

1 In Re:

2 Solutia, et al.,

3
4 vs. Case No. CV-03-PWG-134-E

5
6 McWane, et al.,

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11
12 April 29, 2005

13
14 30(b) (6) Deposition of SOLUTIA, INC.

15 (Witness: MICHAEL A. PIERLE)

1 In the United States District Court
2 For the Northern District of Alabama
3 Magistrate Judge Green
4

5 Solutia, et al.,
6 Plaintiffs
7

8 vs. Case No. CV-03-PWG-134-E.
9

10 McWane, et al.,
11 Defendants.
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16 30(b) (6) Deposition of SOLUTIA, INC. (Witness:
17 MICHAEL A. PIERLE), taken on behalf of the Defendants,
18 at the offices of Husch & Eppenberger, LLC, 190
19 Carondelet Plaza, Suite 600, in the County of
20 St. Louis, State of Missouri, between the hours of
21 9:06 A.M. and 3:04 P.M. on the 29th day of April,
22 2004, before J. Bryan Jordan, Certified Court Reporter
23 No. 00532 and Notary Public, State of Missouri.

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1 MS. BOWERS: Okay, we're on the record.
2 This will be the 30(b) (6) deposition of Solutia,
3 Inc., and Pharmacia, Inc., taken pursuant to notice as
4 a cross-examination of an adverse party and to be used
5 for all purposes allowed under the Federal Rules of
6 Civil Procedure. If Counsel will agree, all
7 objections will be reserved except as to form of the
8 question and responsiveness of the answer.

9 MR. NASSIF: I'm going to--whatever the
10 practice is that we've been following, I'll follow
11 that.

12 MS. BOWERS: So the usual stipulations?

13 MR. NASSIF: Yes.

14 MS. BOWERS: Okay, will the court reporter
15 please swear in the witness?

16 MICHAEL A. PIERLE,
17 of lawful age, having been first duly sworn to testify
18 the truth, the whole truth, and nothing but the truth
19 in the case aforesaid, deposes and says in reply to
20 oral interrogatories propounded as follows, to-wit:

21 EXAMINATION

22 QUESTIONS BY MS. BOWERS:

23 Q. Good morning, Mr. Pierle.

24 A. Good morning.

25 Q. My name is Bryony Helen Bowers. I'm with

1 the law firm of Troutman Sanders in Atlanta, Georgia,
2 and I represent Scientific-Atlanta in connection with
3 this lawsuit. Would you, please, state your full name
4 for the record?

5 A. Michael A.--Anthony--Pierle, P-i-e-r-l-e.

6 Q. Mr. Pierle, have you ever had your
7 deposition taken before?

8 A. Yes.

9 Q. When was that?

10 A. I've had it done on a handful of occasions.

11 Q. About how many?

12 A. About five, six, something like that.

13 Q. Do you remember when those depositions were?

14 A. They were 2003 and prior.

15 Q. Okay. When would the first deposition have
16 been?

17 A. Sometime in the 1960's or '70's. What.

18 Q. Did that deposition relate to?

19 A. I think environmental matters at a plant
20 site.

21 Q. Which plant?

22 A. Actually, it was not at a plant site. It
23 was, it was around a product, shipment from a plant
24 site.

25 Q. Which product?

1 A. You know, I don't even recall. I'm not
2 certain.

3 Q. What about the next deposition that you
4 gave?

5 A. I'm not going to remember these. I gave a
6 deposition with respect to a water pollution matter
7 sometime in the late, I think it was the late
8 Seventies.

9 Q. Can you remember any details about any other
10 depositions gave?

11 A. They were in the Eighties and Nineties that
12 dealt with, again, environmental-related matters for
13 the company.

14 Q. Were those also involving pollution matters?

15 A. Um, I'm not sure what you mean by
16 "pollution," but they were environmental-issues-
17 related, yes.

18 Q. Okay. Well, it sounds like you've had some
19 experience with giving a deposition, so I'm not going
20 to go into all the things that lawyers usually do,
21 telling the witness to give audible answers and things
22 like that: Sounds like you pretty much know how this
23 works, that the court reporter is taking everything
24 down, please be clear on the record as to what we're
25 saying. Do you have any questions, before we proceed

1 with the deposition, about how this is going to work
2 today?

3 A. No.

4 Q. Okay. Mr. Pierle, do you understand that
5 you are testifying on behalf of Solutia and Pharmacia
6 and that you have been designated as a corporate
7 representative for purposes of this deposition to
8 testify on behalf of Solutia and Pharmacia?

9 A. Yes.

10 Q. Do you believe that you are authorized to
11 speak on behalf of Solutia and Pharmacia here today?

12 A. Yes.

13 MS. BOWERS: Before we started the
14 deposition, we tried to get some consensus on how we
15 would mark exhibits today. Are we going to continue
16 with the numbers from yesterday's deposition or do we
17 just want to start over with, call this Pierle 1?

18 MR. NASSIF: Whatever you want to do,
19 really.

20 MS. BOWERS: Okay.

21 MR. NASSIF: It might be hard to continue
22 with the numbers. I think it's probably easier, you
23 probably should have marked those depositions like
24 "Solutia-Kaley" or something and have this
25 "Solutia-Pierle" so you know that it's--it is a 30(b)

1 (6) deposition by doing that it way.

2 MS. BOWERS: Why don't we call this
3 Solutia/Pierle 1.

4 (Defendant's Deposition
5 Exhibit Solutia-Pierle 1
6 mark'd for
7 identification.)

8 BY MS. BOWERS:

9 Q. Mr. Pierle, I'd ask you to take a look at
10 what's been marked as Solutia-Pierle 1. Have you seen
11 this document before, sir?

12 A. I have not.

13 Q. Mr. Pierle, were you given any directive by
14 anyone as to what matters you would be testifying
15 regarding today?

16 A. We--I was shown and discussed there were
17 three particular question areas that I would be
18 speaking to.

19 Q. Were those provided to you in writing?

20 A. Yes.

21 Q. Okay. Who provided those to you?

22 A. Mr. Gilhousen.

23 Q. Okay, would you turn to page 6 of what I've
24 marked as Pierle 1?

25 MS. BOWERS: Joe, what's that you've slid

1 over to the witness?

2 MR. NASSIF: The three areas he was told he
3 to be would be testifying about.

4 MS. BOWERS: Let's mark that as Pierle 2.

5 (Defendant's Deposition
6 Exhibit Solutia-Pierle 2
7 mark'd for
8 identification.)

9 BY MS. BOWERS:

10 Q. Mr. Pierle, looking at Pierle's Exhibit 1,
11 on page 6, I direct your attention to item number 2.
12 Is that one of the areas that you were told you would
13 be testifying regarding today?

14 A. Yes.

15 Q. And is it your understanding that you have
16 the authority to speak on behalf of Solutia and
17 Pharmacia here, today, at this deposition with regard
18 to those matters in topic number 2?

19 A. Yes.

20 Q. Okay. Same question for number 3: Were you
21 told that you would be testifying about topic number
22 3?

23 A. Yes.

24 Q. And do you believe that you have the
25 authority to speak on behalf of Solutia and Pharmacia

1 here, today, with respect to topic number 3?

2 A. Yes.

3 Q. Would you, please, turn to page 15 of
4 Solutia-Pierle 1? I direct your attention to item
5 number 36. Were you also told that you would be
6 testifying regarding item number 36?

7 A. Yes.

8 Q. Do you believe that you have the authority
9 to speak on behalf of Solutia and Pharmacia here,
10 today, with regard to the items in item number 36?

11 A. Yes.

12 Q. Okay. Mr. Pierle, are there any items in
13 topics number 2, 3, and 36 on Solutia-Pierle Exhibit 1
14 that you will not be testifying regarding today?

15 A. Not that I'm aware of.

16 Q. Would you, please, pass the exhibits back
17 down to the court reporter? 1 and 2?

18 (Witness complies.)

19 Q. (Continuing) Mr. Pierle, what did you do to
20 prepare for your deposition today?

21 A. I met briefly with Mr. Gilhousen and more
22 briefly with Mr. Nassif concerning the subject matter
23 of the deposition and looked at some of the documents
24 that had been made available to yourselves concerning
25 these three areas of questioning.

1 Q. When was that meeting or those meetings?

2 A. We met on Wednesday of this week.

3 Q. Was there anyone else present at the
4 meeting?

5 A. During, kind of in and out, Ms. Debbie
6 Belleau, that I think had compiled the submissions
7 that you had received.

8 Q. Okay, so the documents that you looked at
9 during that meeting, you believe those were compiled
10 by Ms. Belleau?

11 A. I believe so, or, or she was responsible for
12 their compilation.

13 Q. About how long did your meeting last with
14 those gentlemen?

15 A. We met for about four to five hours.

16 Q. Besides those gentlemen, did you talk with
17 anyone else in preparation for your deposition?

18 A. No.

19 Q. And other than the documents that
20 Ms. Belleau gathered for your review, did you review
21 any other documents to prepare for this deposition?

22 A. No, I did not.

23 Q. Did you review any electronic data files?

24 A. No, I did not.

25 Q. Did you review any past deposition

1 transcripts of depositions you had given?

2 A. No, I did not.

3 Q. Did you review any depositions, transcripts
4 of anyone else's deposition?

5 A. No, I did not.

6 Q. Have you reviewed any transcripts of any
7 testimony given to any regulatory agency or court?

8 A. No.

9 Q. Did anyone review documents on your behalf
10 and provide you with summaries of those documents?

11 A. No.

12 Q. Have you met with anyone other than an
13 attorney regarding the review of documents or any of
14 the information that might be contained in those
15 documents?

16 A. No.

17 Q. Has every document you have reviewed in
18 preparation for this deposition been provided to you
19 by an attorney or by Ms. Belleau?

20 A. Yes.

21 Q. Did you ask anyone to review any documents
22 on your behalf or to prepare, help you prepare in any
23 way for any of the topics that you would be testifying
24 regarding today?

25 A. No.

1 Q. Have you had any meetings with anyone else
2 who was an officer, director, or employee of Pfizer,
3 Pharmacia, Solutia, or Monsanto Company to prepare for
4 your deposition today?

5 A. No.

6 Q. Have you met with any independent
7 consultants to prepare for your deposition today?

8 A. No.

9 Q. Just as a preliminary matter, in previous
10 depositions, we've come to the agreement that when we
11 refer to Monsanto, we mean Monsanto and then Solutia,
12 Pharmacia, in the progression of the company. Do we
13 have an agreement on that today?

14 MR. NASSIF: It's up to you. That's fine.

15 A. Yeah, I guess so.

16 BY MS. BOWERS:

17 Q. Okay, if at any time to answer a question,
18 you need to clarify or differentiate between those
19 entities, please let me know, just so we can be clear
20 on the record. I want to be as clear as possible when
21 we're talking about these matters.

22 What's your date of birth, Mr. Pierle?

23 A. October 24th, 1943.

24 Q. What's your current address?

25 A. 770 Gulf Shore--that's two words--Drive,

1 Unit 701, Destin, Florida.

2 Q. Destin, very nice: Jealous. How long have
3 you been in Destin?

4 A. Since 1999.

5 Q. Are you retired?

6 A. Yes.

7 Q. When did you retire?

8 A. I retired from Solutia in January of 1999.

9 Q. Do you have any relatives that live in
10 northern Alabama?

11 A. Not that I'm aware of.

12 Q. Did you graduate from college, Mr. Pierle?

13 A. Yes, I did.

14 Q. Where did you graduate from?

15 A. A Bachelor's degree from Purdue and a
16 Master's Degree from Washington University in
17 St. Louis.

18 Q. What was your Bachelor's degree in?

19 A. Civil engineering.

20 Q. And your Master's?

21 A. It was a general Master's in engineering.

22 Q. Any further education, formal education?

23 A. I attended two executive management courses,
24 but those were, like, four weeks, and then eight
25 weeks. They were general management training.

1 Q. Okay, where were those executive management
2 courses held?

3 A. The first was at the University of Texas,
4 and the second one was at Stanford.

5 Q. When you retired from Solutia, what was your
6 job title?

7 A. Vice President, Environment, Health and
8 Safety.

9 Q. What were your duties and responsibilities
10 with regard to that position?

11 A. Basically, manage the staff in these areas
12 that supported all of the business operations in
13 matters that were policy, regulatory, and some op--and
14 some operational matters with respect to the company's
15 cleanup activities.

16 Q. How long were you at Solutia?

17 A. For the--from its inception until my
18 retirement.

19 Q. So from '97--

20 A. Yes.

21 Q. --through '99? And prior to '97, who were
22 you employed by?

23 A. Monsanto Company.

24 Q. What year did you start working with
25 Monsanto Company?

1 A. In February of 1966.

2 Q. What was your first position with Monsanto
3 Company?

4 A. I worked as environmental engineer.

5 Q. What department was that in at that time?

6 A. I think it was called the Technical Services
7 Department.

8 Q. Who was the head of Technical Services
9 Department at that time?

10 A. I don't recall who was the head of that
11 whole department.

12 Q. Who was your supervisor when you first came
13 on?

14 A. When I first started, it was a gentleman
15 called Paul Hodges.

16 Q. Do you remember his job title?

17 A. I think he was just Environmental Group
18 Supervisor.

19 Q. Do you know if Mr. Hodges is still living?

20 A. He is not.

21 Q. Do you remember the names of anyone else
22 that were in a supervisory capacity in the Technical
23 Services Department in 1966?

24 A. I believe his boss was Ben Williams.

25 Mr. Hodges' boss was Ben Williams.

1 Q. Do you know if Mr. Williams is still living?

2 A. I do not.

3 Q. What was your next job title after
4 environmental engineer?

5 A. I believe it was--the titles were kind of
6 like Engineer I, Engineer II; they were pretty
7 perfunctory kinds of things, and then I think Senior
8 Engineer was probably the next title.

9 Q. Okay, what year would you have made Senior
10 Engineer?

11 A. I believe that was 1970.

12 Q. Were your supervisors at that time
13 Mr. Hodges and Mr. Williams?

14 A. No, at that time, my supervisor was a
15 gentleman called Jack Winkler.

16 Q. Do you remember Mr. Winkler's title?

17 A. I think he was a general superintendent.

18 Q. Do you know if he is still living?

19 A. He is not.

20 MR. NASSIF: For the record, these positions
21 had nothing to do with the Anniston facility.

22 MS. BOWERS: Okay. I'm just trying to get
23 some background on the witness.

24 MR. NASSIF: I understand.

25 BY MS. BOWERS:

1 Q. Your next job title after Senior Engineer?

2 A. I think was Manager of Environmental
3 Protection.

4 Q. What year would that have been?

5 A. 1975.

6 Q. And who did you report to while you were the
7 Manager of Environmental Protection?

8 A. Mr. Dez Homer.

9 Q. Do you know if Mr. Homer is still living?

10 A. He is not.

11 Q. Do you remember what his title was at that
12 time?

13 A. I think it was Director of--I think it was
14 Utilities and Environmental Protection.

15 Q. And after Manager of Environmental
16 Protection, what was your next job title?

17 A. I believe it was Director of Regulatory
18 Affairs.

19 Q. And who did you report to while Director of
20 Regulatory Affairs?

21 A. Monte, M-o-n-t-e, Throdahl, T-h-r-o-d-a-h-l.

22 Q. What was Mr. Throdahl's title?

23 A. I believe he was a senior vice president for
24 Monsanto Company.

25 Q. Do you know if Mr. Throdahl is still living?

1 A. He is not.

2 Q. And after Director of Regulatory Affairs,
3 what was your next position with the company?

4 A. I had kind of some parallel positions that
5 were virtually the same, and it was probably a
6 Director of Environmental Operations.

7 Q. What year would that have been?

8 A. Nineteen eighty--'85 or '86.

9 Q. I'm sorry, just to backtrack for a minute,
10 did I ask you what year you were the Director of
11 Regulatory Affairs?

12 A. I believe that was around 1980.

13 Q. Okay, so '85,-86, you were the Director of
14 Environmental Operations. Who did you report to?

15 A. Tom Laffrey.

16 Q. What was his title?

17 A. I don't know, he was a staff vice president.
18 I don't recall his exact title.

19 Q. Okay, do you know if Mr. Laffrey is still
20 living?

21 A. I believe he is.

22 Q. And after Director of Environmental
23 Operations, what was your next title?

24 A. Vice President, Environment, Safety and
25 Health for Monsanto Company.

1 Q. And that's the position you held until your
2 retirement?

3 A. Well, I held it at Monsanto until the split,
4 and then basically the same title thereafter for
5 Solutia.

6 Q. Who did you report to before the split?

7 A. Nick, Nicholas Reding.

8 Q. What was his title?

9 A. Vice Chairman of Monsanto.

10 Q. Do you know if he is still living?

11 A. I believe so.

12 Q. And then after the split, did you also
13 report to him?

14 A. No, I reported to Mike Miller.

15 Q. What was his title?

16 A. I, I believe it was a senior vice president.

17 Q. Do you know if Mr. Miller is still living?

18 A. I believe so.

19 Q. Since your retirement, have you been
20 employed with any company, or as a consultant or
21 anything of that sort?

22 A. I have a, a consulting, a really small
23 consulting business, Pierle Consulting, Incorporated.

24 Q. What type of consulting do you do?

25 A. I, I did some post-retirement consulting for

1 Solutia for a couple of years, and then I've done some
2 very small projects in, like, 19--or around 2000-2001,
3 2002, somewhere in that time frame, basically having
4 to do with reviewing operations that were in a sale
5 transaction.

6 Q. Were you paid on an hourly basis for that
7 work that you did for Solutia?

8 A. Yes.

9 Q. Okay.

10 A. For--I'm sorry, for Solutia, I was under a,
11 under a retainer, an annual retainer.

12 Q. What were you paid annually on that
13 retainer?

14 A. For those two years, it was, I believe,
15 \$50,000 a year.

16 Q. Are you currently under a retainer now for
17 either Solutia, Pharmacia, or Husch & Eppenberger?

18 A. For--with Husch.

19 Q. Is that a monthly retainer, an annual
20 retainer?

21 A. Monthly.

22 Q. What are you being paid per month on that
23 retainer?

24 A. \$5,000 a month.

25 Q. Are you being paid for your deposition

1 today?

2 A. It's within the, within the retainer.

3 Q. Mr. Pierle, I'm sorry, I forgot to ask this
4 when we were talking about your education. What year
5 did you complete your graduate work?

6 A. I believe my degree is dated 1971.

7 Q. Okay, and your Bachelor's degree?

8 A. That was received in January 1966.

9 Q. So is it fair to say that you were with
10 Monsanto and Solutia the entire length of your career?

11 A. With the exception of one year in 1974 to
12 1975, I worked one year for the federal government.

13 Q. What did you do for the federal government
14 in that year?

15 A. I worked at the Department of Commerce in
16 their Office of Environmental Affairs. We were
17 basically part of the Department's team that reviewed
18 environmental matters that came through the
19 Department.

20 Q. What sort of things did you work on while
21 there?

22 A. They were review of environmental impact
23 statements that were being prepared by the government,
24 different sectors of the government, and also quite a
25 lot of the work was around EPA, Environmental

1 Protection Agency's proposed rule makings.

2 Q. Did you obtain a leave of absence from
3 Monsanto to take that position?

4 A. Um, yes. I don't know if that's the precise
5 term of what we had, but we had a--I was separated and
6 a non-employee for that, for that twelve-month period.

7 Q. Was Monsanto supportive of you taking that
8 position for that year?

9 A. Yes. The position was one at the, at the
10 Department that sort of annually rotated an individual
11 from the business community, and they were supportive
12 in me taking a year off to, to gain that experience.

13 Q. Who told you that you would be representing
14 Solutia and Pharmacia in this deposition here, today?

15 A. Messrs. Nassif and Gilhousen.

16 Q. Did anyone within the company contact you
17 with regard to your selection as a 30(b) (6)
18 representative?

19 A. No.

20 Q. Why do you believe that you were selected to
21 testify regarding items 2, 3, and 36 that we looked at
22 on Pierle Exhibit 1?

23 MR. NASSIF: Objection to the extent that it
24 calls for him to give information that was given to
25 him by counsel.

1 MS. BOWERS: I'm merely asking for his
2 personal opinion.

3 MR. NASSIF: So to the extent that you were
4 not told why you were being selected, but on your own
5 figured out why you were selected, you can answer that
6 question if you can.

