me rephrase the question. I take it the letter
17 referenced at Plaintiff's Exhibit 357 came to you in
18 October of 1975.

19 A. No.

20 Q. (by Mr. Bradley) To whom did it go? If you
21 know.

22 A. I believe that this would have gone to Mr.
23 Papageorge.

24 Q. And did Mr. Papageorge send it to you?

25 A. I believe he would have done that.

1 Q. Why would he have done that?

2 A. Because Mr. Papageorge and I and our technolo-
3 gy community would discuss how Monsanto should openly and
4 responsively respond to such a letter.

5 Q. In October of '75, were you manager of
6 dielectric fluids?

7 A. Yes, I was.

8 Q. In October of '75, what title did Bill
9 Papageorge have?

10 A. I'm not sure what his title was at that point
11 in time. His function was that of product stewardship.

12 Q. Is -- Do you know why Mr. Papageorge was the
13 person who was chosen to respond to the October 17, 1975
14 letter from the United States Environmental Protection
15 Agency, versus you, for example, who was manager of
16 dielectric fluids?

17 A. Because most of Monsanto's relationships with
18 the Environmental Protective Agency were conducted by
19 people who had, as part of their role, the routine --
20 Sorry. None of this was routine -- people who had the
21 responsibility to coordinate Monsanto's product safety
22 moves with the EPA.

23 Q. And that was Mr. Papageorge?

24 A. That was Mr. Papageorge.

25 MR. BRADLEY: I have nothing further.

1 MR. FEATHERSTONE: Great. No questions.
2
3

4 _____
DAVID WOOD

5 Subscribed and sworn to before me this _____ day
6 of _____, A. D., 1993.

7 MY COMMISSION EXPIRES _____.
8
9

10 _____
Notary Public, within and
11 for the State of Missouri
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1 STATE OF MISSOURI)
2) SS
COUNTY OF ST. LOUIS)

3 I, Mark D. Concannon, a Notary Public within and for
4 the State of Missouri, duly commissioned, qualified and
5 authorized to administer oaths and to take and certify to
6 depositions, do hereby certify that pursuant to Notice in
7 the civil cause now pending and undetermined in the
8 District Court of the United States, within and for the
9 District of Nevada, entitled NEVADA POWER COMPANY, Plain-
10 tiff, -vs- MONSANTO COMPANY, et al., Defendants, to be used
11 in the trial of said cause in said Court, I was attended at
12 the law offices of Messrs. Husch & Eppenberger, 100 N.
13 Broadway, in the City of St. Louis, State of Missouri, by
14 Ralph A. Bradley and Richard Hinckley, attorneys for the
15 Plaintiff; by Bruce A. Featherstone, attorney for the
16 Defendant, Monsanto; by Laurie Basch, attorney for the
17 Defendant, Westinghouse; and by DAVID WOOD, the witness, in
18 said office on April 1, 1993.

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

1 set out the testimony of the aforementioned witness, DAVID
2 WOOD, together with the questions propounded by counsel and
3 the remarks and objections of counsel thereto, and is in
4 all respects a full, true and complete transcript of the
5 questions propounded to and the answers given by said
6 witness; and that said testimony, so transcribed, was
7 subscribed to by the witness on the _____ day of
8 _____, A. D., 1993.

9 I FURTHER CERTIFY that I am not of counsel nor
10 attorney for any of the parties to said suit, nor related,
11 nor interested in any of the parties or their attorneys.

12 WITNESS MY HAND and Notarial Seal, given this
13 _____ day of _____, A. D., 1993, at St. Louis,
14 Missouri.

15 MY COMMISSION EXPIRES MARCH 21, 1994.

16
17
18
19 MARK D. CONCANNON,
20 Notary Public, within and
21 for the State of Missouri
22
23
24
25

Concannon and Jaeger
General Court Reporters
705 Olive Street, Ste. 604
St. Louis, Missouri 63101

May 3, 1993

David Wood
Saflex Business Director-Americas
Monsanto Chemical Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63167

Re: Nevada Power Vs. Monsanto

Dear Mr. Wood:

This letter, incorporated as the last page of your deposition, taken on April 1, 1993, will serve as notice to you that your testimony is now ready for your reading and signing of same.

