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THIS DEPOSITION IS TO BE  
READ & SIGNED AND RETURNED  
TO THE DEPOSING ATTORNEY  
SEE INSTRUCTIONS TO DEPOSEE  
IN BACK OF TRANSCRIPT

TOWOLDMON0047702

1                                    Oral Deposition of  
2       J. Coleman Weber, taken pursuant to Notice, held at  
3       the Radisson Hotel, 7750 Carondelet Plaza, Clayton,  
4       Missouri, on Tuesday, May 5, 1998, at  
5       10:30 a.m., before John W. Begley, a Registered  
6       Professional Reporter - Notary Public there being  
7       present.

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JURIST-BEGLEY REPORTING SERVICES

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5

WITNESS

PAGE

6

7

J. Coleman Weber

8

By Mr. Ziegler

8, 47

9

By Mr. Nichols

42

10

By Mr. Mannino

45

11

- - -

12

E X H I B I T S

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- - -

14

NUMBER

DESCRIPTION

PAGE

15

Weber 1

Letter to Dale S. Bryson from

13

16

R. W. Flint dated 5/19/76

17

Weber 2

Letter to George F. Wirth from

23

18

J. Coleman Weber dated 3/28/77

19

Weber 3

Letter to George F. Wirth from

27

20

J. Coleman Weber dated 6/30/77

21

Weber 4

Letter to Dr. George Wallis

30

22

from J. Coleman Weber dated 3/25/76

23

Weber 5

Letter to E.E. Wallen from

33

24

J. Coleman Weber dated 3/15/76

JURIST-BEGLEY REPORTING SERVICES

J. COLEMAN WEBER

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|    |         |                                |    |
|----|---------|--------------------------------|----|
| 1  | Weber 6 | Memorandum to J.C. Weber from  | 35 |
| 2  |         | W.B. Papageorge dated 1/18/77  |    |
| 3  | Weber 7 | Memorandum to J.C. Weber among | 37 |
| 4  |         | others from W. B. Papageorge   |    |
| 5  |         | dated 12/3/76                  |    |
| 6  | Weber 8 | Memorandum to J.C. Weber from  | 37 |
| 7  |         | Peter E. Berteau dated 4/17/78 |    |
| 8  |         |                                |    |
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JURIST-BEGLEY REPORTING SERVICES

|    |                                     |      |      |      |
|----|-------------------------------------|------|------|------|
| 1  | DEPOSITION SUPPORT INDEX            |      |      |      |
| 2  |                                     |      |      |      |
| 3  | DIRECTION TO WITNESS NOT TO ANSWER  |      |      |      |
| 4  | PAGE                                | LINE | PAGE | LINE |
| 5  |                                     |      |      |      |
| 6  |                                     |      |      |      |
| 7  | REQUEST FOR PRODUCTION OF DOCUMENTS |      |      |      |
| 8  | PAGE                                | LINE | PAGE | LINE |
| 9  |                                     |      |      |      |
| 10 |                                     |      |      |      |
| 11 |                                     |      |      |      |
| 12 | STIPULATIONS                        |      |      |      |
| 13 | PAGE                                | LINE | PAGE | LINE |
| 14 |                                     |      |      |      |
| 15 |                                     |      |      |      |
| 16 |                                     |      |      |      |
| 17 | QUESTIONS MARKED                    |      |      |      |
| 18 | PAGE                                | LINE | PAGE | LINE |
| 19 |                                     |      |      |      |
| 20 |                                     |      |      |      |
| 21 |                                     |      |      |      |
| 22 |                                     |      |      |      |
| 23 |                                     |      |      |      |
| 24 |                                     |      |      |      |

1 THE COURT REPORTER: Usual  
2 stipulations?

3 MR. ZIEGLER: That's fine.

4 MR. NICHOLS: That's fine.

5 MR. MANNINO: That's fine.

6 MR. GOUTMAN: That's fine, but I  
7 would like the witness to read and sign the  
8 transcript.

9 - - -

10 (It is hereby stipulated by and among  
11 counsel for the respective parties that the  
12 sealing, filing and certification are waste,  
13 and that all objections, except as to the form  
14 of the questions, be reserved until the time of  
15 trial.)

16 - - -

17 J. Coleman Weber, after having first  
18 been duly sworn, was examined and testified as  
19 follows:

20 - - -

21 EXAMINATION

22 - - -

23 BY MR. ZIEGLER:

24 Q. Could you please state your name and your

JURIST-BEGLEY REPORTING SERVICES

1 address for the record.

2 A. Okay. J. Coleman Weber, 518 Sunnyside Avenue,  
3 Webster Groves, Missouri.

4 Q. And do you still work for Monsanto, Mr. Weber?

5 A. No, I retired in '85.

6 Q. In 1985?

7 A. Yes.

8 Q. And how long had you worked for Monsanto up  
9 until 1985?

10 A. 25 years ago. Approximately. About three  
11 months short.

12 Q. And was your position the same always at  
13 Monsanto?

14 A. Basically in the same department. Then I  
15 became manager of the department, but I -- my job  
16 changed as they reorganized their divisions.