7 A. I think just simply because of my background
8 and experience at Monsanto and Solutia.

9 BY MS. BOWERS:

10 Q. Do you believe that you were the most
11 qualified person to speak with regard to these
12 matters?

13 A. Yes.

14 Q. Is there anyone else that you believe would
15 be equally qualified to you to speak on these matters?

16 MR. NASSIF: Objection: Calls for
17 speculation on the part of the witness.

18 MS. BOWERS: I'm asking for his belief; I'm
19 not asking him to speculate.

20 MR. NASSIF: Okay, if you know that you were
21 the most qualified person, you can answer the
22 question.

23 MS. BOWERS: Mr. Nassif, I'm going to ask
24 you to quit coaching the witness. I'm going to ask my
25 questions.

1 MR. NASSIF: I'm not coaching the witness.
2 I'm clarifying what the witness can and cannot answer.

3 MS. BOWERS: Let's let the witness decide
4 what he can and cannot answer.

5 MR. NASSIF: The witness will follow my
6 instructions.

7 MS. BOWERS: I'm not asking for
8 attorney-client communication, I'm asking for his
9 belief.

10 MR. NASSIF: And I'm explaining to the
11 witness what speculation is and isn't.

12 A. Could you repeat the question, please?

13 MS. BOWERS: I'll ask the court reporter to
14 read back the question, please.

15 THE COURT REPORTER: (Reading back)

16 "Q: Is there anyone else that you
17 believe would be equally qualified to you to speak on
18 these matters?"

19 A. I don't know how to answer that question.

20 BY MS. BOWERS:

21 Q. I'm just asking if there's anyone else that
22 you think is qualified to speak as to these matters.
23 If you don't know, you don't know.

24 A. Yeah, I mean that's what I said.

25 Q. Okay. Thank you. Did you ask anyone other

1 than your attorneys why you were being selected to
2 testify today?

3 A. No.

4 Q. Have you ever spoken or been asked to speak
5 on behalf of Solutia or Pharmacia before?

6 A. Yes.

7 Q. When was that?

8 A. It was, it was for Solutia in one of the
9 prior depositions.

10 Q. Do you remember what that deposition was
11 regarding?

12 A. It had to do with one of the Anniston--or a
13 matter with respect to the Anniston Plant. I don't
14 recall the case or the citation.

15 Q. Do you remember approximately what year that
16 was?

17 A. It would have been prior to 2003, but I'm
18 not certain.

19 Q. Do you remember the name of the attorney
20 that took your deposition that time?

21 A. I do not.

22 Q. In 1966, I believe, was that the first year
23 that you came to Monsanto? Is that correct? Am I
24 remembering that date correct?

25 A. That is correct.

1 Q. In 1966, when you came to Monsanto, was
2 there a formal document retention policy in place?

3 A. Yes.

4 Q. Do you know when that document retention
5 policy was first established?

6 A. In reviewing the matters that were submitted
7 to you, it is my understanding that they sent you the
8 full set of document retention policies within the
9 company, and I believe, or I recall that the first one
10 was in the mid Fifties.

11 Q. Okay. Who was responsible for drafting that
12 first document retention policy?

13 A. I don't recall the name.

14 Q. Do you remember what department or division?

15 A. It seems to me it was someone at that time
16 that probably was on the company, somewhere in their
17 staff--the company level staff organization.

18 Q. Okay. Can you be more specific?

19 A. No.

20 Q. Who was responsible for the implementation
21 of this document retention policy?

22 A. The implementation, as I looked at those
23 documents and then experienced them, it was a sort of
24 a top-down-through-the-organization request for people
25 to administer their files with respect to the program,

1 and then there was--there became a bottoms-up sort of
2 self-certification process that was gathered up to
3 note adherence through the organization with those
4 policies.

5 Q. Okay, in your top-down description, who
6 would have been the top?

7 A. I think the way the policies were written,
8 they virtually came from the top of the company,
9 probably the president, and then down through the
10 people that reported to that individual, and then
11 subsequently tiered its way down through the
12 organization.

13 Q. In the 1960's, when you came to Monsanto, do
14 you remember any one person that carried, in your
15 view, a lot of responsibility for the implementation
16 of this policy?

17 A. No, I don't.

18 Q. Okay, do you know if Monsanto ever had
19 someone who was in charge of the document retention
20 policy?

21 A. My recollection over time is that the, the
22 general administration for that may have had an
23 oversight within the Law Department, but again, it was
24 the responsibility of the business, the line operation
25 managers, and then the managers through the

1 organization, to request self-certification from
2 people within the company to be in accordance with
3 those policies.

4 Q. Who within the Law Department would have
5 carried this responsibility?

6 A. I believe, in looking at some of the
7 documents, the reviews of those indicated in the
8 updates of the policy were generally handled by the
9 general counsel.

10 Q. Do you remember who the general counsel was
11 in the 1960's, late 1960's?

12 A. I, I really don't. My first, you know,
13 paying attention to that personally was at a time,
14 maybe, in the Seventies and that when a gentleman by
15 the name of Ned Putzell was the, was the general
16 counsel.

17 Q. Is Mr. Putzell still living, do you know?

18 A. I don't believe so, but I'm not--certain.

19 MR. NASSIF: He's deceased.

20 BY MS. BOWERS:

21 Q. Did you ever have any conversation with
22 Mr. Putzell regarding the document retention policy?

23 A. No.

24 Q. To whom--strike that. With regard to
25 dissemination of the document retention policies at

1 Monsanto and then, later, Solutia, to whom was--to
2 whom were these policies disseminated?

3 A. I believe the general practice was to pass
4 these along to virtually all employees; again, down
5 through the organization.

6 Q. Was that given to an employee on his or her
7 date of hire?

8 A. I, I, I'm not certain of that. My
9 experience--and I think it was, was pretty general at
10 that time--was that when you first joined the company,
11 you spent a certain amount of time on being introduced
12 to the company and reading large numbers of manuals,
13 and that was how you generally got acquainted with
14 the, you know, the general operations of, of the, of
15 the company, recognizing, you know, that at that
16 point, you are at a pretty, pretty low level.

17 Q. So would the document retention policy be
18 given to a new employee along with other information
19 when they started work at Monsanto?

20 A. I can't say that for, for certain.

21 Q. Okay, who would know that?

22 A. I don't, I don't really know.

23 Q. Is the document retention policy updated
24 annually?

25 A. No, again, in reviewing the sequence of

1 those, they were--there were a series of revisions,
2 but they were, they were not annual revisions.

3 Q. How often would the policy be updated or
4 revised?

5 A. Again, there was no, as I recall, no set
6 timeline for, for doing that.

7 Q. Well, who would decide when it was time to
8 update the document retention policy?

9 A. Again, I think the general administration of
10 that was probably within the, the Law Department,
11 and--but it could have also been a determination by
12 the head of the company that, you know, when is the
13 last time we looked at it and is there a reason to, to
14 update that to make it more expansive.

15 Q. When the policy was updated or revised, were
16 notifications sent out to all employees?

17 A. Yes, I believe so, and the, and the policies
18 which were typically prepared in kind of a, as I
19 recall, a pamphlet form, you know, people would
20 receive a copy of, of those pamphlets, as well.

21 Q. Okay, how would those pamphlets be
22 distributed?

23 A. I'm, I'm not certain what you mean by that.

24 Q. Would a meeting be called and the pamphlets
25 would be handed out? Was there some sort of the

1 interoffice mail within Monsanto?

2 A. I would assume that, that it was up to the
3 individual, individuals in their departments to decide
4 how they wanted to distribute them, and it could have
5 been done in any number of ways.

6 Q. And that would have been the department head
7 that would make that determination of how to
8 disseminate the information?

9 A. It could have been.

10 Q. Are there separate document retention
11 policies for each department?

12 A. In looking at those, there is one general,
13 overall document retention policy that applied to
14 everyone. The level of inclusion of, let's say, types
15 of records may have varied at the department or
16 company, but it was still within the, the general
17 purview of the, of the overall policy.

18 Q. Okay. Were there any product-specific
19 document retention policies?

20 A. I believe the policies, themselves, applied
21 to a large numbers of areas that would--that could
22 have included product information, production
23 information, later to include regulatory information,
24 depending upon, as I say, the department and what
25 records they may or files they may have used in the

1 normal course of their business to conduct business.

2 Q. When you were the senior--excuse me, when
3 you were the vice president of the Department of
4 Environment, Health and Safety, was there a separate
5 document retention policy that your department
6 followed?

7 A. No.

8 Q. Did you supplement the document retention
9 policy of the company in any way within your
10 department?

11 A. No.

12 Q. Were employees trained, were there training
13 sessions from employees on document retention
14 policies?

15 A. Again, that, that probably varied throughout
16 the, the company. In signing the self-certification,
17 certainly, people would have had to have been aware of
18 the policy and understood it, and I can remember
19 personally at times, there would be questions asked
20 about, you know, "What does this mean," and so there
21 was probably, you know, learning going on pretty much
22 all the time.

23 Q. Okay, but are you aware of any formal
24 meetings or training sessions that were held?

25 A. No. No.

1 Q. Are you familiar with the term or concept of
2 a litigation hold?

3 A. Talk a little more on that.

4 Q. When I say "litigation hold," I'm referring
5 to a procedure that is used within some corporations
6 where if litigation is pending or threatened, that a
7 separate document retention policy will be issued with
8 regard to documents that may be implicated by that
9 litigation.

10 A. Yes.

11 Q. Are you familiar with something like that
12 within Monsanto?

13 A. From, from time to time, there would be
14 communications with respect to certain litigation--I
15 don't remember the specifics--that materials related
16 to this matter be, sort of go outside of the general
17 retention policies towards retaining documents longer,
18 so I remember, and in many cases, those files were
19 actually, you know, asked to be sent and collected.

20 Q. Okay, how would that work? Would you
21 receive a notification from someone within the company
22 that certain documents needed to be maintained?

23 A. Yes.

24 Q. Who would send that directive out?

25 A. As I recall, those would typically come from

1 someone in the Law Department who I presumed, you
2 know, was more familiar with the litigation, itself.

3 Q. Would that request come in writing?

4 A. Typically, yes.

5 Q. If an employee within Monsanto received that
6 request from someone in the Law Department, what would
7 they then do with the documents?

8 A. It would, it would--would have depended on
9 the instructions in the letter received.

10 Q. Okay. Did you, yourself, ever have
11 experience with that?

12 A. Yes.

13 Q. Okay, and what did you do with the documents
14 when you received those types of notifications?

15 A. As I say, it depended on the instructions,
16 and then you followed the instructions that were in
17 the, in the specific letter.

18 Q. Okay, what were those instructions? Just
19 run me through the possibilities.

20 MR. NASSIF: Well, you are asking him what
21 the instructions were from the Law Department?

22 MS. BOWERS: Yes.

23 MR. NASSIF: I'll object on the basis of
24 privilege. You don't have to answer.

25 BY MS. BOWERS:

1 Q. Did you send documents--strike that. When
2 you received instructions, did you typically follow
3 those instructions?

4 A. Yes.

5 Q. Did you ever disregard those instructions?

6 A. No.

7 Q. Okay, going back to the general concept of
8 the document retention policy within Monsanto and
9 Solutia, is there any entity or department, division,
10 person on staff who is responsible for monitoring
11 compliance with the document retention policy?

12 A. Again, I'm not certain of the question.

13 Q. Okay, is there someone in charge of
14 monitoring employees' compliance with the document
15 retention policy?

16 A. I think as I described, that was basically
17 done at each level of sort of organization, so for
18 example, if I would ask my people to--for their
19 certification, then it was up to me to be satisfied
20 that, that they--that their self-certification was,
21 was appropriate.

22 Q. Okay, so the vice presidents of each
23 department and division were responsible for
24 monitoring compliance?

25 A. No, I'm saying at each level of

1 organization, so if someone worked for me that had a
2 group of people, then it would be up to that
3 individual to be satisfied with the certification of
4 the people in their department,--

5 Q. Okay.

6 A. --and so forth, so down the organization,
7 the self-certifications came back, and it was typical
8 at each level, the person who had people reporting to
9 him would look at and gather the certifications of
10 their, what we would term direct reports.

11 Q. Was there one office, or one division or
12 department that was responsible for coordinating the
13 efforts of all of the other divisions and departments
14 with respect to the document retention policy?

15 A. Again, my indication is that those were
16 generally, the process was generally managed by
17 someone within the Law Department.

18 Q. Okay. Do you know if the Law Department did
19 any routine monitoring of employees' compliance with
20 the document retention policy?

21 A. I, I don't believe so, because again, it
22 was, it was a self-certification, and that would have
23 been the responsibility of the, of the supervisors of
24 those departments to, to be satisfied that the work
25 was done.

1 Q. Okay, if the self-certifications were not
2 submitted, would that raise any question? Would
3 anyone come to the department head and ask about that?

4 A. I don't recall in, in my dealing with it
5 personally where there was--where the
6 self-certifications were not made, and indeed, again,
7 each supervisor would go through the step of assuring
8 that they, they were made, and then it was again my
9 boss would say "Are these all in" and send me--so
10 again, the oversight was within the management
11 structure.

12 Q. Were there any consequences for violating
13 the document retention policy?

14 A. Well, I never experienced a case where
15 somebody didn't comply with it, so you know, there
16 were general policies within the company for dealing
17 with, you know, different matters for consequences
18 with employees, but I really don't have any experience
19 and don't recall hearing any experience of anybody not
20 complying with the documents retention.

21 Q. Mr. Pierle, you are testifying today as the
22 corporate representative of Solutia and Pharmacia with
23 respect to the document retention policy, so I'm going
24 to try to be more clear in my questions, but as you
25 sit here, today, as the corporate representative with

1 respect to document retention policies, are you aware
2 of any consequences that were either in employee
3 manuals, any sort of handbook, any sort of written
4 rules for employees that did not comply with either
5 the self-certification process or with the general
6 rules with regard to document retention?

7 A. I don't recall any.

8 Q. Do you know who, if anyone, would know the
9 answer to that question?

10 A. No, I do not.

11 Q. Do you believe that there is someone better
12 qualified than you to testify regarding that?

13 A. I've been asked to do it, so I assume that
14 the people that have looked at that have come to that
15 judgment.

16 Q. Is there a separate electronic document
17 retention policy?

18 A. Separate?

19 Q. (Nods head in affirmative manner).

20 A. I don't believe so.

21 Q. Okay. Is there an information technology
22 department or something similar to that within
23 Monsanto or Solutia?

24 A. There, there are, yes.

25 Q. What's that department called?

1 A. Again, it may vary today, depending on the,
2 on the company.

3 Q. Okay.

4 A. But I think your general description of
5 information technology is--would generally capture it.

6 Q. Okay, do you know if there are manuals that
7 are produced and disseminated by the information
8 technology department?

9 A. For what purpose?

10 Q. That would contain anything related to
11 document retention.

12 A. I believe the document retention policies
13 were inclusive, and so it would be in the document
14 retention manuals not separate from the--you know, not
15 separated into another manual.

16 Q. Are you aware of any purging programs that
17 may be attached to data records kept within the
18 company?

19 A. I'm not, no.

20 Q. Do you know who would know the answer to
21 that question?

22 A. No, I don't.

23 Q. Was there a separate document retention
24 policy or policies with respect to documents that
25 would be kept for insurance purposes?

1 A. I believe that--I mean, those matters would
2 be covered by your earlier discussion of, of
3 litigation, "litigation hold," I think you described,
4 that to the extent that they would be under
5 that--related to insurance matters, they would fall
6 under that category, as well.

7 Q. Then who would--

8 A. I'm saying insurance litigation matters,--

9 Q. Okay.

10 A. --not just insurance matters.

11 Q. So coverage issues, you would lump into that
12 category, as well?

13 A. Well, I'm thinking more of, of actual
14 litigation, so if the coverage was under a litigation
15 matter, then it would very probably be under some sort
16 of hold categorization.

17 Q. We've alluded a couple of times to the
18 Solutia spinoff from Monsanto. I believe when we talk
19 about that, we're talking about when Monsanto
20 Corporation spun off Solutia, Inc., as its own entity;
21 is that correct? Is that your understanding?

22 A. Yes.

23 Q. And that was in 1997?

24 A. Yes.

25 Q. Does either Monsanto or Solutia maintain any

1 documents related to that spinoff transaction?

2 A. I don't know the specific answer to that
3 question.

4 Q. Do you know if Solutia maintains any
5 documents that were Monsanto's documents? What I'm
6 getting at--I apologize; that's an unclear question.
7 What I'm getting at is when the spinoff occurred, did
8 Solutia take any documents from Monsanto when Solutia
9 became its own new company?

10 A. Um, yes. I mean, you can imagine a company
11 of that--I think there were some documents that were
12 clearly Solutia's that Solutia took, there were some
13 documents that were clearly Monsanto's, and then I
14 think there were some documents that, you know, we
15 don't have the time to figure out, we're unsure, and I
16 think there were some--they were, you know, held,
17 again, as sort of mixed documents or documents for
18 both, both entities.

19 Q. Where were those mixed documents held, or
20 are they currently being held somewhere?

21 A. I think we have prepared a list of where
22 those document centers are.

23 Q. Do you know if that list has been provided
24 to defense counsel in this litigation?

25 A. I think we're prepared to, to give that to

1 you.

2 Q. Okay, do you have that list with you here,
3 today?

4 A. It's somewhere.

5 MS. BOWERS: I ask the court reporter to
6 mark that document for me, please. I believe that's
7 going to be Solutia-Pierle 3.

8 (Defendant's Deposition
9 Exhibit Solutia-Pierle 3
10 mark'd for
11 identification.)

12 MR. TURNER: Joe, do you just have one copy?
13 Do you have an extra with you?

14 MS. BOWERS: We're just going to take a
15 minute to look at this document.

16 MR. TURNER: If you don't, that's fine.

17 BY MS. BOWERS:

18 Q. Mr. Pierle, if you don't mind, I'm going to
19 stand over here, since we just have one copy of this
20 document. Do you know if documents from repository
21 number 1, the Anniston Plant, have you coordinated
22 with Mr. Lamar Freeman regarding documents that may be
23 related to this litigation that are currently being
24 kept at the Anniston Plant?

25 A. I have not spoken to Mr. Freeman.

1 Q. Do you know if anyone on behalf of Solutia
2 or Pharmacia has?

3 A. It's--I don't know the answer to that
4 question.

5 Q. Okay.

6 A. What we've prepared, here, what this was in
7 response to was a, a discussion that we had as to
8 where are files related to the two companies and who
9 are the people that would have access or control over
10 those files.

11 Q. Okay. All right. Well, let's do it this
12 way, then. Do you know what documents are currently
13 being kept at the Anniston Plant?

14 A. I do not.

15 Q. Okay. Do you know what Mr. Freeman's title
16 is?

17 A. I believe Lamar is now the plant manager.

18 Q. Okay. Is there a library or something of
19 that sort at the Anniston Plant?

20 A. A library of all retained documents?

21 Q. Just a records room; records center, if you
22 will?

23 A. I'm not certain.

24 Q. Okay, how about number 2, the Anniston
25 Community Center? Do you know what type of documents

1 are kept there?

2 A. I do not.

3 Q. Is that a Monsanto-owned or Solutia-owned
4 property?

5 A. I, I would--I don't know for certain. I
6 would assume not.

7 Q. Have you spoken to Mr. Branchfield about
8 what type of documents are being retained there?

9 A. I have not.

10 Q. The same with number 3, the Monsanto Company
11 Technical Library in St. Louis. Ms. Barbara--is that
12 Feldacker?

13 A. Feldacker.

14 Q. --is the librarian there. Do you know what
15 type of documents are kept at the Monsanto Company
16 Technical Library?

17 A. There are a pretty broad range of, of
18 matters there. This is a pretty good-size library
19 with a lot of the--all the confidential technical
20 documents, in many cases, that the company has ever
21 produced.

22 Q. Is that library open to the public?

23 A. No, it is not.

24 Q. Have you spoken to Ms. Feldacker about
25 documents that may be relevant to this litigation?

1 A. I have not.

2 Q. Number 4, the Solutia, Inc., technical
3 library in St. Louis, do you know what type of
4 documents are kept there?

5 A. The, the general type of documents would be
6 the same as those that are--the same general matters
7 as would be identified in number 3; again, technical
8 documents related to the confidential property and,
9 you know, things with respect to Solutia's businesses
10 and the technical side of their, their operations.

11 Q. Is that library open to the public?

12 A. No, it is not.

13 Q. Okay. Do you, do you, or have you spoken
14 with Ms. Stockloss--Stockloosa (Phonetic) about
15 documents that may be relevant to this litigation?

16 A. I have not.

17 Q. Okay, the Washington University library in
18 St. Louis, what type of documents are kept there?

19 A. It's my understanding that those tend to be
20 generic documents that retain more to the kind of the
21 public history of Monsanto Company over time.

22 Q. Would those documents be available to the
23 public to review?

24 A. I'm not certain of the agreement, so I'm not
25 certain of the answer to that.

1 Q. Okay. Do you--have you spoken with
2 Mr. Kempen (Phonetic) regarding documents that may be
3 at the Washington University library that would be
4 relevant to this litigation?

5 A. I have not.

6 Q. Number 6 is the--is Recall, a warehouse
7 vendor from Monsanto Company and Solutia, Inc. Does
8 that refer to a separate facility, warehousing
9 facility, or something that is not owned by Monsanto?