I would appreciate your contacting my office by calling (314) 421-1000 within the next thirty days so that arrangements can be made to accomplish this before your deposition must be filed in Court.

Thank you for your cooperation in this regard.

Sincerely,

MARK D. CONCANNON

MDC:mk

DAVID WOOD

- DEPOSITION CORRECTION SHEET -

In Re: NEVADA POWER Vs. MONSANTO

Upon reading his deposition transcript and before subscribing thereto, the deponent indicated the following:

Page Line should read:

Reason assigned for change:

Page Line should read:

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DAVID WOOD

FILE 141



TO :
FROM :
DATE : August 29, 1975
SUBJECT: Inerteen Information

TO : All Marketing
cc: D. Sauter
J. Brittain
D. McClain ←

All requests for information concerning the amount of inerteen we use or put into equipment must be referred to John Brittain or Don McClain for an answer.

If you receive any inquiries, find out who wants this information (why, if possible) and how someone who has that technical information can contact them.

In other words, do not answer any questions about inerteen or PCB's even if you know the answer.

Floyd A. Bean
Floyd A. Bean
Marketing Manager

<i>Munson</i>
EXHIBIT NO. <u>2</u>
1-21-93
M. DAVIS

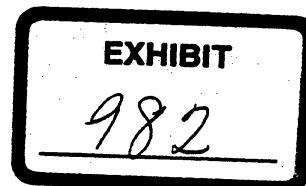
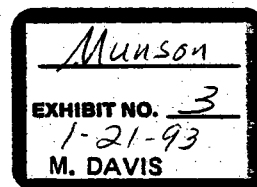
16.

904417

EXHIBIT
<u>981</u>

STATEMENT OF RICHARD K. SLUDER

AUGUST 11, 1992



1 QUESTIONS BY DAVID MCCREA TO RICHARD K. SLUDER

2 Q State your full name.

3 A Richard Keith Sluder.

4 Q What is your age?

5 A Forty.

6 Q What is your residential address?

7 A R.R. 18, Box 60, Bedford, Indiana.

8 Q What is your wife's name?

9 A Deittra Diane Sluder.

10 Q What are your children's names and ages?

11 A Laura Ann Sluder, age seventeen. Sarah Lynn

12 Sluder, age fifteen.

13 Q Did you work for Westinghouse Electric Corporation

14 in Bloomington, Indiana at its capacitor

15 manufacturing plant?

16 A Yes.

17 Q Do you still work at the same plant which was sold

18 by Westinghouse Electric Corporation to Asea Brown

19 Boveri on December 31, 1989?

20 A Yes.

21 Q When did you start to work at the Westinghouse

1 capacitor manufacturing plant in Bloomington,
 2 Indiana?
 3 A March or April, 1972.
 4 Q When did you learn that PCBs were used in the
 5 manufacturing of capacitors?
 6 A I first learned about it in about 1976 when it was
 7 played up in the newspapers.
 8 Q What did you call the liquid that was used to fill
 9 the capacitors from the time you first started to
 10 work in March or April, 1972 until 1976?
 11 A Inerteen.
 12 Q When did you first learn that Inerteen or PCBs were
 13 manufactured by Monsanto Company?
 14 A When we started reading about it in the papers in
 15 about 1976.
 16 Q Did you receive any warnings about Inerteen or PCBs
 17 from Monsanto Company?
 18 A No.
 19 Q Did you receive any warnings about Inerteen or PCBs
 20 from Westinghouse Electric Corporation?
 21 A No.

1 Q Did Monsanto Company inform you at any time that
2 furans were a contaminate of Inerteen or PCBs?
3 A No.
4 Q Did Westinghouse inform you at any time that furans
5 were a contaminate of Inerteen or PCBs?
6 A No.
7 Q Dr. R. Emmet Kelly, M.D., the former Medical
8 Director for Monsanto Company stated in a
9 deposition on June 1, 1990 in the case Glen Brown,
10 et al versus Monsanto Company that one ounce of
11 furans would be sufficient to poison ten thousand
12 people. Was that warning ever given to you by
13 Monsanto Company?
14 A No.
15 Q Was that warning ever given to you by Westinghouse?
16 A No.
17 Q On September 15, 1947 E.C. Barnes, the Industrial
18 Hygiene Engineer, in the Headquarters Medical
19 Department for Westinghouse Electric Corporation
20 stated that Inerteen is a fairly toxic material
21 which must be handled in such a way as to prevent