17 Q. What department did you start with?

18 A. The inorganic chemical division in 1961.

19 Q. And what was your job title when you first  
20 started in 1961?

21 A. Oh, supervisor of quality, I think.

22 Q. How would you describe your responsibilities  
23 as the supervisor of quality in 1961?

24 A. Junior member of the department in supplying

1 information to customers and working with the plants  
2 on quality.

3 Q. Was your position with Monsanto in 1961, was  
4 that your first job out of college?

5 A. No.

6 Q. Who did you work for before that?

7 A. United States Air Force, Mallinckrodt Chemical  
8 Works.

9 MR. GOUTMAN: Can you spell that for  
10 the record?

11 THE WITNESS: M A L L I N C K R O D T,  
12 I think. It is in the phone book.

13 BY MR. ZIEGLER:

14 Q. That's all right.

15 And where did you go to school?

16 A. I have a graduate degree from St. Louis  
17 University and an undergraduate degree from the  
18 University of Missouri.

19 Q. In St. Louis?

20 A. No.

21 Q. Columbia?

22 A. Yes. There didn't exist a St. Louis  
23 University in my day. I graduated in 1952 as an  
24 undergraduate; '59 was graduate school.

1 Q. And what did you get your BS in?

2 A. Chemistry.

3 Q. And you did do your graduate work in what?

4 A. Business administration. I have an MBA.

5 Q. After you started with Monsanto did their come  
6 a time that your job title changed in Monsanto?

7 A. Yes.

8 Q. What year did that happen?

9 A. 1970, I think. I think. It might have been  
10 earlier.

11 Q. What title did you assume in --

12 A. I was a manager then.

13 Q. You said earlier that you supplied information  
14 to customers. Can you tell me what your role was in  
15 supplying information to customers?

16 MR. GOUTMAN: This is back in 1961?

17 THE WITNESS: What time frame?

18 BY MR. ZIEGLER:

19 Q. Between 1961 to 1970.

20 A. Basically specifications that they requested,  
21 evaluate customer specifications, analytical methods.  
22 Try to answer any questions on any data they wanted,  
23 any information they wanted.

24 Q. And who was your immediate superior in 1961?

1 Do you recall?

2 A. Henry Moss.

3 Q. Was he your immediate superior up through  
4 1970?

5 A. No, he retired and then a fellow named Joe  
6 Metcalf became my superior.

7 Q. Do you know if Mr. Metcalf still works for  
8 Monsanto?

9 A. He's dead.

10 Q. When you became manager in 1970 who was your  
11 immediate superior then?

12 A. I think it was Metcalf.

13 Q. Your official title, was that manager of  
14 product acceptability?

15 A. That's right. In the time frame in the  
16 1970's.

17 Q. How would you describe your responsibilities  
18 as the manager of product acceptability?

19 A. It depends on which division, on what products  
20 I would handle.

21 Q. Let's talk about Aroclors.

22 A. When they formed the specialty chemical  
23 division under Earl Harbison, that's when I got  
24 involved with the Aroclors.

1 Q. What year was that?

2 A. I think 1975. Time flies when you are having  
3 fun.

4 Q. Did you have any responsibility or contact  
5 with Aroclors before that?

6 A. No.

7 MR. ZIEGLER: Let's mark this as Weber  
8 1. (Indicating).

9 (The above-referred to document was  
10 marked as Weber Exhibit 1 for identification)

11 MR. GOUTMAN: Do you want him to read  
12 this?

13 BY MR. ZIEGLER:

14 Q. Mr. Weber, if you could go ahead and read  
15 Exhibit Weber 1, please.

16 A. Okay.

17 Q. Have you had a chance to look at Exhibit 1?

18 A. Yes.

19 Q. And can you identify it for me, please.

20 A. Yes.

21 Q. Please do.

22 A. The statement attached was the one that we  
23 prepared when I represented Mr. Fitzgerald in front  
24 of Russell Train of the EPA.

1 Q. Who was Mr. Fitzgerald?

2 A. He was the general manager at that time of the  
3 industrial chemical company, which we were part of.

4 Q. And you had a meeting with Russell Train,  
5 administrator of the EPA; is that correct?

6 A. Along with several other people, if I  
7 remember.

8 Q. From the EPA?

9 A. It was EPA and industry. It was televised.

10 Q. I see. And that that meeting occurred on or  
11 about May 13, 1976?

12 MR. GOUTMAN: Do you want him from his  
13 memory or looking at this document?

14 THE WITNESS: No, I don't remember the  
15 date unless I would recall it from here.

16 (Indicating).

17 BY MR. ZIEGLER:

18 Q. Do you recall whether this meeting occurred in  
19 the year 1976?

20 A. No.

21 Q. Is it true -- well, at the time of this  
22 meeting you were the manager of product acceptability  
23 for specialty chemicals?

24 A. Division.

1 Q. You were the manager for the specialty  
2 chemicals division.

3 A. Yes.

4 Q. And can you tell me what was meant by  
5 specialty in the context of that division?

6 A. I guess we were the smaller business units.  
7 We had water treatment chemicals, lubricants,  
8 hydraulics, and this type of thing, so it was the  
9 smaller business units that made up this division of  
10 the Monsanto Industrial Chemical Company.