10 A. Yes.

11 Q. Where is that?

12 A. I don't know the specifics, other than it's
13 in the city or somewhere.

14 Q. Is Recall like an outsource records center
15 or something like that?

16 A. I believe it's--or basically describes it as
17 a warehousing vendor.

18 Q. Okay.

19 A. So they may--I mean, they may do more than
20 records, but certainly, records is part of what they
21 do.

22 Q. Do you know if Monsanto is Recall's only
23 customer?

24 A. I do not.

25 Q. Have you spoken with Mr. Garlock or Ms. Reid

1 regarding documents that might be at the Recall
2 warehouse?

3 A. I have not.

4 Q. And Solutia, Inc., are those
5 documents--excuse me, what type of documents would be
6 in item number 7, Solutia, Inc.?

7 A. I'm not certain. It indicates that there
8 are documents of Craig and his--Craig Branchfield, so
9 they are probably around a more narrow segment of work
10 that Craig is involved in.

11 Q. Which of these facilities have you ever been
12 to?

13 A. The, the facilities, themselves, I've been
14 to the Anniston Plant. I have been to the Monsanto
15 technical library and the Solutia technical library.
16 I have not been to the other areas, to the best of my
17 knowledge.

18 Q. Are you--thank you. Are you aware of any
19 written policy that would direct which documents would
20 be sent to which of these locations?

21 A. No, I'm not.

22 MR. NASSIF: For the record, Exhibit 3 was
23 prepared yesterday or the day before for his
24 deposition. That's why it hadn't been previously
25 produced.

1 BY MS. BOWERS:

2 Q. Okay, Mr. Pierle, as corporate
3 representative, are you aware of any efforts taken by
4 Monsanto or Solutia to review documents at these
5 respective facilities on Solutia-Pierle Exhibit 3?
6 And when I say "review," I mean in the context of this
7 litigation.

8 A. That's a pretty broad question, so I'm--I
9 just don't know how to answer it.

10 Q. Okay. Do you know of any procedure that's
11 in place, when we get into a situation of a litigation
12 hold that we discussed earlier--I'm referring to that
13 concept we discussed earlier--when there is a
14 litigation hold, are you aware of any procedure that
15 is employed by Monsanto or Solutia to search in each
16 of these respective locations for documents that may
17 be relevant to that litigation hold?

18 A. I am not--I mean we, we discussed earlier
19 the aspect of, you know, the lawyers putting out sort
20 of a supplemental directive with respect to such
21 records, but I'm not familiar with what all they do
22 after that.

23 Q. Would those supplemental directives go to
24 vice presidents only, or would they go further down
25 the chain?

1 A. My experience would have been they
2 would--they may have gone not broadly across the
3 company but more targeted to people that were probably
4 thought to be possible to have records.

5 Q. Okay, and when, when someone would receive
6 one of those, those notifications, would they be
7 responsible for contacting someone at each of these
8 locations to inquire as to what documents may be there
9 that would be responsive to that?

10 A. No. You were--you were basically responsive
11 to the records that were within your, let me just say
12 physical domain.

13 Q. Okay, as a vice president or in any other
14 capacity that you had at Solutia or Monsanto, were you
15 ever responsible for earmarking documents to be sent
16 to any of these facilities?

17 A. To those, those facilities? Um, no, not at,
18 not at, at that level. I mean, there were, there
19 were--and I'm only stumbling because with respect to 3
20 and 4, there were certain documents that may be
21 written because of company confidential technical
22 reports that may have ended up there, but--

23 Q. Were all company confidential technical
24 reports supposed to go to those facilities?

25 A. I, I would say again there were--when they

1 were done at a time in certain formats, they were, but
2 you then said all company confidential documents, and
3 I, I don't believe that they were necessarily the
4 repository of all company confidential documents.

5 Q. Okay. What documents would you have sent,
6 in your capacity, any capacity that you had at Solutia
7 or Monsanto, what documents would you have sent to any
8 of those facilities?

9 A. I don't recall at, at the vice president
10 level, ever having sent documents to these facilities.

11 Q. Okay. Well, you are the corporate
12 representative,--

13 A. Right.

14 Q. --testifying here about document retention,
15 so are you aware of any written directives that would,
16 that would tell us how documents got sent to each of
17 these facilities?

18 A. Well, again, I think what I described is
19 that the stuff that's created at the plant generally
20 stays at the plant. The community center, I'm really
21 not certain what's there. With respect to the
22 technical libraries, and the Washington University,
23 and Recall, that kind of dealt with whatever documents
24 were already there, you know, how they just got
25 managed through the, through the transition period, so

1 I don't know if that's responsive to your question or
2 not.

3 Q. Okay. What, if any, efforts were taken by
4 Monsanto, or Solutia, or Pharmacia to review documents
5 at each of these facilities with regard to producing
6 documents in this litigation?

7 MR. NASSIF: Where does that fall into the
8 scope of the three areas that he's been designated?

9 MS. BOWERS: Document retention, number 36.

10 MR. NASSIF: Document retention, number 36,
11 includes what efforts were made to produce documents
12 in this litigation?

13 MR. TURNER: We're trying to get a sense--
14 this is the first time we've seen a list of where
15 documents are housed, so we're trying to get a sense
16 if we've ever seen documents produced from there
17 before.

18 MR. NASSIF: Okay, but I'm asking about this
19 witness and what he's been designated for. It
20 really--he really wasn't designated for what steps we
21 took to search for documents in this litigation.

22 MS. BOWERS: We're just trying to find out
23 what's in facilities 1 through 7 on this sheet that
24 you have produced.

25 MR. NASSIF: And I'm going to let you ask

1 those questions, but I'm saying as far as his Rule
2 30--as far as item number 36, we did not interpret it
3 for him to understand all the steps we took to search
4 those areas for documents, so if he says he doesn't
5 know, it's not because--

6 MR. TURNER: That's fine.

7 MR. NASSIF: Okay, I just want you to
8 understand.

9 MR. TURNER: But some I've never heard of
10 before.

11 MR. NASSIF: That was handled through
12 lawyers and not necessarily Mike, so it was a little
13 different. I just don't want you to think that we
14 didn't prep him on an area that we probably should
15 have or that you might think we should have.

16 MR. TURNER: I'm trying to get a
17 clarification on those areas--

18 MR. NASSIF: You can ask questions about
19 what steps were taken, and to the extent Mike might
20 have some information not given him by attorneys, he
21 can go ahead.

22 MR. TURNER: Those might be areas, Joe,
23 where, like I say, on first blush, a description of
24 those locations, they may have nothing to do with the
25 litigation, so--

1 MR. NASSIF: You are right.

2 MR. TURNER: --if he knows, he knows. If

3 not--

4 MR. NASSIF: But you are free to ask.

5 MR. TURNER: Okay.

6 MR. NASSIF: Do you want to repeat the
7 question?

8 THE WITNESS: Do we have a question on the
9 table, or--

10 MR. TURNER: Is there one pending?

11 THE COURT REPORTER: (Reading back)

12 "Q: Okay. What, if any, efforts were
13 taken by Monsanto, or Solutia, or Pharmacia to review
14 documents at each of these facilities with regard to
15 producing documents in this litigation?"

16 A. And I, I don't know the answer to that
17 question.

18 BY MS. BOWERS:

19 Q. Okay, let's take about a five-minute break,
20 if we could.

21 MR. NASSIF: Sure.

22 (Recess.)

23 MS. BOWERS: Let's go back on the record.

24 BY MS. BOWERS:

25 Q. Mr. Pierle, does Monsanto or Solutia keep

1 records on microfilm or microfiche?

2 A. They, they have used that technique.

3 Q. Approximately, what years would that
4 technique have been employed?

5 A. I didn't get to that level of detail.

6 Q. Okay. Do you know who would know that?

7 A. Again, I think the person that helped pull
8 some of this together, Ms. Belleau, is more familiar
9 with that at that level of detail.

10 Q. Okay, do you know who Ms. Belleau would have
11 worked with within the company to obtain all these
12 documents and records?

13 A. I think these, these were the list of people
14 that she has been working with to gather up and to
15 submit to you what you've received.

16 Q. Okay, and those are the individuals on
17 Pierle-Solutia 3?

18 A. That's correct.

19 Q. Okay. Do you know if there is a microfilm
20 or microfiche library of sorts within the company?

21 A. I don't recall any separate retained library
22 for that.

23 Q. Do you know who was the custodian of the
24 microfilm and microfiche?

25 A. Again, I don't know that it existed

1 separately.

2 Q. Did each plant maintain their own records
3 repository, or library, or records center?

4 A. I think it was up to the plants to decide
5 where they kept records, but in, in general, since the
6 policy referred to, you know, records, it would have
7 included records within departments and people's own
8 personal domain. I don't recall a separate--and this,
9 again, is not general, but in specific at, at plants,
10 a specific repository for records.

11 Q. Did the plants--was there any sort of
12 regular procedure whereby plants would send documents
13 to St. Louis?

14 A. Not that I recall.

15 Q. Were there any records that a plant had to
16 send to St. Louis, in the regular course?

17 A. That's, again, a pretty, pretty broad
18 question. I, I don't know the specific answer to
19 that.

20 Q. Are you aware of any documents that would be
21 generated at the plant level that, because of Monsanto
22 or Solutia's document retention policy, had to be sent
23 to a central location?

24 A. No. An exception to that is I think from
25 time to time, we did have plants that were sort of

1 shut down, and at that time, it was, I think it was
2 sort of general that those records would come to
3 St. Louis, but that, that didn't mean necessarily to
4 a, you know, a set, specific place in St. Louis.

5 Q. Were there any directives from--when I say
6 "St. Louis," I'm obviously referring to corporate
7 headquarters--were there any directives from the
8 corporate headquarters in St. Louis as to how a plant
9 should set up or maintain its recordkeeping?

10 A. No, again, the policies that you've looked
11 at basically dealt with types of documents and
12 classifications and then years of retention.

13 Q. But there were, there were no directives on
14 how a records center should be set up or maintained?

15 A. I did, in perusing some of those documents
16 early on, see that there was--and I was sort of amused
17 at it--there was a very specific kind of "Organize
18 these boxes and these letters," and--

19 Q. I saw that, too.

20 A. And that was around the time that the
21 company was actually pulled together into its first
22 corporate world, kind of worldwide headquarters in the
23 mid Fifties, so I suspect they, they had noble
24 ambitions as to--

25 Q. If a plant ceased making a product, would

1 those documents related to that product or the
2 cessation of making the product be sent to St. Louis?

3 A. I don't know the specific answer to that.

4 Q. Do you know who would know the answer to
5 that?

6 A. No, and, and again, I think there was again
7 a subject of how long those records would be retained,
8 so they could have been retained in place consistent
9 with those, you know, with the documents retention
10 period, but I would also say that, you know, your
11 question is very general, so I don't know--

12 Q. And I'm intentionally trying to be very
13 general, at this point,--

14 A. Okay.

15 Q. --so I'm asking, you told us that when a
16 plant would shut down, those records would be sent to
17 St. Louis, so I'm trying to get a little more
18 specific. When a product line was shut down, would
19 those records be sent to St. Louis?

20 A. I don't know the specific answer to that
21 question. They wouldn't have to be because they're,
22 you know, there's still a plant and an existing
23 operation there.

24 Q. Did the document--did each plant or facility
25 have its own document retention policy that layered on

1 top of the Monsanto or Solutia document retention
2 policies?

3 A. No, the--again, the policy was applied to,
4 to everyone. The specifics were really around in the
5 types of records that were kept and may be different
6 from location to location, but the policy applied to
7 all of those.

8 Q. Were plant managers authorized to come up
9 with their own document retention policies?

10 A. No.

11 Q. Do you know if there's one location or one
12 or more locations within Solutia or Pharmacia where
13 documents related to PCBs are kept?

14 A. I, I don't know the answer to that question.

15 Q. Do you know who would know the answer?

16 A. I would think that the law firm would. I
17 don't know the answer to that question.

18 Q. Is there someone within the company, not an
19 attorney or Ms. Belleau, that would know the answer to
20 that question?

21 A. I don't believe so.

22 Q. When the Anniston Plant ceased producing
23 PCBs--I believe it was in the early 1970's--do you
24 know if there was a litigation hold related or
25 insurance hold related to those documents regarding

1 PCB production or the cessation of PCB production?

2 A. I don't know.

3 Q. Do you know who would know that?

4 A. No.

5 Q. I'm going to hand you a stack of documents.

6 I'd like to get the court reporter to mark this as

7 Composite Exhibit Solutia-Pierle 4.

8 (Defendant's Deposition

9 Exhibit Solutia-Pierle 4

10 mark'd for

11 identification.)

12 BY MS. BOWERS:

13 Q. (Continuing) I'd ask you just to take a
14 quick look through this document and tell me if you've
15 seen it before.

16 (Witness peruses said
17 exhibit.)

18 BY MS. BOWERS:

19 Q. Are you familiar with this document,
20 Mr. Pierle?

21 A. This is a pretty thick thing, so I haven't
22 had a chance to look at--

23 Q. Okay.

24 A. --at all of this.

25 Q. Well, just let me know when you are ready.

1 (Witness continues to
2 peruse said exhibit.)

3 A. I think I perused documents that are similar
4 to this.

5 Q. Okay. I'd ask you to flip three pages into
6 the document, page that reads, "Records management
7 program contact representative manual Monsanto
8 Chemical Company."

9 A. Are we in the--

10 Q. In the first section. There's a Bates stamp
11 at the bottom--

12 A. Okay, I have it.

13 Q. --ADAD3-000003.

14 A. I have it.

15 Q. What is a contact representative?

16 A. I'm not certain.

17 Q. I ask you to flip to the next page, where it
18 says, "Introduction."

19 A. There's a blank page in here.

20 Q. Okay. Then it would be your next page, the
21 page that says, "Introduction"?

22 A. Yes.

23 Q. This document purports to be a, a records
24 management program manual, if you will. Do you have
25 any reason to believe that this is not a records

1 management manual for Monsanto Corporation?

2 A. No.

3 Q. The third sentence of this document, "The
4 success of forms control is largely due to the work of
5 contact representatives," do you know what forms
6 control is?

7 A. I do not.

8 Q. Do you know who would know that?

9 A. Not other than Mr. Flanagan. I'm not
10 familiar with that specific term.

11 Q. Okay, Mr. Flanagan's title I know is General
12 Office Manager. Are you familiar with that job title
13 or position?

14 A. I, I don't know what it was in the context
15 of this time frame.

16 Q. What is your understanding? Is there a
17 present-day General Office Manager of Monsanto or
18 Solutia?

19 A. There was a--typically for this general
20 offices site, there was, like, a site manager or
21 general offices manager, and that person was primarily
22 responsible for the physical plant aspects of the
23 site, which may include, you know, security, and
24 maintenance, and power, and utilities, and that sort
25 of thing.

1 Q. So do you believe that this manual that
2 we've marked as Composite Exhibit Solutia-Pierle 4
3 would be a plant-specific manual?

4 A. No, I believe this was--as I've read this,
5 this was the company-wide records management program
6 that was being introduced across the entire company.

7 Q. Okay. Mr. Flanagan refers in this
8 introduction to "If you are a contact representative
9 for both the forms and records programs, this manual
10 may be inserted in the same binder." Does that in any
11 way refresh your recollection as to what a contact
12 representative was?

13 A. What it, what it basically sounds like is
14 that at--and it looks like at a receiving location,
15 there was somebody designated to kind of coordinate
16 the implementation of this program at a particular
17 site. That was the contact person they would go to
18 to--for communications and for implementation.

19 Q. Do you know how contact representatives were
20 selected?

21 A. I do not.

22 Q. Do you know of any qualifications that a
23 person would have to have to be selected as a contact
24 representative?

25 A. No.

1 Q. Do you know if contact representatives were
2 paid additional compensation for performing this role?

3 A. No.

4 Q. Do you know if there is a list of,
5 historical list of some sort that would have the names
6 of people that served as contact representatives?

7 A. No.

8 Q. Do you know who would have supervised the
9 contact representatives?

10 A. It appears that Flanagan may have been kind
11 of their, their group for purposes of communications,
12 but for purposes of supervision, job performance and
13 that, no.

14 Q. Do you know if there was one or more contact
15 representative within each department or division of
16 the company?

17 A. No, I do not.

18 Q. In this same section of documents, I'd like
19 you to flip--there's page numbers are probably the
20 easiest; page number 6.

21 A. Numerical 6?

22 Q. Numerical 6, yes. Under that first bold
23 heading, "Records Center Facilities and
24 Specifications,"--

25 A. Mm-hmm?

1 Q. --this document refers to a General Office
2 Records Center. Do you know where the General Office
3 Records Center was?

4 A. It would have--I do not know the specific
5 location. Clearly, it would have been at the general
6 offices, again which, as I said, was sort of being
7 under constructing--construction as I recall at the
8 same time,--

9 Q. And that's St. Louis?

10 A. At the Creve Coeur campus.

11 Q. Okay. Do you know what department or
12 division the General Office Records Center would have
13 been under?

14 A. I don't know specifically.

15 Q. Do you know who would have headed up the
16 General Office Records Center?

17 A. I do not, unless it was Mr. Flanagan.

18 Q. Was there a company librarian or a company
19 archivist that would have been in charge?

20 A. I don't know.

21 MS. BOWERS: That's all I have with this
22 stack.

23 (Defendant's Deposition

24 Exhibit Solutia-Pierle 5

25 mark'd for

1 identification.)

2 MS. BOWERS: I'd like to ask the court
3 reporter to mark--the court reporter has just marked
4 Solutia-Pierle 5. Mr. Pierle, would you take a look
5 at this document and let me know when you've had
6 sufficient time?

7 (Witness peruses said
8 document.)

9 A. I've read the initial page.

10 Q. Do you have any reason to believe that this
11 document is not what it purports to be, a records
12 management manual of Monsanto Company?

13 A. It's a double-negative, so I want to make
14 sure I--

15 Q. I'm sorry. Do you--

16 A. I believe it is a document of Monsanto.

17 Q. Okay. Would you flip to the fourth page of
18 this document, please? There's a Bates stamp at the
19 bottom, ADAD 3-000304?

20 A. I have it.

21 Q. The fourth paragraph down, "Division and
22 central department management shall be responsible for
23 conformance with this standard," who does that refer
24 to, "Division and central department management"? Who
25 would those people have been, job titles or names, if

1 you can remember them?

2 A. No, the--I'll answer the first part of it.
3 I don't recall the specifics on the second question,
4 but at that time, the company, below the, sort of the
5 chief executive or president, whatever the title was,
6 would have been a set of business divisions and then a
7 set of central staff departments, and I think that's
8 the, that's the designation there, and goes back to
9 the comment I had made about these being implemented
10 sort of the down from the--through their
11 organizational entities.

12 Q. Okay, so by "division management," for
13 example, what were some of the names of the divisions?

14 A. Again, this was what--as my understanding,
15 we've furnished a large number of organizational
16 charts, so rather than kind of guess at that, you'd
17 have to go back and look at a '67 company organization
18 chart and that would probably delineate the division
19 names and department names,--

20 Q. Okay.

21 A. --and in some cases, may even include the
22 heads of those units.

23 Q. Okay, and by "Central department," those
24 would also be reflected on those organizational
25 charts?

1 A. They should be.

2 Q. Okay, were all departments central
3 departments, or is "central department" a subset of
4 departments?

5 A. Again, that--the terminology, I think
6 "Central" refers to company-wide in that case, so it
7 would have been sort of a company-wide department,
8 mainly a staff unit or a staff grouping that reported
9 to the head of the company.

10 Q. And on the next page, please, the last three
11 digits, 305, item number 5, "Office versus records
12 center retention," where was the records center that
13 this refers to?

14 A. I think in the earlier document, when they
15 were, it looks like, beginning to set this up, there
16 was some enthusiasm around this more digitalized
17 records center, as opposed to office, which would be
18 the individual's domain. I think that's the
19 delineation that is described here. I don't recall,
20 though, whether, you know, those records centers
21 actually existed or existed for how long.

22 Q. Okay. Well, in terms of geography, was
23 there a records center at each plant, or was there
24 one, one main records center within the company?

25 A. I think what was called out was there was to

1 be a records center, you know, like at a location, so
2 to the extent that they were creating a company
3 location, there would be a records center, but at a
4 plant site, I think at least initially, there was an
5 expectation there would be a records center, as well
6 as office centers.

7 Q. So there would be a records center within
8 each plant and then a records center in St. Louis, as
9 well?

10 A. It looks like that's what was contemplated.

11 Q. Would someone within the corporate St. Louis
12 structure supervise or monitor the creation of a
13 records center at the plant, or would that be within
14 the purview of the plant manager?

15 A. That would have been at the plant level.

16 Q. Then on the next page, 306, there is a
17 reference in item number 8 to company libraries. What
18 were the company libraries?

19 A. Again, I think this is speculative; in the
20 event that there are libraries or where there are, you
21 have to recall back at this time, Monsanto had
22 been--was not a centrally located company, so some of
23 the business divisions did not operate out of
24 St. Louis, and to the extent that they had technical
25 documents, and libraries, and all of that, it would

1 have been wherever those businesses were, were
2 operating out of.