1 poisoning. Was this warning given to you by
2 Monsanto Company?
3 A No.
4 Q Was this warning given to you by Westinghouse?
5 A No.
6 Q Were you ever told that Inerteen or PCBs were a
7 poison?
8 A No.
9 Q On September 15, 1947 E.C. Barnes stated that
10 chronic poisoning may occur where there are
11 repeated or recurring exposures to a sufficient
12 concentration of Inerteen vapor over a period of
13 months or years and such exposures to Inerteen
14 vapor may produce internal bodily injury which may
15 be disabling or could be fatal. Did anyone from
16 Monsanto Company communicate this warning to you?
17 A No.
18 Q Did anyone from Westinghouse communicate this
19 warning to you?
20 A No.
21 Q On September 15, 1947 E.C. Barnes stated that

1 Inerteen is highly toxic if taken internally and
2 the swallowing of approximately one or two ounces
3 may cause serious internal injury or, perhaps,
4 death. Did anyone from Monsanto Company
5 communicate this warning to you?

6 A No.

7 Q Did anyone from Westinghouse communicate this
8 warning to you?

9 A No.

10 Q On September 15, 1947 E.C. Barnes stated that
11 Inerteen or PCBs is not very irritating to the
12 skin, but, that it is absorbed through the skin and
13 can produce toxic reactions internally. Did you
14 receive any warnings from Monsanto or Westinghouse
15 that PCBs are absorbed through your skin?

16 A No.

17 Q When you worked at the Westinghouse capacitor
18 manufacturing plant, did you ever know that PCBs
19 went through your skin and were absorbed into your
20 body?

21 A No.

904423

1 Q On September 15, 1947 E.C. Barnes stated that
2 proper preplacement and periodic physical
3 examinations should be made by the medical
4 department on workers who work with Inerteen. Were
5 you ever informed that you as a person who worked
6 with Inerteen or PCBs must have proper preplacement
7 and periodic physical examinations?

8 A No.

9 Q Were you ever given a preplacement or periodic
10 physical examination where a nurse or doctor
11 informed you that it was being done because of your
12 working with Inerteen or PCBs at the Westinghouse
13 capacitor manufacturing plant?

14 A No.

15 Q On September 20, 1955 Dr. R. Emmet Kelly, M.D.,
16 Medical Director for Monsanto Chemical Company,
17 stated that, "We know PCBs are toxic." Did
18 Monsanto ever communicate this information to you?

19 A No.

20 Q Monsanto Company published data on the
21 concentration of chlorodibenzofurans or furans in

1 PCBs. This published data showed that PCBs
2 contained two to thirty-three parts per million
3 furans as a contaminant. Was this information ever
4 communicated to you by Monsanto Company?

5 A No.

6 Q To this date has this information ever been
7 communicated to you by Monsanto Company?

8 A No.

9 Q Monsanto Company published data that used PCBs were
10 contaminated with furans at ninety parts per
11 million. To this date has Monsanto Company
12 communicated this information to you?

13 A No.

14 Q Have you received this information from any doctor,
15 nurse or governmental health officer?

16 A No.

17 Q Before this date, did you know that furans which
18 are so toxic that one ounce will poison ten
19 thousand people were in used PCBs at a level of
20 ninety parts per million?

21 A No.

- 1 Q On January 15, 1972, before you started working at
2 the Bloomington Westinghouse Plant, Westinghouse
3 Electric Corporation agreed to indemnify Monsanto
4 Industrial Chemicals Co. and hold harmless Monsanto
5 for any liabilities, claims, damages, penalties,
6 actions, suits, losses, costs and expenses arising
7 out of or in connection with the receipt, purchase,
8 possession, handling, use, sale or disposition of
9 PCBs. Were you told by Westinghouse that Monsanto
10 required Westinghouse to indemnify Monsanto for any
11 harm caused by PCBs?
- 12 A No.
- 13 Q From 1972 until 1976 when you learned from
14 newspaper articles that PCBs were in the plant,
15 were you given any warnings about Inerteen or PCBs?
- 16 A No.
- 17 Q Were you tested for the presence of PCBs in your
18 blood in 1977?
- 19 A Yes.
- 20 Q Did you receive your PCB blood test results four
21 years later in 1981?