11 Q. Could specialty refer to chemicals which were  
12 not commonly manufactured by other companies? Is  
13 that possible?

14 A. I don't think so. Whoever put together the  
15 division had something in mind which I was not privy  
16 to.

17 Q. Is it true that Mr. Fitzgerald had previously  
18 met with the EPA and assured the EPA that Monsanto  
19 had no desire to remain in the business any longer  
20 than necessary?

21 A. I don't remember.

22 Q. Do you know, this was part of a statement that  
23 you made to the EPA? (Indicating)

24 MR. GOUTMAN: "This" referring to the

1 exhibit?

2 MR. ZIEGLER: Yes.

3 THE WITNESS: I don't remember it. I  
4 would have to read the exhibit again. If it  
5 says so in here I did it. (Indicating)

6 BY MR. ZIEGLER:

7 Q. Let me give you a few moments to read the  
8 statement and see if that refreshes your recollection  
9 with respect to any of the statements that are in  
10 there.

11 A. It says in the second paragraph that Jack  
12 Fitzgerald, managing director of the operating unit,  
13 met with Mr. Train in January.

14 Q. All right. I'll give you a couple of minutes.  
15 If you could read it carefully and we will see if it  
16 refreshes your recollection as to anything in there.

17 MR. NICHOLS: What's the date of  
18 Exhibit 1?

19 MR. ZIEGLER: May 13.

20 THE WITNESS: May 13, 1996, 1976 *J*

21 MR. GOUTMAN: And the cover letter is  
22 May 19, 1996. 1976 *J*

23 THE WITNESS: All right.

24 BY MR. ZIEGLER:

1 Q. Have you read the entirety of Exhibit 1?

2 A. Yes.

3 Q. Who helped you prepare Exhibit 1? Do you  
4 remember?

5 A. I do not remember any individual names, no.

6 Q. Do you know what department from Monsanto did?

7 A. No, I would have to make an assumption.

8 Q. Is it your testimony that you can't remember  
9 anybody who helped supply information that went into  
10 the preparation of Exhibit 1?

11 A. No, I don't recall.

12 Q. Do you recall whether, as of May 13, 1976,  
13 that as soon as Monsanto was satisfied that the  
14 electrical power supply industry needs for usable,  
15 acceptable, alternate dielectric fluids had been met  
16 by whomever Monsanto would voluntarily shut down its  
17 PCB manufacturing unit? Do you recall that?

18 A. That was a statement in here. (Indicating).

19 Q. I'm asking you is that correct?

20 MR. GOUTMAN: If he recalls.

21 THE WITNESS: I don't recall any  
22 statements other than until I was shown this  
23 memo. (Indicating).

24 BY MR. ZIEGLER:

1 Q. Do you have any independent recollection that  
2 Monsanto in 1976 intended to shut down its PCB  
3 operations as soon as alternates could be derived for  
4 PCBs?

5 A. That was the intention, yes.

6 Q. And do you recall at least going to  
7 Washington, DC in 1976 and meeting with the EPA to  
8 reaffirm this position, that Monsanto intended to  
9 close down the production of PCBs?

10 A. Yes.

11 Q. Do you recall receiving information that  
12 Monsanto had conducted research on alternatives to  
13 PCBs?

14 A. Yes.

15 Q. And I am looking now at the same page, the  
16 first page of your statement. Do you recall that  
17 silicones were the leading PCB replacement  
18 candidates?

19 A. Yes.

20 Q. Do you know why that is or why that was at the  
21 time?

22 A. No.

23 Q. Do you know whom you may have received that  
24 information from at Monsanto?

1 A. No.

2 Q. Do you recall whether Monsanto had shelved  
3 developmental work on transformer fluid alternates  
4 because they do not appear to be able to compete on a  
5 cost performance basis with other alternatives?

6 A. Do I recall?

7 Q. Yes.

8 A. No.

9 Q. If you could go down, on the second page of  
10 your statement, to the fourth paragraph, where you  
11 state, "Since we announced our intentions to exit the  
12 business, demand for PCB-filled transformers has  
13 declined substantially."

14 Do you see that statement?

15 A. Yes.

16 Q. Do you know, in the context of that statement,  
17 do you know what the word "substantially" means?

18 A. No.

19 Q. Do you have any independent recollection that  
20 the demand for PCB transformers declined  
21 substantially after Monsanto announced its intentions  
22 to exit the business?

23 A. No.

24 Q. Do you recall what PCBs or what types of

1 Aroclors were being manufactured as of 1976 by  
2 Monsanto?

3 A. Not completely.

4 Q. Can you tell me what some of those were.

5 A. Aroclor 1254, 1016. That's all I remember.

6 Q. Do you know what the most common, who the most  
7 common customers were for Aroclor 1016 in 1976?

8 A. Capacitor manufacturers. General Electric and  
9 Westinghouse were the main ones that I recall.

10 MR. NICHOLS: I didn't hear the answer.

11 THE WITNESS: Capacitor manufacturers,  
12 General Electric, Westinghouse, were the main  
13 ones that I recall.

14 BY MR. ZIEGLER:

15 Q. Was there a different grade PCB for capacitors  
16 as opposed to transformers? Do you remember that?

17 MR. GOUTMAN: Objection to the use of  
18 the word "grade".

19 You can answer if you can.

20 THE WITNESS: I don't remember the  
21 differences between them now, but there was,  
22 based on the electrical use.

23 BY MR. ZIEGLER:

24 Q. But you don't remember what the difference

1 was?