3 Q. Okay. This document purports to be from
4 1967.

5 A. Right.

6 Q. How many libraries did Monsanto have in
7 1967?

8 A. I don't know.

9 Q. Do you know who would know that?

10 A. No.

11 Q. Do you know if there are any documents
12 within the company that would evidence how many
13 libraries there were in 1967?

14 A. No.

15 Q. Do you know what--in what geographic
16 locations any of these libraries may have been
17 located?

18 A. Again, the liberal discussion of libraries,
19 I don't know the specific answer to that question. It
20 could have been libraries, you know, potentially at
21 each plant and at each general business operation
22 point.

23 Q. Are you aware of any document that would
24 show which plant had libraries and which plants did
25 not?

1 A. No.

2 Q. Who would run these libraries?

3 A. I don't know.

4 Q. How would the libraries get their money to
5 operate?

6 A. Again, I don't know for certain, but it
7 would have come out of the location, the location cost
8 centers or budgets.

9 Q. So if there were a library at a plant, it
10 would come out of the plant's budget?

11 A. I would, I would think so, yes.

12 Q. Were these libraries open to the public?

13 A. No.

14 Q. What sort of things would, would you--what
15 sort of things would be found in the libraries?

16 A. Well, I think it's described at, at least
17 generically on the page you had pointed me to; could
18 be general things, books, reference sources,
19 periodicals, pamphlets, you know, they could be in
20 there that are not covered by this. The other thing
21 that would have been in here would have, again,
22 been--it probably varied site to site but would have
23 included, probably, technical reports and confidential
24 information relative to that site.

25 Q. I direct your attention to item number 9

1 with respect to archives. Where were the Monsanto
2 Company archives maintained?

3 A. Again, that was predominantly at the, the
4 St. Louis corporate headquarters.

5 Q. What type of documents, what sort of
6 documents would be found in the Monsanto Company
7 archives?

8 A. I can only tell you personally, I mean there
9 at one time at the site, there was a display of old
10 memorabilia, you know, the president--initial
11 president's desk, film footage of Monsanto Company,
12 you know, just old historic stuff that was of, in many
13 cases, general matters. Other stuff in the archives,
14 whether there had been, I'm not familiar with that.

15 Q. From the period of 1967 forward to the
16 present, has the Public Relations Department always
17 maintained responsibility for the company archives?

18 A. I'm not certain of that.

19 Q. Do you know who the Public Relations
20 Department director or vice president in charge of
21 public relations would have been in 1967?

22 A. No, I don't.

23 Q. How about at any point since 1967?

24 A. Well, for a period of time, a gentleman
25 called by the name of Dan Bishop headed that up.

1 The--generally, the Public Relations Department
2 effort, but I mean that changed periodically within
3 the company's history.

4 Q. Do you know if that gentleman is still
5 living?

6 A. Dan is not.

7 Q. Is there a company archivist, or librarian,
8 or someone that would be charged with actually running
9 the day-to-day operations of the Monsanto Company
10 archives?

11 A. I'm not certain. I think on the list that
12 we provided was primarily the areas where the
13 documents and that sort of thing are. A lot of the
14 historic memorabilia I think got split up, and as I
15 think I indicated earlier, some of that went to that
16 Washington University place that is also on Exhibit 3.

17 Q. Would you, please, turn to the Bates stamp
18 page that ends in 338?

19 A. I have it.

20 Q. I'm looking at Item number 3 on this page,
21 "Litigation and claims," and I'll just tell you, I
22 know from looking at page 4 of this document that "CP"
23 means "completion." Do you know who would identify
24 when a litigation and claim matter would reach
25 completion and thus could be destroyed pursuant to

1 this document retention policy?

2 A. I think that specifically refers, here, to
3 the legal, sort of central department, I believe, so
4 that determination would have been made there.

5 Q. Okay, what if litigation hadn't actually
6 begun but issues had been identified with respect to a
7 matter that may go to litigation? Would that fall
8 within this litigation and claims section on this
9 document retention policy?

10 A. I don't know.

11 Q. Do you know who would know the answer to
12 that?

13 A. I do not.

14 Q. I ask you to flip to the next page, item
15 number 7, "Pending claims," refers to "Year-end report
16 to auditors." Do you know what that refers to?

17 A. I do not.

18 Q. And item number 10 on this same page,
19 "Compliance investigations," would that item refer to
20 environmental compliance issues?

21 A. I would assume so, yes.

22 Q. Who would make the determination of "While
23 useful only" as indicated on this document?

24 A. Again, this was pertaining to the Legal
25 Department, so it would have been someone in, in the

1 Law Department.

2 Q. I ask you to flip to the next page, Bates
3 stamp 340, item number 4. With respect to
4 manufacturing data, who would make the determination
5 "Until purpose is served"?

6 A. Um, again, that would have been in the
7 manufacturing organization, and it, it would have been
8 the, the person I would think that held the records.

9 Q. What does, what does "Until purpose is
10 served" mean with respect to this policy?

11 A. I think the answer to that could probably
12 vary between the individual sector or records, but for
13 example, under this one, where you'd say "Batch
14 records," well, when you no longer need a batch record
15 and its purpose was served for having that batch of
16 that particular lot of materials, the reason you kept
17 it, once that purpose was served, you could then get
18 rid of the record.

19 Q. So--

20 A. So it would depend on why you were, why you
21 were taking--not keeping a record but why were you
22 initially, you know, keeping that information, and
23 once the purpose had been served, then you wouldn't
24 have--would no longer have to keep the record.

25 Q. So there was no one person that had ultimate

1 responsibility for deciding "until purpose is served"?

2 A. No, again, again on the self-, sort of
3 certification process that, that could have been, you
4 know, thousands of people in the company.

5 Q. Do you know if there are still documents in
6 existence related to the processing of PCBs?

7 MR. GILHOUSEN: You are getting outside the
8 scope of what Mike is here on, the record retention.
9 You are talking about the process of PCBs. You may
10 want to rephrase that.

11 MR. TURNER: Documents reflecting--

12 MS. BOWERS: I'm asking for documents, and
13 we have an open-ended, "Until purpose is served"
14 destruction order here, or retention time, and I'm
15 just asking if he knows if there are still documents
16 in existence related to the processing of PCBs. I'm
17 not asking to get into the content of those documents.

18 MR. GILHOUSEN: Okay. If you know.

19 A. I know that the lawyers have certain
20 documents with respect to PCB matters. I don't know
21 whether that at all relates to the, the specifics
22 under item 4.

23 BY MS. BOWERS:

24 Q. Okay. Would you, please, flip to Bates
25 stamp 347? I'm specifically looking at item number 6.

1 Under the "Total retention time," referring back to
2 the key on page 4, "T" means "terminated." Do you
3 know if there are toxicology data or reports related
4 to PCBs that are still in existence?

5 A. Again, I believe the lawyers have
6 those--have--if there are documents, the lawyers have
7 those documents.

8 Q. Same question with respect to lead.

9 A. I think the same answer would apply, the
10 difference being I don't think Monsanto ever made
11 lead.

12 Q. Bates stamp page 372, please, looking at
13 item number 4, specifically the second paragraph of
14 item number 4, who would decide that a record would
15 likely be evidence for litigation?

16 A. Again, I, I would think that determination
17 would be made in the Law Department.

18 Q. Bates stamp page 382, please, I'm looking at
19 item number 3, which makes reference to a Director of
20 Records. What department or division would the
21 Director of Records be in?

22 A. Is this still part of this 1967 document?

23 Q. I believe so, yes. That's how it was
24 produced to us, and it appears--it's page 80 of that
25 document.

1 A. Yeah, and I think it indicates, there, the
2 designee of the corporate secretary, which would have
3 been, again, the Legal, Law Department unit.

4 Q. The corporate secretary was with the Legal
5 and Law Department?

6 A. I think in general, the general counsel was
7 typically the corporate secretary.

8 Q. Okay.

9 A. That would be corporate--you know, the
10 corporation.

11 Q. Okay, but my question was about the Director
12 of Records.

13 A. Well, you asked who, who he would have been
14 under, reporting to,--

15 Q. Right.

16 A. --and that was my answer.

17 Q. Okay, would the Director of Records have
18 been an attorney?

19 A. Um, in looking at this, I believe I know
20 this individual or I knew of this individual,
21 Mr. Dunlop. I don't--I don't know for certain. I
22 don't believe he was an attorney.

23 Q. But he was within the Law Department?

24 A. That's what this appears to indicate.

25 Q. Do you know the names of any other

1 individuals who served as the Director of Records?

2 A. No.

3 MS. BOWERS: That's all I have on this one.

4 (Defendant's Deposition

5 Exhibit Solutia-Pierle 6

6 mark'd for

7 identification.)

8 BY MS. BOWERS:

9 Q. Mr. Pierle, I'd like you to take a look at
10 what we've marked as Solutia-Pierle Exhibit 6. This
11 purports to be a Standard Record Retention Schedule
12 Section 1 of the Records Management Manual of Monsanto
13 for the year 1970. Do you believe that that's what
14 this document is?

15 A. Yes.

16 Q. Would you, please, flip to Bates stamp page
17 the last three digits 417? I'll represent to you that
18 it appears to me from my review of the documents in
19 preparing for this deposition that this was the first
20 section I found regarding computer and data processing
21 records retention. Are you aware of any data
22 processing or computer record retention policy that
23 would have predated November of 1970?

24 A. No.

25 Q. Would you, please, flip to Bates stamp page

1 439? With regard to item number 1, "Process or
2 facility operating manual," these items are marked
3 under "Total retention time," "T," product, I read
4 that "termination of the product plus ten years." Do
5 you concur with my reading of that?

6 A. Appears to be correct.

7 Q. By "product," what is meant there?

8 A. Um, I'm not a hundred percent certain, but
9 it would, it would appear to indicate, you know, just
10 what it says. It's a product, one of the Monsanto
11 Company products.

12 Q. How would, how would individuals that would
13 hold these records be informed that a product had been
14 terminated?

15 A. Well, this is at a manufacturing facility,
16 so if they are no longer making it, that would be
17 possibly one indication for them with respect to that
18 product.

19 Q. Would a memo of some sort or a directive go
20 out saying "FYI, we're not making this product
21 anymore"?

22 A. I mean, it would, it would have been--I
23 guess I'm not trying to be flip, but it would have
24 been self-apparent to them if they were not making
25 that product.

1 Q. Would there be any procedure where all these
2 records would be gathered in one place with respect to
3 a terminated product?

4 A. Again, a similar response sort of with
5 respect to a mention on plant shutdowns. There may
6 have been an attempt to pull some repository, but that
7 would have been more specific than this. I think this
8 is guidance to the people at the plant site that if
9 you are not making the product, you can get rid of the
10 records after ten years after you've stopped making
11 it.

12 Q. Would you, please, turn to Bates stamp page
13 446? Specifically, item number 7? Would item number
14 7 encompass environmental compliance-type documents?

15 A. This was in 1970, I believe, this manual,
16 and during that time frame, it probably did not.

17 Q. Would there have been a separate policy with
18 respect to those documents? Or excuse me, a separate
19 department or division that would have been
20 responsible?

21 A. I think as you go through here, there
22 were--there was an evolution of distinctions on
23 keeping records with respect to environmental matters,
24 in the Seventies, there were some but not many, and as
25 it grew the records, but, but those would have been

1 primarily on compliance basis, since the issues would
2 have been, at plant sites would have been part of the
3 plant recordkeeping procedures.

4 Q. Describe for me, if you will, that evolution
5 of keeping the environmental compliance records
6 throughout the 1970's.

7 A. I'm not sure that's what I said.

8 Q. Okay. Well, please clarify.

9 A. Well, what do you--what is it that you, you
10 need?

11 Q. What is the first point in time that you
12 were aware of Monsanto keeping environmental
13 compliance-type records?

14 A. I don't know the answer to that question.

15 Q. Who would know the answer to that question?

16 A. It would be, again, dependent upon who had
17 to comply, and where, and at what location, so to the
18 extent that those records existed, it would have been,
19 you know, at plant location records.

20 Q. So it would have been facility by facility?

21 A. That's where compliance generally happened,
22 that's correct.

23 Q. Okay, is there now, at the present time or
24 when you left the company, was there a, a central
25 repository, or a central department or division that

1 was responsible for keeping watch over all these
2 environmental compliance matters at each individual
3 facility?

4 A. Well, I guess my question is what does that
5 have to do relative to records retention? That's,
6 that's a question of whether we had a program, and
7 it's not asking a question about what was our policy.

8 Q. Frankly, it's a hybrid question of items
9 number 2, 3, and 36. You've also been designated as
10 the corporate representative to talk about plant
11 manager and other key management personnel with
12 respect to the responsibility for environmental health
13 and/or safety matters at the Anniston facility, and
14 you've also been identified to testify regarding plant
15 corporate level organizational structure relative to
16 the environmental health and/or safety matters at the
17 Anniston facility throughout its operational history,
18 so I'm--in an attempt to get this deposition done as
19 quickly as possible, I'm mixing my questions, here,
20 I'm asking questions about organizational structure
21 while I'm asking questions about document retention.
22 I'm happy to save all those questions until then if
23 you'd like, but in the interest of time, I'm trying to
24 get answers to those questions.

25 MR. NASSIF: Well, then, answer the question

1 as to the Anniston facility if you want, Mike, if you
2 understand the question, just ask it in the context of
3 the--

4 THE WITNESS: If you could repeat it again.

5 MS. BOWERS: The court reporter will repeat
6 my question. I'll try to rephrase to be Anniston and
7 corporate level specific.

8 THE COURT REPORTER: (Reading back)

9 "Q: Okay, is there now, at the present
10 time or when you left the company, was there a, a
11 central repository or a central department or division
12 that was responsible for keeping watch over all these
13 environmental compliance matters at each individual
14 facility?"

15 BY MS. BOWERS:

16 Q. Mr. Pierle, building on that question that
17 the court reporter has just read back, with respect to
18 Anniston, the Anniston facility, at any point in time
19 or at what point in time did environmental compliance
20 records that would have been generated and kept at the
21 Anniston facility, did those documents ever get sent
22 to some central department or division in St. Louis?

23 A. The basic responsibility for compliance was
24 at the plant site, and for keeping and documenting
25 compliance was at the point of compliance, and I'm not

1 aware that there was a, a requirement or request to
2 centralize or to, you know, keep those records over
3 time someplace else.

4 Q. Did the Department of Environment, Health
5 and Safety that you were the vice president of, did
6 you have any interaction with the Anniston Plant while
7 in that role, or did your predecessors in that
8 department have interaction with Anniston in regard to
9 environmental compliance issues?

10 A. Yes.

11 Q. At what point in time would that interaction
12 have started?

13 A. The Anniston Plant, over time, was in
14 different organizational parts of the company. You
15 could see that in looking through what you've been
16 sent, and over time, the assistance of either a
17 division or a unit person to help understand
18 environmental matters and those things, there did
19 begin to appear within the organization people outside
20 the plant to help people with those matters. That was
21 predominantly in the late Seventies, and so there was
22 some help and review there, but the understanding of,
23 for example, permits and compliance requirements again
24 was, was, was still a plant responsibility.

25 Q. What were some of the names of these

1 individuals in the late 1970's that would operate in
2 this helper-type role that you've just described?

3 A. With respect to the Anniston Plant?

4 Q. Yes.

5 A. The first individual that I can recall in
6 that role, I think, was a gentleman by the name
7 of--and I may be wrong on this--Don Maynard.

8 Q. Is Mr.--I'm sorry, go ahead. Is Mr. Maynard
9 still living?

10 A. I'm not certain. I don't believe so, but
11 I'm not a hundred percent certain of that.

12 Q. Do you remember the names of anyone else in
13 the late 1970's or even into the 1980's that would
14 have operated in this helper-type role with respect to
15 the Anniston facility?

16 A. Don had that role for a long time. Hmm. It
17 seems to me the next guy may have been Dennis
18 Redington.

19 Q. Approximately what year would Mr. Redington
20 have taken over those responsibilities?

21 A. I think that was into the Eighties.

22 Q. Do you know if Mr. Redington is still alive?

23 A. I believe so.

24 (Defendant's Deposition

25 Exhibit Solutia-Pierle 7

1 mark'd for
2 identification.)

3 BY MS. BOWERS:

4 Q. Mr. Pierle, I ask you to take a look at
5 what's been marked as Solutia-Pierle Exhibit 7. This
6 purports to be a standard record retention schedule,
7 Section 1 of the Records Management Manual of
8 Monsanto. Do you believe that's what this document
9 is?

10 A. Yes.

11 Q. It says on the title page, "Section 1."
12 Were there other sections to the Records Management
13 Manual, other than what we have here?

14 A. I don't, I don't recall there being anything
15 more than that.

16 Q. Okay, so Section 1 was all that there was?

17 A. I believe so.

18 Q. Would you, please, flip to Bates stamp page
19 499? And specifically, I'm looking at item number 10.
20 What does the total retention time designation "While
21 useful only" mean?

22 A. I think you asked me that similar question
23 earlier, and I'm not certain.

24 Q. Would a destroy, or discard or destroy order
25 go out when someone determined that "while useful

1 only" had come to pass?

2 A. Again, I think that was a designation in
3 this case again within, to the--within the Law
4 Department, and that determination would have been
5 useful to, to that individual.

6 Q. Okay, but would the Law Department then
7 subsequently follow up with a discard or destroy
8 order?

9 A. I never saw anything like that.

10 Q. If you would turn to Bates stamp page 507,
11 please, and specifically item number 7, in my review
12 of the documents to prepare for this deposition today,
13 this is the first reference I've come across to
14 pollution and environmental control. Are you aware of
15 any pollution and environmental control document
16 retention policies that would have been in place prior
17 to February of 1972?

18 A. No. There--you recall that in your prior
19 question, there was some reference in the 1970
20 document in this area, I think the terminology that
21 was similar to this, so--so maybe in '70, there were
22 some precursor requirements in this area.

23 Q. Between the years 1970 and 1972, had a new
24 department, or division, or office within Monsanto
25 been created to address environmental control issues?

1 A. No.

2 Q. Was a new position added for someone within
3 the company that would--whose job responsibilities
4 would primarily be with respect to environmental
5 matters?

6 A. In the '70 to '72 time frame?

7 Q. Or anytime thereabouts.

8 A. I don't recall any.

9 Q. What was the first time that Monsanto had a
10 position within the company position, department, or
11 division that was primarily responsible for
12 environmental issues?

13 A. Excuse me. Again, in the, in the Fifties,
14 in the sort of the Central Health Department, there
15 were a couple of individuals who spent some of their
16 time on environmental matters, as I recall it,
17 primarily, air and watering pollution but only as a
18 portion of their, their, their responsibilities.

19 Q. And how did that progress to--I mean was the
20 ultimate conclusion the creation of the Department of
21 Environmental Safety and Health, or--

22 A. Yeah, in the--it, it, it--the management
23 evolved sort of with external matters, and in, I
24 believe it was '76 or '77, there was a more formal
25 creation of, really, a larger medical health, medical

1 and health department, and that group began to grow
2 over time to deal with medical and health matters.

3 Q. What was the impetus in '76 or '77 to create
4 this new department?

5 A. The--I think it was the volume of and the
6 sophistication of governmental matters beyond the
7 state level, primarily with the creation of EPA in
8 1972 and the addition of additional federal laws,
9 created an external sort of governmental set of
10 entities that had to be dealt with that were beyond
11 what the plants had been dealing with primarily within
12 their own state boundaries, and that, as much as
13 anything I think drove the management to create a, or
14 expand a small, existing unit to spend more time and
15 put more people on these matters.

16 Q. Okay. Well, as that department was growing
17 within the, the corporate-level structure, was there
18 also a similar development and progression, if you
19 will, at the plant level?

20 A. The plants, I think in general, you would
21 say the plant staffs tended to grow that dealt with
22 these particular matters, again as the volume of
23 reading state regulations, and state requirements, and
24 increased numbers of permits grew, that it took more
25 resources at the plant level to deal with those, yes.

1 Q. And specifically, at the Anniston Plant, was
2 a new department, or division, or organizational
3 structure, created to deal with these growing
4 regulations and things like that?

5 A. I think at Anniston, it was there was--there
6 were--it's a small plant, so there aren't many people
7 there, there were never many people there, so they had
8 somebody paying attention to environmental matters in
9 a full job capacity going back into the Sixties, as I
10 recall, and I think that group may have grown a
11 little, but it didn't, it didn't grow a lot.

12 Q. Starting in the 1960's at Anniston, who was
13 that person that was responsible for monitoring this?

14 A. I don't, I don't recall his particular name.

15 Q. Okay. At any time, do you remember that
16 person's name, the person or individual that would
17 have been responsible for these matters?

18 A. The first name I kind of remember was an
19 individual, Jerry Brown, who was--had that, had that
20 role.

21 Q. And approximately what time frame are we
22 talking?

23 A. Well, he's--he was at the plant a long time,
24 but I think it began in the Seventies. It could have
25 been before that.

1 Q. Other than Mr. Brown, do you remember any
2 names at the Anniston Plant?

3 A. Um, they don't jump, jump to my mind.

4 Q. Do you know if there would be any documents
5 anywhere that would reflect the names of these
6 individuals that served in that capacity at the
7 Anniston Plant?