1 A Yes.

2 Q Was the test conducted by Dr. Alexander Blair

3 Smith, M.D. who worked for NIOSH?

4 A Yes.

5 Q What did Dr. Smith tell you about your PCB blood

6 levels?

7 A He told me my PCB level was the highest that had

8 ever been recorded. In 1981 I received my 1977

9 test results which showed I had 3,450 parts per

10 billion PCB in my blood. In 1985 I was retested

11 and my level was 40.29 parts per billion. After

12 1977 I did not work in PCBs because Westinghouse

13 quit using them.

14 Q Did you ask him for medical advise?

15 A Yes, I did.

16 Q What did Dr. Smith tell you?

17 A To never give blood.

18 Q Will you describe how you worked with Inerteen or

19 PCBs at the Bloomington Westinghouse capacitor

20 manufacturing plant from 1972 until approximately

21 October, 1977 when Westinghouse quit using PCBs?

1 A I hired in in either March or April, 1972, and
2 Westinghouse put me directly in F-30. F-30 had a
3 pet name given it I had been told by managers. They
4 called it the swamp, and I wasn't back there over
5 thirty seconds and I realized how it got that name.
6 The smell of the section just jumped out at you as
7 you walked in the area. There was oil on the
8 floor, oil on the walls. Everything you looked at
9 was just greasy and oil soaked. There was a smell
10 of smoke in the air and you could see smoke
11 lingering.

12
13 The particular job that I went on was the fill and
14 solder line. This operation we handled high
15 voltage and low voltage capacitors and they would
16 come out of large impregnating ovens where they
17 were filled with Inerteen. They would have a large
18 stem on the top of the can with a reservoir, and
19 this reservoir held hot Inerteen. In a lot of
20 cases we would have to put more oil in the can and
21 each of the capacitors were on great big heavy

1 trays. There would be as many as, I think twenty-
2 seven possibly in some instances on a tray at a
3 time in two rows and they were banded together with
4 steel banding. After we put the oil in the
5 reservoirs we would have to cut the steel banding,
6 and when this happened the capacitors would spread
7 apart and suck the oil from the reservoirs down
8 inside the actual can itself. In the process of
9 spreading apart a lot of times they would fall
10 over, Inerteen would splash out and one person
11 would have to stand on one side of the cans and one
12 on the other and try to grab hold of them and keep
13 them from falling, and this Inerteen would splash
14 up in your face and splash on to your chest,
15 possibly go over your head, even down your back.

16
17 After we got the capacitors spread apart,
18 separated, we went back through with a suction hose
19 and sucked the remaining oil out of the reservoirs.
20 After doing that we would either use our bare hands
21 or in some cases where the reservoirs were

1 exceptionally tight we would use vice grips and
2 loosen the reservoirs from the can. There was
3 always a considerable amount of oil left in the
4 tube of the reservoir. They had, in a lot of
5 cases, a half inch diameter water pipe attached to
6 the reservoir, maybe as much as six inches long, so
7 there would always be at least that much oil that
8 you couldn't suck out, and then when you'd take the
9 can off that oil would just go everywhere. After
10 doing that we would go back through and put a
11 little steel plug in the hole and we tied it down
12 real tight and then go back through with an air
13 hose and blow the remaining Inerteen off of the top
14 of the cans.

15
16 The next step would be to put solder flux on the
17 tube, on the plugs, and use a gas torch to heat it
18 up and apply the solder to it to cap it off. That
19 was the main operation there. When we used the gas
20 torch to do the soldering with, there was somewhat
21 of an old ventilation system that was to draw the

1 smoke away from the torch and workers. It never
2 did work even when I hired in. When we would apply
3 the gas torch to the plugs on the capacitor there
4 would be a large quantity of smoke. It would blow
5 up in your face. There would be splatterings from
6 the torch in the way of solder flux remains and
7 Inerteen that was on top of the cans. Down
8 underneath where we worked they used sawdust to
9 catch all the Inerteen drippings. This sawdust was
10 anywhere from two inches deep to sometimes we'd
11 pile as much as six inches deep, and there was from
12 one end to the other probably almost a hundred
13 yards of sawdust on the floor about six or eight
14 feet wide. This Inerteen would drip down in there
15 and we very seldom cleaned it up until it got to
16 such a point that the inerteen separated from the
17 sawdust and would run into other sections and the
18 people in other sections would complain. Then we
19 were forced to clean up all the sawdust. They
20 would bring in empty fifty-five gallon barrels.
21 There have been times when we would haul as many as