2 A. No, not anymore.

3 Q. On the last page of your statement the first  
4 line says, "Monsanto is often asked, and indeed  
5 pressed, to establish a firm exit date."

6 Can you tell me who often asked  
7 Monsanto to establish a firm exit date?

8 A. No.

9 Q. Would that have been the EPA?

10 A. I'm sure it was, since they were involved in  
11 it, but I don't recall.

12 MR. GOUTMAN: If you don't recall, say  
13 you don't recall; don't speculate.

14 THE WITNESS: I don't recall.

15 BY MR. ZIEGLER:

16 Q. Do you recall that Monsanto was as anxious as  
17 anyone to settle on a firm timetable to complete its  
18 exit? Do you recall that?

19 A. Yes.

20 Q. Can you tell me why Monsanto was anxious to  
21 exit the PCB business?

22 A. What the reasons behind that were?

23 Q. Yes.

24 A. I was not involved in the decision on that.

1 Q. Further on down you state that Monsanto was  
2 most anxious to exit this business.

3 Can you tell me how you arrived at that  
4 information?

5 A. I don't remember.

6 Q. Did you, from time to time, did you prepare  
7 statements that you would make to governmental  
8 agencies? Do you recall that?

9 A. Yes.

10 Q. Do you recall if you might have made other  
11 statements other than this one to the EPA with  
12 respect to PCBs?

13 A. I don't recall any specific statements, but we  
14 met with EPA and frequently exchanged information.

15 Q. Was it people within your staff that helped  
16 you prepare the statements?

17 A. People within the company would help prepare  
18 the statements.

19 Q. Do you remember what divisions those people  
20 came from?

21 A. That would be legal, public relations, and  
22 medical department, toxicology or medical.

23 Q. When you made this statement to the EPA was it  
24 your understanding that the issues upon which you

1 spoke, that you were giving Monsanto's position on  
2 the issues about which you spoke to the EPA?

3 A. Yes.

4 MR. GOUTMAN: You are referring to this  
5 exhibit?

6 MR. ZIEGLER: Yes.

7 THE WITNESS: Yes, I represented  
8 Monsanto before Mr. Train on May 13, 1976.

9 MR. ZIEGLER: We will mark this document  
10 as Weber Exhibit 2. (Indicating).

11 (The above-referred to document was  
12 marked as Weber Exhibit 2 for identification)

13 BY MR. ZIEGLER:

14 Q. If you would please take a look at Weber  
15 Exhibit Number 2.

16 A. Yes.

17 Q. Could you identify Exhibit Number 2 for the  
18 record?

19 A. Identify it?

20 Q. Just tell me what it is.

21 A. It is a letter going to George Wirth of EPA,  
22 who is at the Special Chemicals Branch.

23 Q. And you wrote this letter on March 28, 1977?

24 A. That's the date of the letter, yes.

1 Q. And you wrote this letter; correct?

2 A. Yes.

3 Q. Can you tell me -- let me ask you this: It is  
4 true, isn't it, that the EPA was following Monsanto's  
5 phase out of PCB production; correct?

6 A. Yes.

7 Q. And do you know what the EPA's interest in the  
8 phase out of PCB production was?

9 A. Well, it was on their prime list of chemicals  
10 that they were watching at the time.

11 Q. In this letter you talk about the transport of  
12 PCBs. Was that something that EPA was also  
13 interested in?

14 A. Absolutely.

15 Q. Was it EPA's concern, the potential escape of  
16 PCBs out of their containers and into the  
17 environment?

18 A. I think so, yes.

19 MR. GOUTMAN: Just a second.

20 BY MR. ZIEGLER:

21 Q. You also wrote, in this exhibit you wrote to  
22 the EPA about transporting PCBs in drums.

23 A. Yes.

24 Q. Do you see that?

1 A. Yes.

2 Q. Was the EPA concerned about the drum's ability  
3 to contain PCBs?

4 A. I don't recall.

5 Q. Was the EPA concerned that the drums were not  
6 sufficient precaution to contain the PCBs?

7 A. I don't remember.

8 Q. You state in here, you talk in this letter  
9 about incineration of PCB materials. I take it,  
10 then, that at some point someone decided that  
11 incineration was a preferred method of disposing  
12 PCBs; is that correct?

13 MR. GOUTMAN: Objection to the form of  
14 the question.

15 THE WITNESS: I don't know who the  
16 somebody is.

17 BY MR. ZIEGLER:

18 Q. You state this in your letter; correct?

19 MR. GOUTMAN: State what? What are you  
20 referring to?

21 MR. ZIEGLER: Talking about returns of  
22 PCB material for incineration.

23 MR. GOUTMAN: This letter doesn't refer  
24 it to as being a preferred method.

1                   MR. ZIEGLER: That's what I'm asking  
2                   him.

3                   MR. GOUTMAN: Was it a preferred method?

4                   THE WITNESS: I don't remember. Because  
5                   in the first paragraph of the second page --

6           BY MR. ZIEGLER:

7           Q.       Yes.

8           A.       Our plan is based on the assumption that  
9           tankcars or drums will be suitable for transit and  
10          storage.