8 A. I think to the extent that you have been
9 provided organizational charts including the Anniston
10 Plant, that it's probable that it shows up on those
11 documents.

12 Q. In reviewing those charts, what title or
13 position name should I be looking for to find the
14 names of those individuals?

15 A. Well, it's a pretty small plant, and I think
16 if you look under, probably in the staff department
17 areas, you'll see something with an environmental or a
18 pollution control title, something like that, on a
19 box.

20 Q. Okay, so environmental, pollution. Any
21 other description?

22 A. That should get it.

23 (Defendant's Deposition

24 Exhibit Solutia-Pierle 8

25 mark'd for

1 identification.)

2 BY MS. BOWERS:

3 Q. My co-counsel is trying to rush me over
4 here. Mr. Pierle, I'd like you to take a look at
5 what's been marked as Solutia-Pierle Exhibit 8. This
6 purports to be a standard record retention schedule
7 for Monsanto for the--dated April 1974. Do you
8 believe that's what this document is?

9 A. Yes.

10 Q. I don't have any specific questions about
11 this document.

12 (Defendant's Deposition

13 Exhibit Solutia-Pierle 9

14 mark'd for

15 identification.)

16 BY MS. BOWERS:

17 Q. And again, this--Mr. Pierle, I'd like you to
18 take a look at what's been marked as Solutia-Pierle
19 Exhibit 9, purports to be a Records Management Manual
20 for Monsanto Company dated April 1976. Do you believe
21 that's what this document is?

22 A. Yes.

23 Q. I don't have any specific questions about
24 it.

25 (Defendant's Deposition

Exhibit Solutia-Pierle

10 mark'd for

identification.)

BY MS. BOWERS:

Q. Mr. Pierle, would you please take a look at what's been marked as Solutia-Pierle Exhibit 10, purports to be a Records Management Manual of Monsanto dated May 1978. Do you believe that's what this document is?

A. Yes.

Q. Would you, please, turn to Bates stamp page 666? What is the Department of Medical and Environmental Health?

A. This is the department that I previously described that was expanded in the '76-'77 time frame.

Q. Do you know who was the first head of that department?

A. I think at the time, at this time, it was a Dr. George Rausch.

Q. Do you know if Mr.--Dr. Rausch is still living?

A. He is not.

Q. Was there someone that held that position prior to Mr. Rausch--Dr. Rausch holding it?

A. I believe that was Dr. Emmet Kelly that had

1 it in the smaller form and version.

2 Q. Who did Drs. Kelly and Rausch report to
3 while in their--in the role of Director of Medical and
4 Health--Environmental Health Department?

5 A. I'm not certain on Dr. Kelly. Dr. Rausch
6 reported to Monte Throdahl, who I've previously
7 mentioned.

8 Q. And I'm sorry, remind me again what his
9 position was.

10 A. He was a senior vice president for the
11 company.

12 Q. This was the first indication or mention of
13 industrial hygiene that I found. Was a separate
14 department or division of the Department of Medicine
15 and Environmental Health devoted to industrial
16 hygiene, was that something new in 1978?

17 A. No.

18 Q. When did that start?

19 A. Well, I think again, industrial hygiene
20 existed as a--you are asking at the company level?

21 Q. Company and plant level. We can start with
22 company first.

23 A. Well, that function was part of Dr. Kelly's
24 organization back in into the Fifties.

25 Q. Okay, and at the plant level?

1 A. Um, industrial hygiene was typically--it
2 existed at the plant level, with somebody having
3 safety and industrial hygiene responsibilities for.

4 Q. With respect to the Anniston Plant, do you
5 remember the names of any individuals from, say, 1960
6 through 1980 that would have had responsibilities for
7 industrial hygiene matters?

8 A. I do not.

9 Q. Do you know if there are any documents that
10 would reflect the names of those individuals?

11 A. Again, at the Anniston Plant, being so
12 small, they may not have had a full-time person
13 dealing with this, so it would have typically been in
14 the environment--environmental or safety, health
15 functions and boxes on the charts.

16 Q. Have the industrial hygiene responsibilities
17 always been within the medical Environmental Health
18 Department and its precursors, both at the plant and
19 at the corporate level?

20 A. Yeah, mm-hmm, yes.

21 Q. So those two departments developed together?

22 A. Well, again, I'm not--you are con--I'm not
23 certain on the, the question.

24 Q. I'm not trying to ask a trick question.

25 A. The responsibilities for hygiene, safety,

1 and environment were typically kind of in the same
2 area at the plants.

3 Q. I'm just trying to determine if they
4 developed as separate departments and then became
5 merged together or if they developed at the same time,
6 kind of parallel to each other.

7 A. Well, they've always been key considerations
8 within the company and especially at the plant
9 operational level, so that's what's giving me--you
10 know, they were kind of--there was always somebody
11 there paying attention to it, watching it. They
12 evolved in terms of if you want to say growth of those
13 based on need at, at the plant sites, which would have
14 been different.

15 Q. Can you recall the names of any individuals
16 that would have been responsible for the evolution of
17 industrial hygiene in environmental matters other than
18 the names of those individuals we discussed that were
19 the head of the Department of Environmental Health and
20 Safety Department?

21 A. No.

22 Q. Any other key personnel that would have been
23 involved?

24 A. Back at this time?

25 Q. From any point 1960 and later.

1 A. Well, the key guy that kind of grew in some
2 of these particular areas was an individual by the
3 name of Jack Garrett, who was at the corporate level,
4 but, but again, the, the plants had people that were
5 dealing with this, and I don't recall specific to
6 Anniston who may have had sort of this as part of
7 their responsibilities.

8 Q. Would Mr. Garrett have interfaced with
9 anyone at Anniston on these matters?

10 A. Very possibly.

11 Q. Do you know if Mr. Garrett is still living?

12 A. He is not.

13 Q. Would you, please, turn to Bates stamp page
14 692? Is this one of the self-certification letters
15 that you referred to earlier when we were talking
16 about who had responsibility for compliance?

17 A. This is the certification letter that was
18 specific to the, what I would call direct reports of
19 the head of the company, as indicated by managing
20 directors, that would have been a business unit head
21 or a corporate staff department, and they were
22 reporting directly these two, the corporate secretary
23 or the head of the Law Department.

24 Q. Okay, so these forms would be returned to
25 someone in the Law Department?

1 A. The corporate secretary.

2 Q. And the corporate secretary was generally
3 the general counsel?

4 A. Yes.

5 (Defendant's Deposition

6 Exhibit Solutia-Pierle

7 11 mark'd for

8 identification.)

9 BY MS. BOWERS:

10 Q. Mr. Pierle, I'd ask you to take a look at
11 what's been marked as Solutia-Pierle Exhibit 11. This
12 purports to be a Records Management Manual of Monsanto
13 Company dated April 1994. Do you believe that that's
14 what this is?

15 A. Yes.

16 Q. Would you, please, flip to Bates stamp page
17 726? With respect to item number 1, "Authorizations
18 for signatures to documents," the retention time is
19 permanent. Where are these documents kept?

20 A. I'm not, I'm not certain.

21 Q. Do you believe--

22 A. Uh, probably at the point of origination.

23 Q. Plant level?

24 A. Um, again, that, that could, could vary. I
25 think what this refers to, that the federal government

1 began to require, before certain applications could go
2 forward, that they would be signed by a certain level
3 in the company and the laws allowed those signatures
4 to be delegated, and so the delegation may very well
5 have come out of somebody from general offices where
6 that document would have been generated but then
7 received at the plant site and held with the permit
8 application, so I think what this--again, it didn't
9 describe where the document ought to be held, it just
10 said don't get rid of it.

11 Q. Is there a central repository for these type
12 of documents, for--

13 A. Not that I'm aware of in terms of the
14 originals.

15 Q. This refers to the environmental law file.
16 What is that?

17 A. Well, environmental law was a part of the
18 Law Department, and it would indicate that, that a
19 copy of that delegation would have been kept in, in
20 the Environmental Law Department.

21 Q. Is there an assistant general counsel or
22 another attorney that's designated as the head of the
23 Environmental Law Department?

24 A. There, there typically was someone that was
25 that person.

1 Q. And who would that person have been--well,
2 let me ask it this way. What was the first point in
3 time that there was someone within the Law Department
4 that was primarily responsible for environmental
5 issues?

6 A. Again, probably in the Sixties.

7 Q. What would that--do you know specifically
8 who that person would have been in the Sixties?

9 A. The first person I recall--and again, I
10 think again, the environmental law grew as from
11 probably a part-time to full-time but was an
12 individual by the name of Mr. Park.

13 Q. Do you know if Mr. Park was an attorney?

14 A. Yes.

15 Q. Okay, and subsequent to Mr. Park, who in the
16 Law Department maintained those responsibilities for
17 environmental law?

18 A. Mr. Gilhousen.

19 Q. And after Mr. Gilhousen?

20 A. I don't recall the--after the split who the
21 Monsanto lawyer person was or who does that today.

22 Q. Okay. With respect to item number 3,
23 "Regulatory agencies, federal, state, country,
24 municipal," looking under section A, "Company copy of
25 noncompliance and other records supporting data and

1 originating office file," and the retention time on
2 that is permanent, do you know where records
3 reflecting noncompliance would, would be kept?

4 A. Well, again, an originating office file, I
5 would think again those would be predominantly at the
6 plant location sites.

7 Q. So if some sort of noncompliance order or
8 report went out, the plant that was in noncompliance
9 would be responsible for keeping records related to
10 that noncompliance?

11 A. Yes. I mean, I, I'm sure there were copies
12 in the Law Department, but--

13 Q. Would, would a copy also be sent to the
14 Department of Environmental Safety and Health?

15 A. Um, may have been, but not necessarily.

16 Q. Was there a formal procedure in place for
17 any noncompliance reports to be sent?

18 A. I think that was, that was principally Law
19 Department activity.

20 Q. Was there a procedure where someone within
21 the department, the Central Department of
22 Environmental Safety and Health would be notified if
23 there was a noncompliance issue at one of the plants
24 or facilities?

25 A. I think the notification expectation was

1 predominantly to the Law Department. Others may have
2 been made aware, but, but the documentation around
3 that would have been principally to the Law
4 Department.

5 Q. And on the next page, Bates stamp 727,
6 looking at Item number 4, which refers to surveys and
7 audits, does item number 4, does that relate to
8 environmental audits?

9 A. I believe it does, yes.

10 Q. Who would conduct environmental audits
11 within Monsanto and Solutia?

12 MR. NASSIF: You mean for the Anniston
13 facility?

14 MS. BOWERS: Yes.

15 MR. NASSIF: Okay.

16 A. These were typically done by--it changed
17 over time. They were, they were done at one time by
18 a, a collection of people, maybe, from the business
19 unit that had responsibility for a certain group of
20 plants. I think at one time, these were done by--the
21 environmental audits were primarily done within the
22 business units and by an audit entity, and then at a
23 time in the Eighties or Nineties, we actually had a
24 group of people in the business units doing these, so
25 it changed over time.

1 Q. Are there people within the corporate
2 structure that do audits on a full-time basis?

3 A. Today?

4 Q. Yes.

5 A. I'm not certain today. There was at the
6 time when I, when I retired.

7 Q. There was?

8 A. Yes.

9 Q. And how long had that been the case, that
10 there were people that did this full-time?

11 A. I'm not certain.

12 Q. Is there a central repository where
13 environmental audits are kept or records reflecting
14 environmental audits are kept?

15 A. To the extent that they were done by this
16 group which came into existence sometime in the late
17 Eighties, in part, they would have been kept within
18 those, and they were typically within the operating
19 companies' environmental health and safety staff
20 groups.

21 Q. So if the Anniston facility got audited,
22 where would those records be reflecting that audit?
23 And when I ask that question, I'm asking at all points
24 in time that audits were conducted.

25 A. Well, we began a more formal auditing

1 practice in the early Eighties, and they would have
2 been maintained initially probably within the Ag,
3 Agricultural business unit, Agricultural Chemicals
4 business unit, and later in the Eighties, within the
5 chemical company's environmental health and Safety
6 Group.

7 Q. So geographically, the records would be in
8 St. Louis?

9 A. They--probably. They would, they would
10 exist at the plant site because it was basically a
11 program intended to provide a service to the plant
12 location, so the recipient of the audit, itself, was
13 the, was the plant.

14 Q. Would you, please, turn to Bates stamp page
15 749? And specifically item C, "Environmental
16 documents," what was the first point in time that
17 Monsanto or Solutia created a separate document
18 retention policy with respect to environmental
19 documents?

20 A. The, the document retention policies, all
21 that we've talked, would have addressed, you know,
22 environmental matters from the beginning. I think
23 what these documents reflect is as there became more
24 and more documents, there was more and more
25 specificity within the records, the updates of the

1 records manual, so I think the policies covered
2 environmental documentation from the beginning of the
3 manuals. It just got more specific, and as
4 governmental requirements changed on retention times,
5 then that guidance was included, so it was more an
6 increase of specificity, as opposed to with an
7 originating period.

8 Q. What was the first year that environmental
9 documents became a separate category within the larger
10 document retention policy?

11 A. I'd have to go back and, and look at these
12 documents to answer that specifically. I don't
13 recall.

14 Q. Do you have an approximate time frame?

15 A. No.

16 Q. Under Item number 1, the retention time for
17 the first bullet point, first and second bullet
18 points, item number 1, "The retention time is
19 permanent if required by law to be submitted to the
20 government or if required by law to be retained by the
21 company to show compliance with federal regulations,"
22 where would these documents be kept?

23 A. Wherever the point of compliance would be.

24 Q. So that would be at the facility plant
25 level?

1 A. Typically, yes.

2 Q. And who at the facility or plant would be
3 responsible for ensuring that those records were kept
4 in compliance with the law?

5 A. Probably the individuals who were preparing
6 the, the documents that needed to be submitted.

7 Q. Do you know the names of those individuals
8 with respect to the Anniston Plant?

9 A. Not, not beyond what I've given you.

10 MS. BOWERS: Do two more and take a break
11 sound good?

12 (Defendant's Deposition
13 Exhibit Solutia-Pierle
14 12 mark'd for
15 identification.)

16 BY MS. BOWERS:

17 Q. Mr. Pierle, I'd ask you to take a look at
18 what's been marked as Solutia-Pierle Exhibit 12. This
19 purports to be a document--excuse me, a records
20 retention policy for Monsanto Company dated May 23rd,
21 2001. Do you believe that that's what this document
22 is?

23 A. Yes, recognizing this is a different
24 Monsanto Company than we've been talking about.

25 Q. Okay. Well, explain that to me, if you

1 will. Would this document--well, explain to me, if
2 you will, what you mean by that statement.

3 A. Well, we've been using "Monsanto Company,"
4 and it was one company with a lot of businesses, and
5 now this is, this is a different company.

6 Q. Okay. This document, would it apply to
7 Solutia or Pharmacia?

8 A. I, I don't believe so.

9 Q. Have you ever reviewed this document before?

10 A. No, I have not. I have seen it, but I've
11 not read it in depth.

12 Q. Now, I understand that you retired in 1999,
13 but in your capacity as the corporate representative,
14 would this document have applied to the Department of
15 Environmental Health and Safety that you were the vice
16 president of? Would this policy have applied to that
17 department?

18 A. No.

19 Q. Mr. Pierle, are you familiar with the term
20 "Trash Bash Day"?

21 A. I think I kind of have a sense of, of what
22 it is.

23 Q. What is Trash Bash Day?

24 A. Consistent with the certifications that
25 happen typically within a, a defined, sort of

1 generally defined period of time, and part of this
2 file, like cleaning the trash was a day there would
3 just be a lot of trash generated up to this point, and
4 I think it was just more an indication of sort of a
5 physical presence of the file policy or the document
6 policy being adhered to.

7 Q. Was that an annual event?

8 A. Yeah, I believe the certifications were
9 required annually, and therefore, you would typically
10 see a lot of bags of, you know, no-longer-retained
11 documents ready for disposal.

12 Q. Who would organize Trash Bash Day?

13 A. I think it was done generally around the--to
14 be a help and consistent with the directive coming out
15 of the corporate secretary's office to get these
16 certifications done.

17 Q. Would all of the divisions and departments
18 receive a notification from the corporate secretary
19 that the day was coming up?

20 A. Well, the certification didn't have to
21 happen on a particular day. I think this was more
22 around a time period that got to you a point probably
23 close to the expected deadline of getting all this
24 done and was done primarily so the trash collectors
25 would get prepared for, you know, a heavy load of

1 trash collection.

2 Q. Would a disposal company be called in to
3 take away this extra trash, or was there--

4 A. I, I'm not, I'm not certain of that. A lot
5 of it went into trash bags designated for burning,
6 burn bags, and a lot of the other stuff kind of went
7 into general trash, so--

8 Q. Do you know who supervised the burning of
9 documents?

10 A. I do not.

11 Q. Who made the decision what documents would
12 be burned and what documents would just be disposed
13 of?

14 A. I think the general, the general demarcation
15 was the stuff that's not company confidential, trade
16 secret, anything like that that was general
17 literature, so if you had to clear out regulatory
18 files, for example, you know, that could go into a
19 general disposal, but if it contained company
20 confidential trade secret information that was within
21 the purview of being distributed, you didn't want
22 people going through your trash to get that, and that
23 was the--at least one of the principal guides on
24 separating.

25 (Defendant's Deposition

Exhibit Solutia-Pierle

13 mark'd for

identification.)

BY MS. BOWERS:

Q. Mr. Pierle, I've asked you to take a look at what we've marked as Solutia-Pierle Exhibit 13. This purports to be Solutia, Inc., Records Retention Manual dated May 2002. Do you believe that's what this document is?

A. Yes.

Q. Would this document retention policy apply to the company that we've been referring to throughout the day as Monsanto as it now exists, Solutia, Inc.? I'm sorry, I apologize.

A. I think this document refers specific to Solutia as it existed on May 2002.

Q. 2002: Okay, and that company is the company that we've been referring to earlier in the day as Monsanto?

A. No.

Q. Is a spinoff of?

A. A spinoff of Monsanto.

Q. Of Monsanto: Okay. Would you, please, turn to Page Bates stamp page 874? Looking at the third paragraph where it states "The vice president in

1 charge of each business platform or core function must
2 certify in writing to the Office of Corporate
3 Secretary that his or her entire platform or function
4 has reviewed its files and has kept or discarded all
5 documents in accordance with the retention times in
6 this manual." What are, what are business platforms,
7 in a general sense?

8 A. I'm not familiar with that terminology. I
9 think I would read it, there, the business platform is
10 basically what in other documents has been identified
11 as the division or the--basically, it's the
12 organization that is running a particular business.

13 Q. What is a core function?

14 A. That, again, is probably very similar to
15 what we've seen before as corporate department or
16 corporate staff department. I think it's just the
17 only designation, there, is between the line business
18 managers and all of the heads of the staff departments
19 got this note, and each of them are responsible for
20 what's called for, here, on this page.

21 Q. Looking at the next page, Bates stamp 875,
22 item number 4, which addresses when the retention
23 times in this manual do not apply, do you know who
24 currently is the head of the Law Department?

25 A. At Solutia?

1 Q. Yes.

2 A. No, I do not.

3 Q. Who was the head of the Law Department when
4 you retired?

5 A. Carl Barnagle (Phonetic).

6 Q. And who was the person within the Law
7 Department that had primarily--primary responsibility
8 for environmental litigation and environmental
9 matters?

10 A. Mr. Gilhousen.

11 (Defendant's Deposition
12 Exhibit Solutia-Pierle
13 14 mark'd for
14 identification.)

15 BY MS. BOWERS:

16 Q. Mr. Pierle, I'd like you to take a look at
17 what's been marked as Solutia-Pierle Exhibit 14. This
18 purports to be a document retention policy of Monsanto
19 dated--well, date last updated 8/22/02. Do you
20 believe that that's what this document is?

21 A. Yes.

22 Q. Are you familiar with this document?

23 A. I just perused it.

24 Q. Would this document apply to Solutia?

25 A. No.

1 Q. Would this document apply to Pharmacia?

2 A. No.

3 MS. BOWERS: Why don't we take a quick
4 break? Go off the record.

5 (Discussion off the
6 record.)

7 (Luncheon recess.)

8 (Defendant's Deposition
9 Exhibit Solutia-Pierle
10 15 mark'd for
11 identification.)

12 BY MS. BOWERS:

13 Q. Mr. Pierle, before we broke for lunch, we
14 were talking about document retention policies within
15 Monsanto and Solutia, and I wanted to ask, just to
16 recap the dates of those policies we looked at, we
17 looked at a policy from October of 1955, one from
18 March of 1967, one from November of 1970, February
19 1972, April 1974, April 1976, and May 1978. To your
20 knowledge, were updates and new policies or updated
21 revised policies issued every two years?