1 fifty barrels of sawdust and Inerteen out of the
2 plant at one cleanup trip.
3
4 Westinghouse did not give us rubber boots or
5 anything to wear. We always wore just our regular
6 work shoes. The Inerteen would eat our shoes up.
7 A lot of people bought shoes once a month. It was
8 almost a necessity to buy them once a month.
9 Either the rubber soles on your shoes, or leather
10 soles would swell up and flatten out and turn
11 white. The leather would just get real nasty on
12 the upper parts of your shoes. Inerteen would soak
13 all the way through to your socks. Your bare feet
14 would turn white from it and blister. You didn't
15 have any kind of clothing to protect you. The
16 Inerteen would get on your pants, your shirt, and
17 you just, within thirty seconds after starting the
18 job of a morning you start getting oil soaked and
19 you would just be that way for the day. There have
20 been times in the past where I would get so much
21 oil on me that I would have to leave on a couple of

1 occasions in the middle of the day and, and punch
2 out and drive thirty plus miles back to my home and
3 get different clothing to put on and I would turn
4 right around and go back to work and then by
5 quitting time I would be nasty again.

6
7 Underneath this line that I talked about where all
8 the sawdust was put there were any number of
9 occasions where, because of the gas acetylene torch
10 that we soldered with, the oil would eat away at
11 the rubber hoses to the torch and we would have
12 fires underneath the line in the sawdust. Flames
13 would go all the way to the ceiling and smoke would
14 be so black and so thick you couldn't see. It was
15 just terrible. You would have to get the fire
16 crews back there and try to get it put out. There
17 were other occasions where a worker would walk by
18 and throw a cigarette down in the sawdust. Rather
19 than flame when you would throw a cigarette in it,
20 it would just start burning black, just like
21 charcoal would burn. You would just see it spread

1 slowly over a period of days where the cigarette
2 was thrown down. Every day the black spot would be
3 a little bit bigger and a little bit bigger and it
4 would smoke and smell bad and burn your throat. We
5 just didn't know any better. Nobody ever told us
6 there were any dangers to our health. We just let
7 it burn like that.

8
9 After we had finished with the fill and solder
10 operation, the capacitors would be put on a
11 overhead chain or conveyor type system and they
12 would go into a large washer. It was a water wash
13 with some type of a powder detergent, and this was
14 maybe fifty feet long, maybe less. Once the
15 capacitors went through the washer system they
16 would start up an incline into a huge oven. It was
17 a two-story type oven and a rough dimension of the
18 oven was probably near the size of a basketball
19 floor both downstairs and up. As the capacitors
20 went up into the oven they would, if the seams were
21 bad, if the solders were bad, or for whatever

1 reason they would start to leak Inerteen and that
2 would drip down on the floor. There was always
3 just a wet stream on the floor where the capacitors
4 ran. Once they went in the oven, they were heated
5 up with big blowers and heaters, and the blowers
6 would force air back out of the front of the oven
7 and when so many capacitors got in the ovens that
8 were leaking the blowers would blow black, nasty,
9 old thick smoke back out.

10
11 Another job that I held at that time was right
12 underneath of that and it would blow that old heavy
13 smoke right down on me. These capacitors went up
14 in the oven and made a couple of loops upstairs and
15 then they would go downstairs. But, before I move
16 on to the next step, there was a lot of times when
17 there were so many leaky capacitors in the oven and
18 blowing out so much smoke, or there were also
19 occasions when the conveyor itself might break,
20 that management would send us as employees in the
21 ovens. They would shut the ovens off and stick a

1 fan in the doorways and try to blow as much smoke
2 out of the ovens as they could. We would go in the
3 oven and start physically lifting capacitors off
4 the line to get the weight off the line, or bring
5 capacitors out. It was terribly hot. You couldn't
6 catch your breath hardly in there. You would just
7 run in and you would work just as hard as you could
8 for ten or fifteen seconds and do what you could
9 and you would just run right back out to the front
10 and catch your breath and go back in. This was
11 pretty much commonplace. It occurred probably on
12 an average of once or twice a month that we would
13 have to go in the oven for something.