11          Q.       And then you go on to say, "If this assumption  
12          is incorrect, there are obvious adjustments needed in  
13          our planning."

14          A.       Yes.

15          Q.       So you were seeking the EPA's advice on the  
16          proper way of transporting PCBs; is that correct?

17                   MR. GOUTMAN: Objection to the form of  
18                   the question.

19                   THE WITNESS: I don't know, but if you  
20                   can't ship it in a container, then we were  
21                   asking for their guidance on what they  
22                   recommended. That's what it sounds like here,  
23                   but I don't recall.

24          BY MR. ZIEGLER:

1 Q. The very next paragraph talks about returns of  
2 PCB material for incineration. Do you recall that  
3 Monsanto was accepting PCBs for incineration?

4 A. Yes.

5 Q. Do you know when Monsanto first started  
6 accepting PCBs for incineration?

7 A. I don't remember the date.

8 Q. Do you recall, at the point of time when you  
9 started, when you had contact with PCBs at Monsanto,  
10 do you recall whether they were accepting PCBs for  
11 incineration at that time?

12 A. No, I don't remember.

13 Q. Do you recall whether Monsanto had any other  
14 manner of disposing of PCBs other than incineration?

15 A. No.

16 MR. ZIEGLER: This will be Weber  
17 Exhibit 3. (Indicating).

18 (The above-referred to document was  
19 marked as Weber Exhibit 3 for identification)

20 BY MR. ZIEGLER:

21 Q. Mr. Weber, if you could take a look at Weber  
22 Exhibit Number 3, which is a letter from you to  
23 George F. Wirth dated June 30, 1977.

24 A. All right.

1 Q. And in this letter you were enclosing a notice  
2 that you had sent to your customers telling them that  
3 you would stop accepting PCB waste returns as of  
4 August 31, 1977.

5 A. Yes.

6 Q. And if you can take a look at the second  
7 page --

8 A. Yes.

9 Q. -- is that where you are?

10 A. Yes.

11 Q. This is a copy of the letter that you sent to  
12 your customers; correct?

13 A. That's what it says.

14 Q. Do you recall that that's the letter that you  
15 were sending to your customers?

16 A. No.

17 Q. Do you recall advising customers of alternate  
18 incineration facilities?

19 A. Yes.

20 Q. Do you have independent recollection of that?

21 A. No, but I remember that when we phased out  
22 that there were other industrial sites that were  
23 available.

24 Q. Do you recall giving your customers

1 notification of any other manner of disposing of  
2 PCBs, such as a landfill?

3 A. No.

4 Q. Is it true that Monsanto's incinerator was  
5 built to dispose of Monsanto's PCB production unit's  
6 residue and to assist its customers to dispose of  
7 their waste?

8 MR. GOUTMAN: Objection to the form of  
9 the question.

10 THE WITNESS: That's what is stated in  
11 this letter of June 30, 1977, the second  
12 paragraph, first sentence.

13 BY MR. ZIEGLER:

14 Q. Do you recall that Monsanto's incinerator was  
15 designed to handle only straight PCBs or those  
16 contaminated with organic solvent?

17 A. No, just what I read in this letter.

18 Q. Which you wrote --

19 A. In 1977.

20 Q. That's your signature, isn't it?

21 A. Yes.

22 Q. Do you recall that as of June 30, 1977 that  
23 Monsanto had a substantial volume of PCB waste on  
24 hand which must be disposed of?

1       A.       The only facts I recall is what is stated in  
2       the letter because I read the letter.

3                   MR. ZIEGLER:   This document will be  
4       marked as Weber Exhibit 4.   (Indicating).

5                   (The above-referred to document was  
6       marked as Weber Exhibit 4 for identification)

7       BY MR. ZIEGLER:

8       Q.       Mr. Weber --

9       A.       All right.

10      Q.       And Exhibit Number 4 is a letter from you to  
11      Dr. George Wallis dated March 25, 1976; correct?

12      A.       Yes.

13      Q.       And in this letter you tell Dr. Wallis that  
14      PCBs have been discovered to have a widespread  
15      distribution in the environment; correct?

16      A.       Yes.

17      Q.       And you also tell Dr. Wallis that some  
18      environmental occurrences have been associated with  
19      adverse effects on certain forms of animal life.

20      A.       Yes.

21      Q.       Is it correct that beginning in 1971 the  
22      Monsanto Company was the sole U.S. producer of PCBs?

23      A.       As stated in the letter, yes.

24                   MR. GOUTMAN:   Objection to the form of

1 the question. That isn't what the letter  
2 says.