22 A. They were revised, you know, per the
23 revisions that you have, so the answer to that is no.

24 Q. Okay. Were you--were the policies revised
25 annually, then, or--

1 A. I believe it was at the discretion of the,
2 of the secretary.

3 Q. The corporate secretary?

4 A. Yes.

5 Q. Who would have been the general counsel?

6 A. I believe that's correct.

7 Q. Where is Solutia's corporate headquarters?

8 A. They are in, I believe, what's called the
9 Maryville Center out in Town & Country, Missouri.

10 Q. What about Pharmacia?

11 A. I'm not certain on Pharmacia, given
12 that--well, I, I don't know.

13 Q. Do you believe that it's in Missouri?

14 A. I don't know.

15 Q. When did Solutia come into existence?

16 A. In mid 1997 in a spin from Monsanto, or it
17 may have been--'96-'97. I forget the exact time came.

18 Q. It was a spinoff from Monsanto?

19 A. That's correct.

20 Q. Prior to that spinoff, was there a company
21 called Solutia?

22 A. Not to my knowledge.

23 Q. What was the impetus for the spinoff in
24 1997?

25 MR. GILHOUSEN: That's getting to--object to

1 that. I mean, you are getting to what's the corporate
2 structure that we're dealing with here. It's
3 historical. You quoted the dates and what was
4 created, but not what he thinks.

5 MS. BOWERS: Okay.

6 MR. TURNER: I think we can withdraw that
7 question. That's fine.

8 MS. BOWERS: That's fine.

9 BY MS. BOWERS:

10 Q. What were all of the--which departments of
11 Monsanto got spun off into Solutia?

12 A. The--Solutia was basically not a group of
13 departments but a, a group of businesses that were
14 predominantly the--what existed at that time within
15 Monsanto as Monsanto's chemical businesses.

16 Q. And specifically, what were those chemical
17 businesses?

18 A. There was a grouping of fiber and
19 intermediate kind of businesses, and there were two or
20 three others. I don't recall the exact titles of the,
21 of the businesses.

22 Q. Were any of the agricultural divisions of
23 Monsanto spun off into Solutia?

24 A. No.

25 Q. Anything other than the chemical businesses

1 spun off into Solutia?

2 A. I don't believe so.

3 Q. Prior to the spinoff in '97, where was

4 Monsanto's corporate headquarters?

5 A. In St. Louis.

6 Q. In the same physical location as Solutia's

7 corporate headquarters?

8 A. No.

9 Q. So when the spinoff occurred, did a group of
10 people physically get up and move to a new location?

11 A. That, that happened at a later date. The
12 Solutia businesses were basically sort of physically
13 separated into separate buildings within, at that
14 time, what was Monsanto's worldwide headquarters.

15 Q. Where is Solutia's principal place of
16 business?

17 A. What do you mean by that?

18 Q. Where is the primary operation of Solutia?
19 Would there be one place that would be the primary
20 operation?

21 A. No, I think Solutia--I mean, its
22 headquarters are as I described it. I think at the
23 spin, I forget how many plants there were. I think
24 there were 10 or 15, something like that, maybe even
25 more.

1 Q. Were they concentrated in one geographic
2 area?

3 A. No.

4 Q. When the spinoff occurred, were, were the
5 assets, the physical property of the Anniston Plant
6 spun off to the new company, to Solutia?

7 A. The, the Anniston Plant was part of the
8 plants that were in the Solutia, Incorporated. I'm
9 just--you said "assets," and I don't know whether, you
10 know, all the assets were at the plant were within,
11 within that company or not.

12 Q. Okay. Did everything at Monsanto's Anniston
13 Plant become the property of Solutia when the spinoff
14 occurred?

15 A. I'm not certain of that.

16 Q. Would all of the employees at the Anniston
17 Plant have become Solutia employees on the date of the
18 spinoff?

19 A. I'm not certain.

20 Q. Is Solutia a publicly traded corporation?

21 THE WITNESS: What's the answer?

22 BY MS. BOWERS:

23 Q. If you don't know, that's--

24 MR. GILHOUSEN: Before the bankruptcy, you
25 can answer.

1 THE WITNESS: Yeah, before the bankruptcy.

2 Yes.

3 (Laughter.)

4 BY MS. BOWERS:

5 Q. Okay.

6 A. You can still trade the stock today, yes.

7 MR. GILHOUSEN: It's over-the-counter.

8 MS. BOWERS: I could get some if I really
9 want it? Fair enough.

10 BY MS. BOWERS:

11 Q. Is Pharmacia publicly traded?

12 A. Today, I don't believe so.

13 Q. At some point, was it?

14 A. Yes.

15 Q. How about prior to the spinoff in '97, was
16 Monsanto publicly traded?

17 A. Yes.

18 Q. Describe, if you would, starting with the,
19 the board of directors--in '97, as of the date of the
20 split, describe, if you would, starting with the, the
21 board of directors, what was the, the general
22 structure of Solutia? Was there a CEO that reported
23 to the board of directors?

24 A. Yeah, there was a board of directors and a
25 CEO that reported, I believe we had a president that

1 reported to the CEO, and then it was a fairly flat
2 organizational structure of on the order of some ten
3 business unit heads and a handful, five to six, I
4 guess, of staff department functions that reported to
5 the president or the CEO.

6 Q. When you say "flat structure," what do you
7 mean by that?

8 A. Well, as I said, ten business units and a
9 lot--so there were 15 or 16 people, as opposed to what
10 I'd call a hierarchical that may have only had three
11 to five people reporting to the CEO at that time.

12 Q. Was that flat structure a change from the
13 way things had been under Monsanto?

14 A. The organization structure sort of changed
15 from time to time, so there had been in Monsanto, you
16 know, both a flat structure and in prior years, maybe
17 more, a more hierarchical structure. It just changed
18 over time.

19 Q. In '97, at the split, who was the CEO of
20 Solutia?

21 A. At the time of the spin?

22 Q. At the time of the spin.

23 A. Robert Potter.

24 Q. Do you know how long he served as CEO?

25 A. I believe Bob retired in 1999 or 2000.

1 Q. Do you know the names of any of the
2 directors or heads of the business units that would
3 have reported directly to Mr. Potter in '97?

4 A. Well, as I recall, the business unit heads
5 reported to John Hunter at that time.

6 Q. Who was Mr. Hunter?

7 A. He was the president.

8 Q. Who reported to Mr. Potter?

9 A. I believe Mr. Hunter, and there was a senior
10 vice president, Mike Miller, and the general counsel,
11 Carl Barnagle, and there may have been one or two
12 others. I'm not certain.

13 Q. At the time of the spin, what were the major
14 divisions or departments of Solutia?

15 A. As I was trying to indicate, there were,
16 there were ten business units, and I, I think I
17 mentioned fibers or intermediates was one of them. I
18 just don't recall all the rest of the, the names of
19 those ten sectors.

20 Q. Did each of these ten business units operate
21 more or less within themselves? Was there a lot of
22 cross-pollination of personnel between and among the
23 business units?

24 A. The business units had financial
25 responsibility for their areas and their product

1 sectors, and typically, they had a number of people
2 that were assigned to those business areas. At the
3 same time, there were the staff departments that kind
4 of worked for all the businesses, depending upon what
5 kind of staff services they required.

6 Q. In working down this, this business
7 structure, where would be the first point of contact
8 that someone on this, this structure would have with
9 the plants or the facilities?

10 A. Supervisory responsibility?

11 Q. Yes.

12 A. Typically, within--well, there was a, there
13 was an individual who was really the head of all the
14 manufacturing function and had the plant people all
15 report to him.

16 Q. So all the plant people reported to one
17 particular individual?

18 A. Yes.

19 Q. And that--what was that individual's title?

20 A. Probably Vice President of Manufacturing or
21 something similar to that.

22 Q. Same question within Monsanto prior to the
23 spin: Would the Vice President of Manufacturing have
24 been the first direct supervisory contact with the
25 plants or facilities?

1 A. No, the organization was different, as I
2 recall, and in the various business units, there was
3 probably a Director of Manufacturing in each of the
4 business units as to which the plants would report.

5 Q. So it sounds like there was even one more
6 step between the CEO and the plants under the Monsanto
7 system?

8 A. I think that's a fair characterization.

9 Q. Okay. For this next set of questions, I
10 want to clarify that I'm inquiring as to Monsanto
11 prior to the spin, and we can work through the
12 timeline to how it came to be with Solutia. Within
13 Monsanto, which department or division had the primary
14 responsibility for compliance with State, federal, and
15 local environmental laws and regulations?

16 A. Again, it would have been at the plant
17 level.

18 Q. So within the business units, themselves?

19 A. Yeah. I mean, each, pretty much each of the
20 business units had plants within those organizations.

21 Q. So would the business units, themselves,
22 have someone or some group of people that were
23 responsible for this--for environmental
24 responsibilities, compliance responsibilities, or
25 would each plant?

1 A. Well, the plants would have the, the
2 principal, the fundamental responsibility was at the
3 plant.

4 Q. But would the business units, themselves,
5 also have someone with those responsibilities?

6 A. No.

7 Q. Did that ever change?

8 A. No, I'm--you know, I'm--every, every plant
9 reported to somebody, but the fundamental
10 responsibility for compliance was at the plant level.

11 Q. Do you recall the, the year, or an
12 approximate year when a formal environmental audit
13 program was instituted?

14 A. It was around 1980.

15 Q. And at what level would that--at what point
16 on the organizational chart would that formal
17 environmental audit program have fit into?

18 A. It--again, it was a program that was
19 basically, it was probably managed at the
20 environmental staff level in what was called the
21 operating company, but the people that were utilized
22 at that time were from, predominantly from the plants.
23 It was sort of a cross-compliance audit groups were
24 put in place.

25 Q. What's an operating company?

1 A. An operating company is--it was probably an
2 aggregation of business units.

3 Q. Did these companies have separate names?

4 A. When they existed, they did. They didn't
5 exist all the time.

6 Q. Would they be separately incorporated
7 companies?

8 A. These were, these were not legal entities.
9 They were internal organizational devices for managing
10 the businesses.

11 Q. Okay, what were some of the names of these
12 operating companies?

13 A. The Chemical Group, the Ag Chemical Group,
14 at one time, I guess, Searle, in the pharmaceutical,
15 was an operating unit. They were basically like the
16 Chemical Group or, you know, a unit of Monsanto
17 Company is kind of how they were, they were described.

18 Q. Was there any formal procedure for forming
19 one of these operating companies?

20 A. The internal organization was always sort of
21 at the, at the direction of the CEO or the
22 CEO/president.

23 Q. So the formation of an operating company
24 would come from the CEO down?

25 A. Yeah. Again, it's an organizational

1 designation as opposed to a, an entity, a legal entity
2 designation.

3 Q. Does Monsanto or Solutia have a formal
4 groundwater monitoring department or audit program?

5 A. Again, the, the work on groundwater was done
6 within the same structure predominantly at the plant
7 sites with the assistance and, sometimes, coordination
8 of the environmental people that existed at the, at
9 the, the staff levels within these designated business
10 units.

11 Q. With respect to the, the formal
12 environmental audit procedure, we talked earlier about
13 there are people within the company who do this on a
14 full-time basis. Where do those people get the money?
15 Whose budget are they in?

16 A. I think I indicated part-time--there were
17 full-time people; part-time, there weren't.

18 Q. Right.

19 A. When there were full-time people, it
20 basically was in the budget of that, whatever staff
21 department they resided in would be in a staff cost
22 center budget.

23 Q. So there was--was there a separate line item
24 in the budget for environmental audits?

25 A. To the extent that a period of time when

1 they did, there would have been a, a, probably a subs
2 cost center budget that dealt with, with that group.

3 Q. Which department within Solutia now is
4 responsible for conducting environmental audits?

5 A. I'm, I'm not certain today what Solutia is
6 doing with respect to audits.

7 Q. Prior to your retirement, what department
8 had that responsibility?

9 A. That was within my department.

10 Q. Was there a, an individual or a person with
11 a particular job title who was responsible for
12 conducting these audits?

13 A. I think there was a small group of--I forget
14 the exact number that were doing audits, and I'm not
15 certain we had a designated leader, because at that
16 time, we were trying to do self-managed groups, and
17 these were all competent people, so I don't think
18 there was an individual that, that I recall
19 supervising that whole group.

20 Q. Was there a name associated with that group?

21 A. It, it was probably the Environmental Audit
22 Group.

23 Q. And who did the Environmental Audit Group
24 report to?

25 A. I should recall. I believe, they reported

1 at that time to Garth Forte.

2 Q. What was his title?

3 A. I'm not certain.

4 Q. Was he a direct report to you when you
5 were--

6 A. Yes.

7 Q. --the VP?

8 A. Yes.

9 Q. So the Environmental Audit Group would have
10 been two steps down the organizational chart from you?

11 A. I believe that's correct.

12 Q. Approximately, how many people are we
13 talking about that would have been the Environmental
14 Audit Group?

15 A. I believe at that time, there were three or
16 four.

17 Q. Is there someone within Monsanto, now with
18 Solutia, that had the title "Environmental Manager" or
19 something close to that?

20 A. Well, over time, there were several people.
21 That was a kind of a common title that was used.

22 Q. What, what responsibilities do you associate
23 with that title?

24 MR. GILHOUSEN: Is this for Monsanto now or
25 Solutia.

1 MS. BOWERS: Let's start with Monsanto?

2 A. Those, those positions were generally a role
3 of coordination, guidance, regulatory expertise.

4 BY MS. BOWERS:

5 Q. Coordination of what?

6 A. Activities that went on at probably more
7 than one plant as it dealt with their work to meet
8 regulatory requirements, as well as internal company
9 policies.

10 Q. Where would the environmental manager fit in
11 with respect to--well, first question, which
12 department or division would the environmental manager
13 be in?

14 A. Most of the time, they reported into the,
15 the staff environmental health and safety function.

16 Q. Okay, and how far up or down the
17 organization of that particular department would the
18 environmental manager be?

19 A. They would typically report to the head of
20 that unit.

21 Q. Would that department have their own
22 operating budget?

23 A. Yes.

24 Q. Is there a separate environmental
25 procurement department?

1 A. No.

2 Q. Or was there?

3 A. No.

4 Q. Okay, same line of questions with respect to
5 Solutia now: Is there an environmental manager within
6 Solutia now?

7 A. I believe there, there is.

8 Q. And what job responsibilities do you
9 associate with that title?

10 A. I'm not certain of that today. That
11 function is headed up by a vice president of, of ESH,
12 but I'm not up-to-date on the specifics of the, the
13 people or the job titles within, within his group.

14 Q. At the time that you retired, what job
15 responsibilities did you associate with the
16 environmental manager?

17 A. I think those that I described earlier.

18 Q. And that person would have reported directly
19 to you?

20 A. Um, probably.

21 Q. Did the Anniston Plant have a budget for
22 environmental compliance issues that was separate and
23 distinct from the Environmental Safety and Health
24 Department on the corporate side of things?

25 A. Yes.

1 Q. And how would that money be budgeted to the
2 Anniston Plant?

3 A. Um--

4 MR. GILHOUSEN: Objection. In the process
5 of how it was budgeted, as opposed to is there a--

6 MS. BOWERS: Let me clarify.

7 BY MS. BOWERS:

8 Q. How would, how would the Anniston Plant
9 interact with whoever they needed to interact with at
10 the corporate level to obtain that money? I'm merely
11 trying to--

12 A. The--let me see if this helps you.

13 Q. Okay.

14 A. The budgets at that time that the plant came
15 out--that was a plant budgeting process, so that was
16 all done there. It was not connected directly to the
17 budgeting process with the, the, the staff or the
18 company staff environmental groups, so those were
19 typically not connected.

20 Q. Okay.

21 A. Okay? It was connected, theirs was
22 connected to the plant budget. This budget at the
23 company staff level, let's say, was connected to
24 company budgeting processes. Obviously, at some point
25 in time, they all came together, but they were not--in

1 other words, the, the staff or the environmental was
2 not budgeting the, the plant or direct control over
3 the plant budget.

4 Q. That's what I'm looking for. Thank you.
5 Within, within the Department of Environment, Safety
6 and Health, are compliance issues budgeted by media,
7 air, water, and soil?

8 A. Not typically, no.

9 Q. Are there any in-house attorneys at old
10 Monsanto or Solutia now who worked solely with
11 environmental compliance issues?

12 A. Those types of issues fell to the
13 environmental attorney to, to deal with.

14 Q. Anybody within the Department of
15 Environment, Health and Safety, or all those attorneys
16 in the Law Department?

17 A. Well, the attorneys were in the Law
18 Department.

19 Q. Okay. Did your department have any
20 attorneys that were under your department?

21 A. No.

22 Q. When Monsanto would receive a notice of
23 violation of an environmental regulation, in what
24 physical location would those notices be kept?

25 A. Okay, I think we talked a little bit about

1 this before. The compliance notices would probably be
2 held at the point of receipt or at the point of
3 alleged noncompliance. That's where they would be
4 held. Copies would be also available in the Law
5 Department. You know, there may have been copies made
6 and circulated, but those were the two principal
7 points where notification and action was expected.

8 Q. Did either Monsanto or does Solutia now
9 prepare an annual environmental report?

10 A. We did prepare environmental reports
11 beginning sometime in the Eighties, I believe, and
12 they were prepared up through my time of retirement,
13 and I believe that both companies are still preparing
14 some sort of public report today.

15 Q. Who is responsible for preparing those
16 reports?

17 A. Those were--I guess the coordination on
18 those was usually within the public relations segment
19 of the company.

20 Q. Would the Department of Environment, Health
21 and Safety work on developing those reports, as well?

22 A. Yeah, we, we would both, I guess,
23 participate some content and also participate in the
24 review.

25 Q. Are copies of those reports maintained?

1 A. That, I don't know. They were all--those
2 were all public reports, so they, you know, they ought
3 to be available, I guess, through general public, but
4 I don't know whether they are, you know, they've kept
5 historical copies of those or not.

6 Q. Where are Solutia's environmental permits
7 kept?

8 A. Again, permits as they would deal with
9 operational aspects and permits, they would be kept at
10 the plant sites.

11 Q. Is the answer the same with respect to old
12 Monsanto?

13 A. Yes.

14 Q. Would there be one person at the Anniston
15 Plant that would be responsible for maintaining all of
16 those permits?

17 A. There's probably one person that, that, you
18 know, knows, knows what they are, and where they are,
19 and, and that sort of thing.

20 Q. Who would that person be?

21 A. Um, I, I believe it's probably whoever their
22 environmental coordinator is, and I'd have to go to an
23 organization chart to get the current person.

24 Q. Do you remember the name of anyone that was
25 that person at the Anniston Plant at any time?

1 A. Well, I believe the last guy I remember was
2 a gentleman, I think his last name was Jones.

3 Q. Do you remember anyone else besides
4 Mr. Jones that would have had that responsibility at
5 the Anniston Plant?

6 A. I mean, I guess Jerry--I apologize
7 for--Jerry Brown would have had that for awhile, and
8 whoever their kind of successors were, I just don't
9 recall their names in between those time periods.

10 Q. Does either Monsanto or Solutia have a
11 written environmental policy?

12 A. We, we, we had a set of policies and
13 guidelines when I retired, and I believe that both
14 companies still have something in place that, that
15 would be described as that, yes.

16 Q. When were those policies first developed
17 within Monsanto?

18 A. I believe the--I guess what we would call
19 the documents were prepared in the mid Seventies with
20 the creation of this corporate or this expansion of
21 this small department into a more corporate function
22 of safety and--or, I'm sorry, health and environment
23 within Monsanto. There was at that time produced a
24 sort of a specific set of Monsanto policies and, and
25 guidelines. I think there were some more generic

1 statements prior that would include--would have
2 included, you know, aspects of general compliance, but
3 specific to environment and more specific, those were,
4 I think, adopted in '76, 1977 time period.

5 Q. Do you know if there are still copies of
6 these policies somewhere? Is there a repository where
7 they are kept?

8 A. I have seen those, I guess, in some other
9 depositions that are now contained or held by the
10 lawyers. Where else they might be, I'm not certain.

11 Q. Do you know if anyone has made an effort to
12 look for them in connection with this litigation?

13 A. I do not.

14 Q. Other than these environmental policies, are
15 there any documents within Monsanto or Solutia that
16 would reflect other self-regulation with respect to
17 the environment?

18 A. I think these annual reports we talked about
19 contained much of that information.

20 Q. Is there an environmental policy and
21 procedures manual?

22 A. Without holding me specific to that as its
23 title, there is a, there is a document that includes
24 policies.

25 Q. What type of information is in that

1 document?

2 A. Well, they were--they're basically intended
3 mainly to focus on internal programs or policies to
4 guide internal programs with respect to certain
5 categorical areas, and again over time, we call these
6 the worldwide environmental guidelines, kind of a
7 generic name, and they were periodically revised, and
8 the subject matter or the policy matter in them
9 changed over time as, as to reflect sort of current,
10 you know, public policy expectations.