14

15 After the capacitors completed the cycle in the big
16 oven, they came down to a test station and this was
17 a hot test power factor of some type or another,
18 and the capacitors would come into a little room
19 and a tester would hook up cables to the capacitor
20 and close big plexiglass doors and put a charge in
21 it or, I don't understand the electrical part of

1 it, but at any rate, check it. There would be a
2 lot of occasions there when a capacitor would fail
3 the test by explosion or other means. But when the
4 capacitor exploded it put Inerteen on the floor.
5 It would break the porcelain bushings and glass
6 would go in different directions. There again,
7 they would shut the test equipment down and we
8 would have to go in with shovels and sawdust and
9 shovel up and clean up all the Inerteen and put it
10 in drums.

11
12 From that station the capacitor would go to a leak
13 test area. The leak test area was basically
14 a section where the individuals on the operation
15 would touch and visually check the capacitor itself
16 for any noticeable seepage of Inerteen or damage.
17 On the bottom of the can you would have to use your
18 fingers and physically touch and rub the bottoms of
19 the cans and then check your hands to see if you
20 got Inerteen on your fingers, if there was a slow
21 leak.

1 The capacitors were next prepared with paper sacks
2 for the painting department. The capacitor then
3 would go into a painting area to be primed and
4 move on to the next station where it would be final
5 painted. Anywhere along this line a leak could
6 occur or show up. From the final paint booth it
7 would go into another hot blast small oven. It was
8 a drying oven for paint. There were a lot of
9 occasions where that oven itself got hot enough
10 that leaks would show up. They would create
11 pressure in the cans and the oil would drip down
12 and smoke would come out of the oven and blow
13 around the plant.

14
15 From that station the capacitor would go to an
16 unload area. Workers used a hydraulic lift to take
17 capacitors off the line to make them ready for
18 another test area. This test area we called the
19 merry-go-round. There was a big, circular test
20 device where maybe as many as twenty-five
21 capacitors would be loaded in individual stalls and

1 placed on this merry-go-round, and as they would go
2 around they would be tested by test people. When
3 these capacitors would fail the test at this
4 station there would be occasions where you would
5 hear a loud crack, like a gun. Two or three
6 seconds later you would hear another crack like a
7 gun and you might hear as many as ten cracks at a
8 time where capacitors would explode right in a row.
9 There was other occasions when it would absolutely
10 rock the building when it exploded. It was just
11 deafening to the ears when it would go off.
12 Porcelain would go everywhere. Oil would, under
13 pressure, just splatter every place. Big nasty,
14 billowy black clouds of smoke would drift around
15 the factory. Different areas would turn on fans
16 and blow it away from them. This big old black
17 cloud of smoke would just drift from one end of the
18 plant to the other. People always complained about
19 it. The smoke from the capacitor explosions would
20 burn your throat, burn your eyes, your nose. It
21 would just make you hoarse, the smoke would.

1 Then from this test area the capacitors went on to
2 skids and were sent to shipping areas. There were
3 a lot of occasions when due to accidental handling
4 procedure or being dumped by fork trucks when they
5 were hauled in the plant there would be streams of
6 Inerteen up and down the aisles. It was nothing
7 uncommon to walk around the plant and see where
8 somebody had gone by with a bucket or something and
9 just sprinkled sawdust up and down the aisles.
10 There were just trails everywhere. Now this
11 Inerteen that was used in these capacitors was a
12 real terribly smelling fluid. It was just
13 nauseating. To me personally there was a, it
14 wasn't so much a smell as when the odor hit you it
15 almost hit you in the brain. It was just real
16 unusual. Our plant's probably, I've been told,
17 about ten acres and there was virtually no place in
18 the facility that you couldn't find oil drippings
19 on the floor or smell this terrible Inerteen odor.
20 Q What health symptoms did you experience when you
21 were exposed to Inerteen in the Westinghouse

1 capacitor manufacturing plant?