3 THE WITNESS: "Beginning in 1971, the  
4 Monsanto Company, the sole U.S. producer".

5 MR. GOUTMAN: I don't think that letter  
6 says that starting in 1971 Monsanto was the  
7 sole U.S. producer. It says, "Monsanto  
8 Company, the sole U.S. producer". It wasn't  
9 the sole U.S. producer starting in 1971.

10 MR. ZIEGLER: Right. I didn't actually  
11 mean to make that suggestion.

12 THE WITNESS: In 1971, that refers to  
13 the voluntary reduction.

14 MR. ZIEGLER: Right.

15 BY MR. ZIEGLER:

16 Q. What do you recall about Monsanto's reduction  
17 of its volume of PCB production?

18 A. Nothing.

19 Q. Do you recall whether it stopped making  
20 certain types of PCBs in 1971?

21 A. I don't remember.

22 Q. Can you tell me whether Monsanto restricted  
23 the uses of, the sales, of PCBs to certain customers  
24 in 1971?

1 A. I was not involved with PCBs in 1971.

2 Q. Do you know why it is, if you weren't involved  
3 with PCBs in 1971, how you would come to have this  
4 particular information regarding Monsanto's reduction  
5 of PCB sales in 1971?

6 A. I would assume that I received this from other  
7 sources within Monsanto.

8 Q. Do you recall sitting here today whether  
9 Monsanto was working, in 1976, on any alternatives to  
10 PCBs?

11 MR. GOUTMAN: Dielectric fluid?  
12 Electrical applications?

13 MR. ZIEGLER: For electrical  
14 applications.

15 THE WITNESS: Yes, we were involved in  
16 trying to find a capacitor fluid.

17 BY MR. ZIEGLER:

18 Q. Do you know if that attempt was successful?

19 MR. GOUTMAN: Objection. What do you  
20 mean by "successful"? Do you mean an exact  
21 duplicate? Objection. It is vague.

22 THE WITNESS: Was it commercial, do you  
23 mean?

24 BY MR. ZIEGLER:

1 Q. Yes.

2 A. No.

3 Q. Do you remember why?

4 A. No.

5 Q. Do you remember whether any competitors to  
6 Monsanto were attempting to develop an  
7 alternative to PCBs?

8 A. Yes.

9 Q. Do you remember who those were?

10 A. The only one that I recall is Dow.

11 Q. Do you remember if Exxon was developing an  
12 alternative fluid?

13 A. No.

14 Q. Do you remember, as of 1976, how long Monsanto  
15 had been working on an alternative fluid?

16 A. No.

17 MR. ZIEGLER: This will be Weber  
18 Exhibit 5. (Indicating).

19 (The above-referred to document was  
20 marked as Weber Exhibit 5 for  
21 identification)

22 BY MR. ZIEGLER:

23 Q. Please take a look at Weber Exhibit Number 5.

24 A. Okay.

1 All right.

2 Q. This was, Exhibit 5, is a letter that was  
3 written by you to the EPA on March 15, 1976;  
4 correct?

5 A. Yes.

6 Q. And the letter was written about Monsanto's  
7 concern over the validity of the  
8 perchlorination techniques used to measure  
9 PCBs; correct?

10 A. Yes.

11 Q. Do you recall what perchlorination techniques  
12 are?

13 A. No.

14 Q. Do you know whether, at the time you were  
15 writing this letter, you knew what those  
16 techniques were?

17 A. Yes.

18 Q. Did you?

19 A. Did I what?

20 Q. Did you know what they were?

21 A. At the time I wrote the letter?

22 Q. Yes.

23 A. I was familiar with them, yes.

24 Q. Today, as you sit here, you are not.

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1 A. No.

2 Q. Do you recall in this letter that you were  
3 expressing a concern to the EPA that  
4 perchlorination techniques might tend to  
5 confirm higher levels of PCBs than actually  
6 existed?

7 MR. GOUTMAN: The letter speaks for  
8 itself.

9 THE WITNESS: The only thing that I  
10 recall is what I just read in this letter.  
11 Other than that I have no recollection.

12 BY MR. ZIEGLER:

13 Q. Can you tell me -- we will move on to the next  
14 one.

15 This will be Weber Exhibit 6.

16 (Indicating).

17 (The above-referred to document was  
18 marked as Weber Exhibit 6 for identification)

19 BY MR. ZIEGLER:

20 Q. Please take a look at Weber Exhibit 6.

21 A. All right.

22 Q. Could you identify Exhibit Number 6 for me,  
23 please.

24 A. It states that this is a memo from Papageorge

1 to me attaching a report from Mobil Research in  
2 response to a phone call relating to their  
3 epidemiological study.

4 Q. Do you remember who W.B. Papageorge is?

5 A. Yes.

6 Q. Who is he?

7 A. He was my associate and manager of a division  
8 products acceptability group.

9 Q. When was the last time you talked with  
10 Mr. Papageorge, to your best recollection?

11 MR. GOUTMAN: About anything?

12 MR. ZIEGLER: Yes.

13 THE WITNESS: 1985.

14 BY MR. ZIEGLER:

15 Q. Do you have any independent recollection of --  
16 let me ask you this: What was your interest in this  
17 epidemiological study?