11 Q. Do you know what year these worldwide
12 environmental guidelines would have been started to be
13 kept?

14 A. I think that was my reference to the '76-'77
15 time period.

16 Q. Do you know if there are still copies of
17 them in existence?

18 A. I think we just talked about that.

19 Q. I apologize if I'm being repetitive. Do you
20 know where those copies would be?

21 A. No, as I said, other than knowing that the
22 lawyers have--I've seen those in preparation for other
23 litigation, I'm not certain.

24 Q. Did Monsanto, or has Solutia ever hired
25 outside environmental consultants?

1 A. Yes.

2 Q. What was the first point in time you know of
3 outside environmental consultants being hired?

4 A. I, I don't, I don't know.

5 Q. 1970's?

6 A. I'm sure they were used long before that.

7 Q. Okay. What sort of things would outside
8 environmental consultants be used for?

9 A. They were probably used for understanding
10 regulations, specific technical support, you know,
11 assistance in meeting government requirements.

12 Q. Who would have the authority to hire these
13 consultants?

14 A. I think any, anybody that had a need and had
15 the, the budget monies available to do so.

16 Q. Who would have control over budget money to
17 be able to do that? Would that be a vice president
18 type, or--

19 A. Budgets were strictly--or were, were, were
20 typically controlled by your next level of, of
21 supervision.

22 Q. Was there any sort of procedure that had to
23 be followed within the corporate structure for getting
24 approval of hiring an outside consultant?

25 MR. GILHOUSEN: We're going to outside the

1 organizational structure into decisions on who hires
2 what on budgets. I can understand the question as to
3 were consultants hired, but the process in that is a
4 little--

5 MS. BOWERS: I'm just trying to determine
6 who had the authority to hire.

7 MR. GILHOUSEN: Okay.

8 A. As I said, I think that authority was
9 generally--this wasn't novel to Environmental because
10 the company hired lots of consultants--was who had the
11 need and who had the, the budget to support that
12 additional assistance.

13 BY MS. BOWERS:

14 Q. At the plant level, would there have been
15 the budget to support that?

16 A. Well, if they were hired, the answer was
17 yes. If they weren't, the answer was no.

18 (Laughter.)

19 Q. Are you aware of the Anniston Plant ever
20 hiring outside consultants on environmental issues?

21 A. Yes.

22 Q. At what point in time?

23 A. Again, I'm not certain. I mean, I know they
24 were used in the Eighties and Nineties. I would guess
25 they were used before that.

1 Q. Did Monsanto or does Solutia keep records of
2 the names of chemical suppliers?

3 A. I mean, I would have to deduce that in a
4 centralized standpoint, probably not, but certainly,
5 they, you know, back through purchasing orders, and
6 contracts, and things of that nature, I mean there are
7 a list of chemical suppliers.

8 Q. But there's--other than that, there's no
9 list that's maintained?

10 A. Not that I'm aware of. Plants had to keep,
11 under OSHA requirements, lists of chemicals and hazard
12 sheets on chemicals, and as long as they met certain
13 criteria, so within plant books on OSHA hazardous
14 material safety data sheets, there's probably an
15 understanding of, you know, who suppliers were.

16 Q. The same question with respect to trucking
17 company records and railroad delivery records?

18 A. I think my answer would be generally the
19 same. I don't know of any centralized depository of
20 those, but certainly, they would have known who they
21 were dealing with and had records in shipping,
22 billing, invoicing, that would indicate who they dealt
23 with, consistent with records retention policies, I
24 would hope.

25 (Laughter.)

1 Q. Okay. With respect to the interface between
2 the plant-level organization and the corporate-level
3 organization, if there was an explosion, or a spill,
4 or some other catastrophe at a plant, was there any
5 official policy or procedure as to how corporate level
6 would be notified?

7 MR. GILHOUSEN: We're talking as to
8 Monsanto, itself?

9 MS. BOWERS: Starting with Monsanto and then
10 with Solutia. I want to know as to both.

11 A. You've asked several questions within there,
12 so I'm trying to figure out how to respond. We, we
13 did have, for a period of time, with respect to--there
14 was a time, and I forget under which statutes, that
15 you had to notify the government of spills, and we did
16 have a reporting and summarization procedure that did
17 periodically assemble that information for people in
18 the company to see, so there was a set of sort of
19 procedures on how to, how to do that.

20 BY MS. BOWERS:

21 Q. Did those procedures have a name?

22 A. Well, I think they were within these
23 worldwide environmental guidelines, and they may have
24 been something like, you know, hazardous spills
25 reporting procedures or something like that.

1 Q. Who at the corporate level would the plant
2 contact? Who would be the first point of contact at
3 the corporate level on something like this?

4 A. Um, in general, these were, as I said,
5 periodically reported, so they just went into a--they
6 went into a system. I believe under--there were,
7 under certain prescribed conditions or statutory
8 requirements, where there may have been a more
9 specific and a more timely reporting requirement, and
10 under those, I think typically, the Law Department
11 would be the, the first point of contact to help them
12 decide is this or is it not, and what's your time, and
13 what do you have to do, and in conjunction with these
14 environmental managers we talked about were probably
15 aware of those conversations, so again, if there was a
16 specific requirement with a specific deadline for
17 reporting, that was probably between the location and
18 Law Department, the general collection of information
19 was done, as I recall, for awhile monthly, and then
20 monthly, reports were compiled and distributed. It
21 was more a post--it wasn't an actionable list, it was
22 just a summarization list.

23 Q. So the plant would compile a monthly report?

24 A. They would compile, yes, the basic data that
25 went into the plant report that would then go to--I

1 think at that time, we were collecting those at the
2 corporate staff, and at the operating unit or business
3 unit, they were getting their summaries, and then the
4 reports were prepared that included across the
5 company, across the businesses, and then specifically
6 at the individual plants.

7 Q. So it would go from the individual plant to
8 the operating company?

9 A. Yeah, it kind of went to the operating
10 company and to the corporate staff.

11 Q. And "corporate staff," you mean--

12 A. And I think corporate staff was--kind of had
13 the responsibility to aggregate the data and issue the
14 reports.

15 Q. Okay, when you say "corporate staff," who do
16 you mean in particular?

17 A. Well, at that time, it would have been
18 people within my organization working for me that
19 were--I think I actually, I probably did some of that
20 myself, too, for, for a period of time.

21 Q. Okay, so just to be clear for the record, it
22 would go from the plant to the business operating
23 unit, the operating company, to the Department of
24 Environmental--Environment, Safety and Health?

25 A. Well, what I'm saying is the plant would

1 issue a report and would probably simultaneously go to
2 the other two or three places, and then the corporate
3 people would summarize all of this and distribute a
4 compiled report.

5 MS. BOWERS: Okay. Can we take a quick
6 break before we go to documents? Just take about five
7 minutes? Thanks.

8 (Recess.)

9 BY MS. BOWERS:

10 Q. Mr. Pierle, I'd like you to take a look at
11 what we've marked as Solutia-Pierle Exhibit 15, and
12 I'll represent to you that these are various
13 organizational charts produced in this litigation by
14 your counsel, and I have attempted to put them in as
15 close to chronological order as I could get them.
16 With the agreement of your counsel, we have decided
17 that we're not going to go through each one of these
18 for each year, but I would ask that if there are any
19 of these that you believe are not accurate records of
20 Monsanto Corporation or of Solutia, Inc., that you
21 please let me know.

22 A. As we go through them?

23 Q. Well, we're not going to go through each
24 one.

25 A. Right.

1 Q. So do you disagree that these are
2 organizational charts and records of Monsanto
3 Corporation or of Solutia?

4 A. I guess we agree to that.

5 MR. GILHOUSEN: Joe and I agree.

6 A. (Continuing) Yes.

7 BY MS. BOWERS:

8 Q. Okay. I just have a few specific questions
9 about some of the charts in here. If--because these
10 are in chronological order, rather than Bates stamp
11 order, it's going to be a little difficult, but maybe
12 this many (Indicating) pages into it, Bates stamp 876,
13 it's an organization chart dated January 1953.
14 Deborah brought us some magnifying glasses, but I
15 think she took them back. There they are.

16 A. 000876?

17 Q. Yes, 000876.

18 A. Okay.

19 (Witness peruses said
20 document.)

21 Q. To your knowledge--

22 MR. GILHOUSEN: 53?

23 THE WITNESS: Mm-hmm.

24 BY MS. BOWERS:

25 Q. (Continuing) To your knowledge, is this an

1 accurate representation of the corporate structure of
2 Monsanto Corporation as of January 1953?

3 A. Yes.

4 Q. Looking at this chart, which of these staff
5 departments or operating divisions would the Anniston
6 Plant have been a part of?

7 A. I believe on this chart, it is probably part
8 of the Phosphate Operating Division.

9 Q. And what leads you to that conclusion?

10 A. In kind of perusing some of these in a
11 different order, that was my recollection of, of the
12 business, so I think, I think in '53--let me put it
13 this way; it would have been either part of the
14 Phosphate Division or Organic Chemicals Division, one
15 of those two.

16 Q. Okay. With respect to each of these staff
17 departments and operating divisions, would the top
18 person within each one of those have been a vice
19 president?

20 A. I'm not certain.

21 Q. Would the plants have fallen in a direct
22 report fashion under any of the staff departments?

23 A. No.

24 Q. Do you know who the head of the Phosphate
25 Department was at this time?

1 A. I'd have to go back and find the specific
2 chart.

3 Q. At any point in time, are you familiar with
4 the name of anyone that was in charge of the Phosphate
5 Department?

6 A. No, because again, I have to refer to my
7 own--by the time I got there, I don't think that was
8 an op--an operating nomenclature.

9 Q. What was the Phosphate Division?

10 A. We had some businesses that were actually in
11 the process--that made phosphorus and
12 phosphate-related products, so I believe it was just a
13 family of businesses associated with phosphate as part
14 of the product makeup.

15 Q. Were each of these operating divisions, were
16 they grouped by product that was made?

17 A. In looking at this, it was, it was, it was
18 different. For example, the Texas Division was more a
19 geographical. Meramec, I believe, it was more an
20 evolu--or a derivation of a business that had been
21 bought called, I think, Meramec Chemical, whereas
22 Organics was more homogenous of a variety of products
23 that had evolved over the, the, the start of the
24 company, so there's different--again, as I said, in
25 organizations, they were--they fit some

1 business-related purpose, primarily.

2 Q. Was each, each staff department in a
3 separate physical location?

4 A. Probably at this company level, not a
5 hundred percent, but I suspect most of those were
6 probably here in the St. Louis area.

7 Q. Would, say, the Accounting Department be in
8 a separate building from the Advertising and Public
9 Relations Department, or--

10 A. No, they may have all been in the same
11 building.

12 Q. Okay.

13 A. Or they may have been in, you know, more
14 than one. I don't, I don't recall at that time.

15 Q. Same question with respect to the operating
16 divisions. Would the merchandising division be in a
17 separate physical location from, say, the Meramec
18 Division?

19 A. I'm really not familiar with merchandising,
20 so that--I mean obviously, the Overseas Division was
21 probably in a different position than the Texas
22 Division.

23 Q. Right.

24 A. Yet at the same time, and I don't know this
25 for certain, but it's possible that, for example,

1 Organic Chemicals had some of their businesses were
2 overseas, so these were not intended to represent
3 physical divisions of businesses, or products, or
4 locations, they were intended to represent more
5 business and financial divisions within the company.

6 Q. So in 1953, would there have been people at
7 the Anniston Plant that may have directly reported to
8 another operating division other than the Phosphate or
9 Organic Chemical Operating Division?

10 A. Probably not, because typically, people at
11 the plant reported in through one, one business
12 reporting entity.

13 Q. On the next page, Bates stamp 875--

14 A. Wow.

15 Q. The magnifying glass may come in handy on
16 this one. Actually, if you flip one, two pages to
17 Bates stamp 872, there's a little cleaner copy.

18 A. Okay.

19 Q. The difference is on Bates stamp 872, the
20 names are not filled in, so if it helps you to look at
21 both of them when we go through this, that's fine. On
22 Bates stamp page 872, it appears the Anniston Plant is
23 under the Inorganic Chemicals Division. At some
24 point, the Phosphate Division, it appears, had been
25 phased out between 1953 and 1954. Do you know why?

1 A. Again, I think it's, it's just another way
2 of organizing, you know, the businesses. I don't
3 think there was any--I suspect somebody felt it was a
4 you--"Inorganic" was a broader and more accurate
5 definition of everything that was in there at the
6 time, not just "Phosphates."

7 Q. Was this Inorganic Chemicals Division the
8 only interface, if you will, between the Anniston
9 Plant and the corporate-level structure?

10 A. Let me put it this way. It would have been
11 the primary means of communication. We had--I mean
12 just--I won't give you an organizational history or
13 we'll be here all the time, but at some of the plants,
14 they only had one, like one thing, so it was clear
15 where they were, but at a plant like--at other plants
16 like Anniston's, where they, they may have been making
17 products in that plant that were basically financially
18 the responsibility from a profit-and-loss standpoint
19 in more than Inorganic Chemicals and therefore, that
20 unit, from a financial standpoint, certainly would
21 have had communications, contacts and that, with their
22 business units that may have been in another division,
23 but the management of the plant would have been
24 predominantly up and through the inorganic chemicals
25 unit. Anytime you want to cut me off on one of those

1 lessons, just let me know.

2 (Laughter.)

3 Q. Going back to page Bates stamp 875, I think
4 I need my magnifying glass to look at it. Under the
5 Inorganic Chemicals Division, do you recognize the
6 name of the person that's listed as the Vice President
7 and General Manager? It's all the way on the left.

8 A. Oh, I'm sorry, I'm with you now. Man, I
9 cannot really make that out.

10 Q. Okay. Okay, fair enough.

11 A. It looks like J. L. Christian.

12 Q. Do you know that Mr. Christian was at one
13 point the head of the Inorganic Division?

14 A. I believe he was, yes.

15 Q. Would an employee at the Anniston Plant
16 report to more than one division?

17 A. Not, not directly. As I indicated, if they
18 were running a unit at Anniston that was making a
19 product for the Organic Chemicals Division, then they
20 would have reported, communicated with somebody in
21 that division, but from a functional or from a, from a
22 functional reporting, and therefore, probably his
23 paycheck and, and that, it would have been through
24 the, the organization chart as shown here, in this
25 case, Inorganic.

1 Q. If you flip over--

2 A. They were called guest manufacturing
3 operations, so they weren't guests to Monsanto but
4 they were guests to the division that was running the
5 plant.

6 Q. Guests. Okay, who would determine that they
7 were guests? I mean--

8 A. Well, they'd basically be a guest if they
9 were not--and this, again, I'm not trying to sound
10 crazy, here--if they weren't part of the host
11 organization, they were a guest, so I would say it was
12 just a loose, you know, "Are you part of this
13 division?" "No, I'm a guest," so you, you knew you
14 were a guest at that location.

15 Q. Okay, but they would still report up
16 through--

17 A. Yes.

18 Q. --whoever their host was at that particular
19 point?

20 A. Yes.

21 Q. Okay. Then turning one, two pages to--

22 A. I'll get these all out of order here. Oh,
23 they are out of order.

24 Q. Excuse me. Turning seven pages to Bates
25 stamp 866--it looks like this (Indicating), it's dated

1 at the bottom, very small, "September 1954."

2 A. Okay.

3 Q. And on this chart, it appears that Anniston
4 has been moved under the Organic Chemicals Operating
5 Division.

6 A. Yes.

7 Q. Do you know why Anniston was, was placed
8 under the Organic Chemicals Division?

9 A. I, I really don't.

10 Q. Would that have to do with the type of
11 products that Anniston was producing at that point in
12 time?

13 A. That would have had something to do with it,
14 and as I indicated, I think through this time period,
15 they were--that's why I was unsure which division they
16 were in, because they were making products for, for
17 both, and so at this point in time, they were, they
18 were just simply shifted.

19 Q. Was it unusual for a plant to be shifted
20 three or four times within a span of a year or two?

21 A. Well, I mean, I think the one, the one was
22 more a name change, so wasn't a shift, the Phosphates
23 to Inorganic, so I think this is the only shift I'm
24 seeing from division--or from operating division to
25 division. My recollection in my time period, it would

1 happen from time to time but, but not generally, and
2 being that it was a little bit smaller plant may have,
3 may have affected that a little bit, too.

4 Q. In terms of size, was it one of the smaller
5 plants, or one of--a medium-size plant?

6 A. Yeah, I would probably categorize from
7 large, medium, small, that it was mainly a small
8 plant.

9 Q. When you talk about the shift from Inorganic
10 to Organic, was that indicative of a shift in the
11 categorization of the products that Anniston was
12 producing, or was that a shift in the, the products,
13 themselves, that Anniston was producing?

14 A. I think at some point in time, here,
15 Anniston stopped making phosphate products, and it--I
16 don't know this for a fact, but it could have been
17 around that time that it had--because historically, it
18 had come out of its ownership from the Thirties sort
19 of in the phosphate sector, and that may have been a
20 factor that what they were making in phosphate or
21 inorganic they weren't making it anymore, so it was
22 better to put it in a, in a different place.

23 Q. Flipping two pages over to organizational
24 chart of the Medical Department--

25 A. Whoops, forward were we going?

1 Q. Forward, yes. I'm sorry, it's Bates stamp
2 864.

3 A. Oh, I see. Okay, yeah. Mm-hmm.

4 Q. How did the Medical Department interface
5 with the Anniston Plant?

6 A. Um--

7 Q. If we need to go back to 866--

8 A. No, I was looking for a, a date on this
9 which I don't, which I don't see. So your question
10 was how did this department interface with Anniston?

11 Q. Yes. Let's--

12 A. Probably very, very little, I would suspect,
13 but the kinds of plant possible things that were done
14 here, you'll see this plant service through the
15 hygiene kind of component of this, and to the extent
16 that there was much interface there, it would probably
17 have been up through that area, and I think that's the
18 J. T. Garrett or the Jack Garrett that I had mentioned
19 in response to a prior question.

20 Q. With respect to these boxes that contained
21 stream pollution and atmospheric pollution, are these
22 the early precursors to the environmental department
23 that you referred to earlier?

24 A. I think the boxes in this case represent,
25 where there's a name, it actually represents a person,

1 and the things below it, I think those boxes generally
2 looked like they represent duties or subject matter
3 within these people, because the only people in this
4 department--and I'm, I'm presuming this is back in the
5 Fifties--were those four individuals.

6 Q. So Mr. Garrett would have been a person
7 early in the process, or excuse me, early in the chain
8 of having responsibilities for these type of
9 environmental issues that we discussed earlier?

10 A. In this case, for example, stream pollution,
11 this was about the time of the Federal Water Pollution
12 Act in the late Fifties, so I think Jack had some
13 subject assignments there, and atmospheric went to
14 Elmer Wheeler, so to the extent that somebody in the
15 company wanted to know something about that, these
16 would probably be the two resource people that they'd
17 go to at that time.

18 Q. So is it accurate to categorize this as kind
19 of the, the early beginnings of the environmental
20 department within Monsanto?

21 A. Well, it was to the extent that things were
22 handled at a corporate level at this time, that--these
23 were the only people there to deal with it.

24 Q. Would those people travel to the plants, to
25 the Anniston Plant in particular?

1 A. I, I don't know.

2 Q. Go in about fifteen pages to Bates stamp
3 848.

4 A. I have it.

5 Q. Down at the bottom, there's a very small
6 date, looks like "4/69"?

7 A. Looks like it. It's an eye test.

8 MR. GILHOUSEN: I can't get my glasses up
9 far enough.

10 BY MS. BOWERS:

11 Q. What are the--I'm looking, starting with the
12 Monsanto Company Chairman, Board of Directors, then
13 going down to the President, CEO, and then coming down
14 to where there are three boxes that say "Group Vice
15 President," what does that refer to?

16 A. This, again, goes to this earlier discussion
17 where when they took more than one kind of individual
18 business group or business division and put it in a
19 group, then they had to have a group leader.

20 Q. So--

21 A. So they became the group vice president
22 of--so they--and you'll see in that case, they had
23 different vice presidents or general managers running
24 the individual units below them.

25 Q. So a group would be a collection of a few

1 operating divisions?

2 A. That's pretty good.

3 Q. Okay. So the group vice president, the
4 group that would have contained the Anniston Plant
5 would be which group on this chart?

6 A. Um, well, I'd have to--without it being
7 specifically designated here, I'd have to look at some
8 more organizational charts to be sure of my answer on
9 that.

10 Q. Okay. Do you believe that Anniston was
11 still part of the Organic Chemicals Division in 1969?

12 A. It may have been, but I'm not certain.

13 Q. Do you recognize the name of the individual
14 on this chart that is the general manager of the
15 Organic Chemicals Division?

16 A. H. L.--I believe that's Howard Minckler,
17 which is probably M-i-n-c-k-l-e-r. "Howard" is not on
18 there, but "H" is.

19 Q. Did you know that Mr. Minckler was the
20 general manager of the Organic Chemicals Division?

21 A. Yes.

22 Q. Do you have believe that he would have been
23 the corporate-level person to whom the Anniston Plant
24 reported?

25 A. Well, it would have--it could have been,

1 again, I'm not certain, here, based on my last answer,
2 but it could have been within his organization; would
3 not have reported to him. I feel certain of that, but
4 someone in his organization.