2 A When this oil would splash on us it would get in
3 your face. It would just burn your eyes something
4 terrible. You couldn't flush it out with water.
5 There would be rashes that I would develop on my
6 arms and also around my waist from the rubbing of
7 my belt and my clothing. It would be like little
8 blisters, turn yellow, be nasty, wouldn't heal very
9 well at all. As a matter of fact, I still have
10 some small scars from where it wouldn't heal. The
11 smoke itself from the soldering of the capacitors
12 would get in your throat. You could just literally
13 taste it. Make you hoarse. Your throat would
14 burn. Your nose would burn. Where it would get on
15 our feet through our shoes we would get nasty sores
16 on our feet. Our skin would peel off. There were
17 a lot of instances where the smoke from the
18 soldering would make us sick to our stomach,
19 nauseous. We didn't feel like eating. There would
20 be a lot of times when your stomach was just so
21 upset from the odor and the smoke that you would

- 1 step outside the back door or run to the bathroom
2 and vomit.
- 3 Q In experiencing the health symptoms you described
4 from being exposed to Inerteen, did Monsanto or
5 Westinghouse ever tell you that these health
6 symptoms were an early warning that you were being
7 poisoned and could suffer long term effects?
- 8 A No, Monsanto or Westinghouse never, ever gave us
9 any kind of warnings or told us that there was any
10 danger of poisoning.
- 11 Q Did any Westinghouse manager, foreman, medical
12 doctor, nurse, or representative from Westinghouse
13 Corporate Headquarters in Pittsburgh, Pennsylvania
14 ever express any concern to you about health
15 problems caused by exposure to Inerteen or PCBs?
- 16 A No.
- 17 Q From 1972 to this date has anyone from Westinghouse
18 expressed any concern to you verbally or in writing
19 about health problems caused by exposure to PCBs in
20 the Bloomington Westinghouse plant?
- 21 A No.

1 Q Mr. Sluder, I hand you what is marked Exhibit A.
2 Did Westinghouse ever show this 1947 exhibit to
3 you?
4 A No.
5 Q I hand you what is marked Exhibit B. Did Monsanto
6 ever provide this 1955 document to you?
7 A No.
8 Q I hand you what is marked Exhibit C. Did Monsanto
9 ever provide this information on furans in PCBs to
10 you?
11 A No.
12 Q I hand you what is marked Exhibit D. Did Monsanto
13 ever provide this information on furans in PCBs to
14 you?
15 A No.
16 Q I hand you what is marked Exhibit E. Did Monsanto
17 ever inform you that one ounce of furans could
18 poison ten thousand people?
19 A No.
20 Q I hand you what is marked Exhibit F. Did
21 Westinghouse ever provide this 1971 document to

1 you?

2 A No.

3 Q In this document, dated December 28, 1971,
4 Westinghouse states on page three that it was
5 generally concluded that although the biological
6 information has yet to be systematized, there is
7 sufficient evidence that PCBs can be deleterious
8 to the health of animal and human life and that the
9 risk of ignoring the evidence that does exist was
10 inappropriate for Westinghouse. Was this
11 information ever communicated to you by
12 Westinghouse?

13 A No.

14 Q The same document dated December 28, 1971 states on
15 page two that Monsanto claims that the product or
16 PCBs made in this country is essentially free from
17 this impurity or furans. However, Westinghouse has
18 no analytical data either from Monsanto or of its
19 own which confirms or denies the existence of
20 furans in PCBs. Did Westinghouse ever inform you
21 that there was concern in 1971 about furans being

1 present in PCBs?

2 A No.

3 Q I hand you what is marked Exhibit G. Did Monsanto
4 or Westinghouse ever inform you that Monsanto
5 required Westinghouse on January 15, 1972 to
6 indemnify Monsanto for any claims resulting from PCBs?

7 A No.

8 Q I hand you what is marked Exhibit H. Did Monsanto
9 or Westinghouse ever explain to you that Monsanto
10 tested its PCBs in animal studies before August 4,
11 1975, in order to determine the toxic effects and
12 the tests showed PCBs were slightly tumorigenic?

13 A No.

14 Q Was your wife exposed to the PCBs in your clothing?

15 A Yes.

16 Q How would you characterize her exposure?

17 A She would wash my clothes, handle the Inerteen
18 soaked clothing, and then also when it was dried
19 she was exposed to the smoke that would come from
20 the dryer. The smoke that would come off of the
21 dryer was so bad that we were told not to even

1 bring our clothing back to the laundry mat.