18 A. I don't recall.

19 Q. Do you have any independent recollection, as  
20 we sit here today, that Mobil was conducting an  
21 epidemiological study?

22 A. No, I do not.

23 Q. Does this document come to you as a complete  
24 surprise?

1 A. Strange.

2 Q. You have no way of confirming or denying that  
3 you received it as it indicates on this document?

4 A. No, other than the Xerox copy you presented.

5 MR. ZIEGLER: This will be Weber  
6 Exhibit 7. (Indicating)

7 (The above-referred to document was  
8 marked as Weber Exhibit 7 for identification)

9 BY MR. ZIEGLER:

10 Q. That's Weber Exhibit Number 7. Do you ever  
11 recall receiving that document?

12 MR. GOUTMAN: Take a second to review  
13 the document, Mr. Weber.

14 THE WITNESS: No.

15 BY MR. ZIEGLER:

16 Q. You have no independent recollection of  
17 anything that is written in that document?

18 A. I do not.

19 Q. As far as you know, you have no way to confirm  
20 or denying anything that is in that document?

21 A. No.

22 MR. ZIEGLER: This will be Weber  
23 Exhibit 8. (Indicating).

24 (The above-referred to document was

1 marked as Weber Exhibit 8 for identification)

2 BY MR. ZIEGLER:

3 Q. Mr. Weber.

4 A. All right.

5 Q. Exhibit number 8 is a document or a memorandum  
6 from Peter Berteau, B E R T E A U, to J.C. Weber  
7 dated April 17, 1978.

8 Do you recall why you were interested  
9 in the effect of PCBs on the reproductive performance  
10 of rhesus monkeys?

11 MR. GOUTMAN: Objection. No foundation  
12 as to what this witness's interests were or  
13 were not.

14 You can answer it if you can.

15 THE WITNESS: I don't remember on this  
16 exactly what we did in this study.

17 BY MR. ZIEGLER:

18 Q. Before you saw that document did you have any  
19 recollection that Monsanto was studying the effect of  
20 PCBs on reproductive efforts?

21 A. In --

22 Q. In rhesus monkeys.

23 A. No.

24 Q. And you don't know why Mr. Berteau sent you

1       this memorandum?

2       A.       Yes, because I was responsible for authorizing  
3       the money to be spent on toxicology studies.

4       Q.       When you started working with PCBs in 1975  
5       was that also your responsibility, to authorize  
6       expenditures for toxicological studies?

7       A.       For the division, to get approval from my  
8       general manager, yes.

9       Q.       Do you remember what toxicology studies were  
10      going on at the time --

11                   MR. GOUTMAN:   Regarding PCBs?

12                   MR. ZIEGLER:   Regarding PCBs, yes, in  
13                   1975.

14                   THE WITNESS:   No.

15      BY MR. ZIEGLER:

16      Q.       Do you know how many studies regarding PCBs  
17      you authorized expenditures for?

18      A.       No.

19      Q.       Basically your memory is pretty fuzzy as to  
20      toxicological studies; is that correct?

21                   MR. GOUTMAN:   Objection to the form of  
22                   the question.

23                   THE WITNESS:   PCBs, when I was involved  
24                   with them, was just part of the job that I had,

1           so that my memory -- we had so much going on  
2           that I don't recall specific details.

3       BY MR. ZIEGLER:

4       Q.       Do you recall when you first learned of  
5       possible PCB contamination to the environment?

6       A.       When I first?

7       Q.       Yes.

8       A.       No, I don't remember any exact date.

9       Q.       Do you remember if it was before or after you  
10      started working with PCBs in the company?

11     A.       No.

12     Q.       Do you know when Monsanto first notified any  
13     of its customers regarding PCBs and their persistence  
14     in the environment?

15     A.       No, I don't remember.

16     Q.       Were you involved in any tests of Aroclors for  
17     biodegradability?

18     A.       If we ran tests in that time frame I would  
19     have been, yes. I don't recall what we ran.

20     Q.       You have no specific recollection?

21     A.       No.

22     Q.       Do you recall the designation MCS 1016 sitting  
23     here today?

24     A.       Yes.

- 1 Q. What was MCS 1016?
- 2 A. It was an Aroclor for capacitors.
- 3 Q. It was an Aroclor.
- 4 A. Yes.
- 5 Q. Do you recall how long Monsanto -- did
- 6 Monsanto market MCS 1016?
- 7 A. Yes.
- 8 Q. Do you know for how long they did?
- 9 A. No.
- 10 Q. Do you know when they ceased production of MCS
- 11 1016?
- 12 A. When we phased out.
- 13 Q. Do you recall that MCS 1016 was at least ten
- 14 times better than Aroclor 1242 and 75 times better
- 15 than Aroclor 1254 from an environmental viewpoint?
- 16 A. No.
- 17 Q. Do you ever recall hearing any allegations
- 18 like that within the company?
- 19 A. Allegations?
- 20 Q. Statements by people within the company that,
- 21 from an environmental viewpoint, MCS 1016 was better
- 22 than Aroclor 1242 and Aroclor 1254?
- 23 A. No, I don't recall.
- 24 Q. Do you recall ever saying that MCS 1016 was

1 environmentally compatible?