5 Q. Going about 40 pages till we get to December
6 of 1963, it's Bates stamp 754--

7 A. It must be lying in there by itself
8 someplace.

9 Q. December '63.

10 A. Well, the reason I ask that, I got '52--

11 MR. GILHOUSEN: Go back this way.

12 THE WITNESS: It's not there.

13 A. I've got '52, '53--are your numbers on the
14 Bates numbers around 54 or what?

15 BY MS. BOWERS:

16 Q. Would go 760, then 754, 755, 56, 57--

17 A. I just happened to--754?

18 Q. 754.

19 A. Lucky day.

20 Q. What is the Chemstrand Committee?

21 A. This was--what's the time frame on this?

22 Q. December 1963.

23 A. Chemstrand was a, a set of businesses that
24 Monsanto had acquired, obviously, prior to this date,
25 and it was basically fiber businesses, and what this

1 looks like is it was being run by a, you know, a set
2 of senior Monsanto executive officers. I don't know
3 any more about that.

4 Q. Did they have any interface with the
5 Anniston department--Anniston Plant?

6 A. I wouldn't think so.

7 Q. Flipping to Bates stamp page 758, it's about
8 five pages--

9 A. I have it.

10 Q. This is an organization chart, Monsanto
11 Chemical Company, Organic Chemicals Division, December
12 1963, and coming down from the Vice President and
13 General Manager to the Director of Manufacturing, did
14 the Anniston Plant report directly to the Director of
15 Manufacturing?

16 A. Yes.

17 Q. And the Director of Manufacturing reported
18 to Mr. Morris,--

19 A. Yes.

20 Q. --who was the Vice President and General
21 Manager of the Organic Chemicals Division?

22 A. Yes.

23 Q. Was there anyone else on this organizational
24 chart or any other organizational chart that we've
25 looked at that the plant manager at Anniston would

1 have directly reported to on any issue?

2 A. No. I mean, we looked at charts other than
3 '63, okay? So I mean, I didn't--I just want to be
4 clear that I didn't see on any of the other charts we
5 looked at where it specifically noted the Anniston
6 plant manager and a direct reporting assignment.

7 Q. Was it your understanding that the Anniston
8 plant manager reported to the Director of
9 Manufacturing at this point in time?

10 A. In 1963?

11 Q. Yes.

12 A. Yes.

13 Q. Do you have any personal knowledge of the
14 Anniston plant manager ever reporting to anyone else
15 other than the Director of Manufacturing?

16 A. Of what?

17 Q. Within this particular business division.

18 A. Not that I'm aware of.

19 Q. Flipping a few pages, about ten pages, to
20 Bates stamp 747, it's an organizational chart of the
21 Monsanto Medical Department.

22 A. I have it.

23 Q. Looking at the box that says, "Manager,
24 Environmental Health, E. P. Wheeler,"--

25 A. Yes.

1 Q. --and underneath, underneath that, are those
2 the job responsibilities of the Manager of
3 Environmental Health?

4 A. It appears that way, yes.

5 Q. Was Mr. Wheeler the first person that held
6 that position?

7 A. I believe so.

8 Q. Do you know who held that position
9 subsequent to Mr. Wheeler?

10 A. What, what concerns me on, on this is it
11 says it's February '66, and I think we had established
12 that Jack Garrett was in here someplace in--

13 Q. If you turn to the next page, Bates stamp
14 748--

15 A. Mm-hmm. Okay, that helps, yes.

16 Q. So does that refresh your recollection as
17 to--

18 A. Yeah, I think Elmer had general
19 responsibilities, and then he had people assisting him
20 on that, which is what comes under that, and I think
21 maybe a little more direct, again, we've already
22 discussed this department is what continued to evolve
23 over time into a larger department with additional
24 people that dealt with these subject matters.

25 Q. So to your knowledge, were Mr. Wheeler and

1 Mr. Garrett two, two individuals that had primary
2 responsibility for these issues in the early stages of
3 environmental regulation and compliance?

4 A. Um, again, they were the primarily--they
5 were primary on coordination but they would not have
6 been primary on compliance, so I'm just clarifying
7 again your--had a few more than one list, there, as to
8 what their responsibilities were.

9 Q. Okay.

10 A. So again, they were the knowledgeable
11 people, the people you could go to for some
12 consultation, but they were not involved in what I'd
13 call day-to-day operational compliance at the plant
14 level.

15 Q. If you'll flip about 25, 30 pages to Bates
16 stamp 688, it's an organizational chart, May of 1974,
17 looks like this. (Indicating).

18 A. I have it.

19 Q. What is the Industrial Chemicals Company?

20 A. I would say in the context of what we've
21 been discussing--and this would have been in '74--when
22 you see again he's a group vice president that headed
23 that up, it would have included what we've been
24 calling the Inorganic and Organic Divisions.

25 Q. So that group vice president would have

1 further divisions underneath him?

2 A. Um, yeah, business units if they were called
3 divisions, yes.

4 MS. BOWERS: That's all the questions I have
5 with this exhibit.

6 (Defendant's
7 Solutia-Pierle Exhibit
8 16 mark'd for
9 identification.)

10 BY MS. BOWERS:

11 Q. Mr. Pierle, I'd ask you to take a look at
12 what we've marked as Solutia-Pierle Exhibit 16 and ask
13 you just to look through these documents.

14 (Witness peruses said
15 exhibit.)

16 A. Okay.

17 Q. The first half of this stack are documents
18 that came out of folders marked "Phosphate Division,"
19 and the second half are documents that came out of
20 folders marked "Organic." Do you believe that these
21 are, these records are organizational charts that
22 reflect the organization of the Phosphate Division and
23 then later the Organic Division?

24 A. Yes. Um, no, you said "and later, the
25 Organic Division"? I think they represent the

1 Phosphate Division and the Organic Division, which
2 were, at this time were probably separate divisions.

3 Q. Okay, so they were two separate divisions?
4 The Phosphate Division did not become the Organic
5 Division?

6 A. Well, again, you see the first set of
7 documents are from 1939, and the second set of
8 documents look like they're from 1971, so there was
9 considerable, you know, organization change, and I'd
10 have to really look at these a lot more closely to be
11 able, I guess, to specifically answer that question.

12 Q. Okay, fair enough, as long as we're in
13 agreement that these are records that accurately
14 depict the Phosphate Division for the years that are
15 marked on them.

16 A. That are marked, mm-hmm.

17 Q. In the second half, the organic half, it
18 starts with Bates stamp 1169, specifically I want to
19 direct your attention to Bates stamp page 1191, and
20 the page before it, as well, 1190, 1191. Page 1190
21 contained a rather blurry picture of Mr. Bilger? Are
22 you familiar with him?

23 A. Yeah, I believe he pronounced that BILL-gur.

24 Q. BILL-gur?

25 A. Yes.

1 Q. Who is Mr. Bilger?

2 A. He was a director of, of what at this time
3 was the General Chemicals Unit, I guess, in the
4 Organic Chemicals Division.

5 Q. And on the next page, 1191, this list of
6 products, were those the list of products that
7 Mr. Bilger's division made?

8 A. Including the following page, as well, yes.

9 Q. So pages 1191, 1192, were the products that
10 Mr. Bilger's division made?

11 A. I believe so, yes.

12 Q. Page 1194,--

13 A. Yes?

14 Q. --there is a reference to a Gene Jesse, who
15 was the plant manager at Anniston?

16 A. Yes.

17 Q. Do you know if Mr. Jesse still living?

18 A. I believe he is.

19 Q. Do you know where he lives?

20 A. I do not.

21 MS. BOWERS: That's all the questions I have
22 on this document.

23 (Defendant's

24 Solutia-Pierle Exhibit

25 17 mark'd for

1 identification.)

2 BY MS. BOWERS:

3 Q. Mr. Pierle, I'd like you to take a look at
4 what we've marked as Solutia-Pierle Exhibit 17 and ask
5 you to look at these documents. These are documents
6 that were produced to us in this litigation by your
7 counsel that appear to relate to the organization
8 within the Anniston Plant. Do you believe that that's
9 what these documents reflect?

10 A. I would say for the most part, yes.

11 Q. Which ones do you take issue with?

12 A. Well, your reference was to Anniston Plant,
13 and this indicates Anniston companies, and this
14 initial one I think is a Swan Chemical, so I'm not
15 sure everything that Swan operated was at Anniston.
16 That's my only point, and I don't know enough about
17 the specifics of this without looking at a lot more
18 charts over time to know if it, if it is purely only
19 the Anniston Plant or not or as they say, Anniston
20 companies.

21 Q. Okay. Are you prepared today to testify on
22 behalf of Solutia and Pharmacia about the organization
23 within the Anniston Plant?

24 A. I believe so.

25 Q. Okay. I call your attention to the second

1 page, document 171.

2 A. Yes?

3 Q. Which individual or job grouping on this
4 chart would have borne the responsibility for
5 environmental issues?

6 A. I guess I'm not, I am not certain as to
7 whether at this time it was a, you know, a distributed
8 responsibility or a very specific responsibility.
9 This is 1942, I guess, or 43. What this chart would
10 tell me is that there was not a full-time
11 environmental person working at the Anniston Plant
12 site.

13 Q. Okay, at the top of the document, there are
14 some lines that come off to the top, the Division
15 Engineer, Division Electrical Engineer, General
16 Medical Director, General Accounting. Are those
17 references to lines of communication to the corporate
18 structure?

19 A. Typically, you see there are dotted lines.
20 What that would typically mean in an organization
21 chart in these is that they also probably communicated
22 and reported to somebody within their function outside
23 of the plant, and it is not clear, and I'm, again, not
24 certain what that structure at that time, who else
25 those would have been to.

1 Q. Do you know in what year someone at the
2 Anniston Plant--there was someone at the Anniston
3 Plant who had a full-time responsibility with regard
4 to environmental issues?

5 A. I know there was somebody there in the early
6 to mid Sixties, and I don't know--and thereafter, and
7 I don't, don't know whether there was someone there
8 sooner than that.

9 Q. Do you know who the first person to hold
10 this full-time role would have been?

11 A. I think you asked me that. I do not recall
12 his name.

13 Q. But this is the same job that you believe
14 Jerry Brown would have had at some point?

15 A. Sometime after that, yes.

16 MS. BOWERS: Okay.

17 (Defendant's
18 Solutia-Pierle Exhibit
19 18 mark'd for
20 identification.)

21 BY S. BOWERS:

22 Q. Mr. Pierle, I'd like you to take a look at
23 what we've marked as Solutia-Pierle Exhibit 18, and
24 I'll represent to you these were documents produced to
25 us by your counsel regarding the Monsanto Industrial

1 Chemical Company. Forgive me if I've asked this
2 before, but what was the Monsanto Industrial Chemical
3 Company?

4 A. At, at this time, it was basically, again,
5 kind of a group business organization that included,
6 again, predominantly the Inorganic and Organic
7 Chemical Business Units.

8 Q. So it wasn't, it wasn't a separate business
9 division in and of itself, it was more of a group that
10 contained business divisions?

11 A. Well, I think the answer is yes to both
12 those. It did contain that, but it was a separate
13 unit that contained all of those. Again, for
14 management and profit control, it was a, not a
15 separate legal unit but a separate internal unit for
16 purposes of managing these businesses.

17 Q. Would there be someone at the Monsanto
18 Industrial Chemical Company that would interface
19 directly with the plant?

20 A. At this time, I think there were, within one
21 of the business divisions--well, let me take that
22 back. This was in '75, and you are talking specific
23 with the Anniston Plant?

24 Q. Yes.

25 A. I'd have to look more fully and--as to

1 whether or not Anniston was in this group or not at
2 this time. I'd have to look, look more deeply at
3 these to understand that.

4 (Defendant's
5 Solutia-Pierle Exhibit
6 19 mark'd for
7 identification.)

8 Q. Mr. Pierle, I'd ask you to take a look at
9 the group of documents we've marked as Solutia-Pierle
10 19.

11 A. Yes.

12 Q. The third page, Bates stamped 17, was the
13 first time I found you on one of the charts. How long
14 were you the Environmental Manager?

15 A. I think I had that responsibility for
16 something less than two years.

17 Q. And while you were in this role, did you or
18 anyone who directly reported to you have any regular
19 contact with anyone at the Anniston Plant?

20 A. Um, no.

21 Q. Do you know if anyone in the Environmental
22 Policy Department would have had regular contact with
23 someone from the Anniston Plant?

24 A. I don't believe so, because our role was
25 predominantly federal regulations, legislation,

1 interface and interaction. We may have had, you know,
2 conversations, but there was no oversight or
3 management or direct, you know, work between, really,
4 this group and the people at the plant sites.

5 Q. Who is A. M. Ford?

6 A. I believe that's Alan Ford.

7 Q. Was he an attorney or is he an attorney?

8 A. No.

9 Q. What were the duties and responsibilities of
10 the Manager of Environmental Litigation?

11 A. That group that existed was providing what
12 I'd call technical assistance to the lawyers within
13 the company as they needed it with respect to
14 litigation matters that, that the lawyers were
15 handling.

16 Q. Do you know if the Manager of Environmental
17 Litigation maintained files or records?

18 A. I'm sure he had, you know, some personal
19 files, but I think most of the records that were
20 controlled or that he would have dealt with were
21 probably under the control of the Law Department.

22 Q. Flipping to the next page that's dated
23 5/13/81?

24 A. What's the Bates number on that? I'm sorry,
25 two pages over.

1 Q. 18. 18?

2 A. Well, I went two in my group.

3 Q. Am I off one?

4 A. I'm with you on Bates 18.

5 Q. Okay. I found you again. What title did
6 you hold at this time?

7 A. Well, this actually precedes the prior
8 document, and I was dealing with regulatory
9 management, water--specifically in the area of water,
10 water regulations.

11 Q. Did you have responsibility for water
12 regulations with respect to any of the activities at
13 the Anniston Plant?

14 A. No.

15 Q. Do you know if your colleagues, the
16 regulatory management with air, OSHA, TSCA or RCRA,
17 had any contact with the Anniston Plant?

18 A. Well, I'm not aware of it specifically.

19 Q. Are you aware of something called an Ad Hoc
20 Committee that was formed in the late 1960's, early
21 1970's at Monsanto regarding PCBs?

22 A. Yes.

23 Q. Who would that--who created that Ad Hoc
24 Committee? Do you know?

25 A. I believe it was a committee that was

1 sanctioned by the, one of the senior administrative
2 committees within the company.

3 Q. And organizationally, where would that
4 committee fall? Would it fall above the vice
5 presidents of the operating divisions?

6 A. No, I believe that committee was primarily
7 reporting into the business unit that was making PCBs.

8 Q. Do you know what business unit that was?

9 A. I'd have to go back through here and look at
10 those time charts and that. It was somewhere in the
11 Organic Chemicals Units.

12 (Defendant's

13 Solutia-Pierle Exhibit

14 20 mark'd for

15 identification.)

16 Q. Did you participate at all in that
17 committee?

18 A. In that committee? No.

19 Q. Did you participate in providing any
20 information to that committee?

21 A. Some of the work I was doing at a different
22 plant site I think was part of that committee's
23 activity.

24 Q. Okay, what type of work were you doing at
25 plant sites? I've understood you to say that in your,

1 in your job responsibilities, you didn't interface
2 with the plants.

3 A. I think there are two different time
4 periods. We're talking about--you asked about '70,
5 and in that time frame, then you asked about this
6 committee--

7 Q. Okay.

8 A. --versus Eighties and beyond. In around the
9 late' 60-70, I was working in a separate plant, so I
10 was at the plant working with PCB matters as a part of
11 my job assignment.

12 Q. I ask you to take a look at what we've
13 marked as Solutia-Pierle Exhibit 20.

14 A. Okay.

15 Q. Do you know why organizational charts were
16 not issued by Monsanto in 1940 or '41?

17 A. I do not.

18 Q. Do you know who would know the answer to
19 that question?

20 A. No, I do not.

21 (Defendant's
22 Solutia-Pierle Exhibit
23 21 mark'd for
24 identification.)

25 BY MS. BOWERS:

1 Q. Mr. Pierle, I'd like you to take a look at
2 what we've marked as Solutia-Pierle Exhibit 21.

3 A. Yes.

4 Q. Are you familiar with an Environmental
5 Policy Committee within Monsanto?

6 A. Yes.

7 Q. What is the Environmental Policy Committee?

8 A. It was, again, a group of senior people in
9 Monsanto that were guiding the creation, the
10 enhancement, and implementation of environmental
11 policy matters for the company.

12 Q. Did you have any direct interaction with the
13 Environmental Policy Committee?

14 A. From time to time when I was on the
15 corporate staff.

16 Q. Did you participate in this time frame of
17 this particular document, February of 1980?

18 A. I didn't participate in this meeting.

19 Q. In paragraph 4, do you know what "this
20 emerging environmental problem" refers to?

21 A. My, my reading of that would be that it
22 basically is defined in the first sentence of that
23 paragraph, which is the increase in numbers of
24 environmental laws and regulations at the state level.

25 Q. Were the plants having trouble keeping up

1 with this, the number of regulations on their own?

2 MR. GILHOUSEN: Objection. We're getting
3 outside the idea of structure.

4 BY MS. BOWERS:

5 Q. (Continuing) I'm trying to get to--we've
6 talked about the burgeoning Environmental Affairs
7 Group on the corporate level. Just in terms of time
8 frame, is this the time frame when the corporate
9 environmental group started to grow both in size and
10 in stature?

11 A. The corporate group?

12 Q. Yes.

13 A. That's correct.

14 Q. Okay.

15 A. Prior to this and through this time period.

16 MS. BOWERS: Okay, that's all the questions
17 I have about that document.

18 MR. TURNER: I don't have any other
19 questions. Let's see if we have anybody on line, if
20 anybody is still alive.

21 MS. BOWERS: Anybody awake on the phone?

22 MS. O'NEAL: I don't have anything.

23 MS. RUTLEDGE: I don't have anything.

24 MR. TURNER: Who was the second?

25 MS. RUTLEDGE: Stephanie.

1 MS. ELLERHORST: This is Shelly Ellerhorst.
2 I don't have any questions.

3 MR. McMAHON: I don't have any questions.

4 STEPHANIE RUTLEDGE: I don't have any
5 questions.

6 MR. PARKER: This is Elton Parker. I
7 stepped in for Lianne Manton, who was here at the
8 beginning of the day, and I don't have any questions.

9 MR. TURNER: I think that's it.

10 (Whereupon, at 3:04 P.M., the
11 deposition was concluded.)
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1 State of Missouri.)

2) SS.

3 City of St. Louis)

4 I, J. Bryan Jordan, a Notary Public in
5 and for the State of Missouri, duly commissioned,
6 qualified and authorized to administer oaths and to
7 certify to depositions, do hereby certify that
8 pursuant to Notice in the civil cause now pending and
9 undetermined in the United States District Court for
10 the Northern District of Alabama
11 ,Magistrate Judge Green, to be used in the trial of
12 said cause in said court, I was attended at the
13 offices of Husch & Eppenberger, LLC, in the County of
14 St. Louis, State of Missouri, by the aforesaid witness
15 and by the aforesaid attorneys, on the 29th day of
16 April, 2005.

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

1 aforementioned witness, together with the questions
2 propounded by counsel and remarks and objections of
3 counsel thereto, and is in all respects a full, true,
4 correct and complete transcript of the questions
5 propounded to and the answers given by said witness;
6 that signature of the deponent was not waived by
7 agreement of counsel.

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

12 Witness my hand and notarial seal at
13 St. Louis, Missouri, this 10th day of May, 2005.

14
15
16 J. Bryan Jordan

17 Certified Court Reporter

18 State of Missouri

19 My License expires: January 1, 2006
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7 St. Louis, MO 63105-3441
8
9 Enclosed please find the Original Signature pages
10 and errata sheets for the deposition of:
11 MICHAEL A. PIERLE taken 4/29/2005 in the case of:
12 Solutia, et al., vs. McWane, et al.
13 Please read your copy of the transcript, noting
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15 and return all pages for filing in court to:
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1 Comes now the witness, MICHAEL A. PIERLE,
2 and having read the the foregoing transcript
3 of the deposition taken on the 4/29/2005,
4 acknowledges by signature hereto that it is a
5 true and accurate transcript of the testimony given
6 on the date hereinabove mentioned.

7

8

9

10 _____
10 MICHAEL A. PIERLE

11

12 Subscribed and sworn to me before this

13 _____ day of _____, 2005.

14 My Commission expires

15

16

17

18 _____
18 Notary Public

19

20

21

22

23

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2 .

3 4

5 Solutia, et al., vs. McWane, et al.

6 CV-03-PWG-134-E

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF MICHAEL A. PIERLE

12 TAKEN ON BEHALF OF THE DEFENDANT

13 4/29/2005

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2 my hand and seal on this _____ day of _____
3 Commission expires

4 _____

5 Notary Public

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