2 Q Mr. Sluder, I hand you Exhibit I, which is an
3 article titled Pesticides and Polychlorinated
4 Biphenyl Residues in Human Breast Lipids and Their
5 Relation to Breast Cancer. In this 1992 study Dr.
6 Frank Falck, Jr. M.D., Ann Arbor, Michigan suggests
7 that women exposed to DDT, DDE, & PCBs are more
8 susceptible to breast cancer. Specifically, Dr.
9 Falck wrote that a ten part per billion increase in
10 tissue level of DDE and PCBs corresponds to a one
11 percent increase in risk of breast cancer. This
12 statement appears on page 145. To this date, has
13 either Monsanto Company or Westinghouse
14 communicated to you the results of this study which
15 suggests that a minuscule increase of DDE and PCBs
16 can result in an increased risk of breast cancer?

17 A No.

18 Q Lastly, I show you, uh, Exhibits J and K which show
19 the level of PCBs found in your blood in tests
20 conducted by Dr. Alexander Blair Smith from NIOSH,
21 Cincinnati, Ohio. Are the PCB levels of three.

1 thousand four hundred and fifty, which were
2 reported to you in 1981 based on the 1977 study,
3 the information which supports Dr. Smith's
4 statement that you had the highest PCB blood level
5 of anyone he ever tested?

6 A Yes.

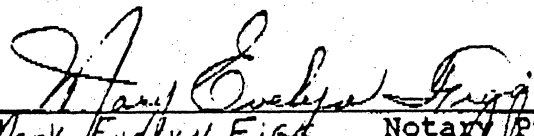
7 Q Mr. Sluder, based on your experience in working
8 with Inerteen or PCBs at the Bloomington
9 Westinghouse capacitor manufacturing plant and
10 based on the information in Exhibits A through I,
11 how would you characterize the conduct of Monsanto
12 and Westinghouse?

13 A I think what they have done to me is malicious. It
14 most certainly, in my opinion, must be criminal.
15 It's, it's just inhuman. It's unimaginable that a
16 corporation or corporations could do this to a
17 human being.

18
19 Richard K. Sluder
20 RICHARD K. SLUDER
21

STATE OF INDIANA
SS:
COUNTY OF MONROE

Suscribed and sworn to before me, a Notary Public
in and for said County and State, this 11th day of
August, 1992.


Mary Evelyn Figg Notary Public
Resident of Monroe County

My Commission Expires:

October 11, 1994

SUPPLEMENT TO STATEMENT OF RICHARD K. SLUDER

AUGUST 11, 1992

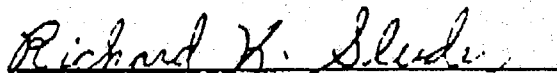
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In addition to the health symptoms which I described in my statement from exposure to Inerteen, I also experienced bleeding from the blisters on my feet and bleeding between my fingers where my skin would get raw.

Also, fires in the Inerteen-soaked sawdust were caused by hot slag from welding operations performed by maintenance personnel.

When I went to work at Westinghouse in 1972 I was 20 years old and in perfect health. Today, at 40 years of age, I have many health problems. In all the years I worked at Westinghouse not one word was ever mentioned by Westinghouse about the risks of health problems caused by PCBs.

In the Spring of 1991 I received a notice from the Indiana State Board of Health that I should be monitored for malignant melanoma because of the high number of deaths of workers in the plant who died from malignant melanoma. Westinghouse opposed the issuance of the warning from the Indiana State Board of Health.

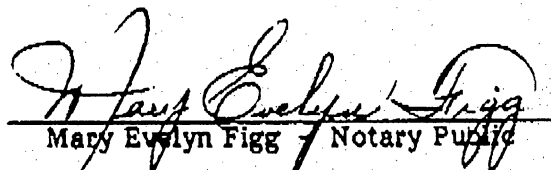

Richard K. Sluder

STATE OF INDIANA

SS:

COUNTY OF MONROE

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 11th day of August, 1992.


Mary Evelyn Figg Notary Public
Resident of Monroe County

My Commission Expires:

October 11, 1994

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