2 MR. GOUTMAN: Who saying?

3 MR. ZIEGLER: Anyone within the  
4 company.

5 THE WITNESS: I don't recall saying  
6 that.

7 BY MR. ZIEGLER:

8 Q. Do you ever recall anybody else saying that  
9 within the company?

10 A. No, not anymore.

11 Q. Do you recall ever hearing the name mutilated  
12 monochlorodiphenyl oxide? Does it ring a bell to  
13 you?

14 A. No.

15 Q. Do you recall whether it was ever considered  
16 as a substitute for PCBs?

17 A. No.

18 Q. Do you recall ever hearing about any PCB  
19 alternatives that were being manufactured in the Far  
20 East?

21 A. No, I couldn't identify those.

22 MR. ZIEGLER: I don't have anymore  
23 questions. I thank you for your time.

24 THE WITNESS: You are most welcome.

1

- - -

2 BY MR. NICHOLS:

3 Q. Mr. Weber, you have you been deposed prior to  
4 today?

5 A. Yes.

6 Q. How many times?

7 A. I don't recall.

8 Q. Do you know the names of the cases that you  
9 were deposed in?

10 A. No.

11 Q. When was the last time you were deposed?

12 A. Several years ago. I don't recall exactly the  
13 year.

14 Q. Have you ever heard of a company called  
15 ChemRex?

16 A. I'm sorry.

17 Q. Have you ever heard of a company called  
18 ChemRex?

19 A. No.

20 Q. Have you ever heard of a company called  
21 Sonneborn?

22 A. No.

23 Q. Have you ever dealt with those companies that  
24 you can recall?

1 A. Not to my knowledge.

2 Q. Do you know anything about the claims that are  
3 being made against ChemRex in this lawsuit?

4 A. No.

5 MR. GOUTMAN: Objection.

6 Go ahead.

7 THE WITNESS: No.

8 BY MR. NICHOLS:

9 Q. In your employment for Monsanto, were you  
10 involved with research regarding migration of PCBs?

11 A. Was I involved in the research?

12 Q. Yes.

13 A. No, I was not in research.

14 Q. Do you know if any research was done by  
15 Monsanto regarding migration of PCBs?

16 A. I have to look it up. I don't recall.

17 Q. Well, who would have been the person in charge  
18 at Monsanto?

19 A. In our research?

20 Q. Yes.

21 MR. GOUTMAN: When?

22 THE WITNESS: Which research group?

23 BY MR. NICHOLS:

24 Q. Let's start in 1970.

1 A. I wasn't involved in 1970 in PCBs.

2 Q. Well --

3 A. At the time I was involved the Director of  
4 Research for the special chemical group was Bill  
5 Hammond.

6 Q. Was who?

7 A. Bill Hammond.

8 Q. And how long was he the head of the special  
9 chemical group?

10 A. As long as the division existed.

11 Q. How long was that?

12 A. I don't recall.

13 Q. And do you have an estimate as to how long it  
14 existed?

15 A. Whenever Monsanto reorganized again.

16 Q. Would Mr. Hammond know whether any research  
17 was conducted at Monsanto regarding the migration of  
18 PCBs?

19 MR. GOUTMAN: Objection.

20 THE WITNESS: Would Dr. Hammond know?

21 BY MR. NICHOLS:

22 Q. Yes.

23 A. I have no idea what it recalls.

24 MR. NICHOLS: That's all I have.

1 MR. MANNINO: I have just a couple.

2 - - -

3 BY MR. MANNINO:

4 Q. Mr. Weber, my name is Tony Mannino. I  
5 represent Philips Electronics and Advance Transformer  
6 in this case.

7 There's some reference in the documents  
8 to a fluid called MCS 1238. Are you familiar with  
9 that at all?

10 A. I recall the number, but not specifics.

11 Q. Do you have any idea of what the purpose of  
12 that fluid was?

13 A. No.

14 Q. Do you know if acceptable alternatives to  
15 Aroclors were ever developed for capacitor use?

16 A. Yes.

17 Q. Do you know what the names of any of those  
18 were?

19 A. I do not recall the trade names for them.

20 Q. Do you recall what time you first became aware  
21 of any acceptable alternative being developed and  
22 marketed?

23 A. No, other than what's written down.

24 MR. MANNINO: That's all I have.

1 - - -

2 BY MR. ZIEGLER:

3 Q. I have would be more.

4 MR. GOUTMAN: Does Mr. Dugan have any  
5 questions?

6 MR. DUGAN: I have no questions.

7 MR. ZIEGLER: I just have a quick  
8 question.

9 BY MR. ZIEGLER:

10 Q. This probably is an inappropriate time to ask  
11 this question, but I generally ask it, are you  
12 receiving some sort of pension from Monsanto  
13 currently?

14 A. Yes. Absolutely.

15 Q. That's part of your retirement.

16 A. Yes. Indeed.

17 Q. Do you have any other sources of income other  
18 than your pension from Monsanto?

19 A. Yes.

20 MR. ZIEGLER: I have nothing further.

21 MR. GOUTMAN: No questions.

22 (Witness excused.)

23 (Deposition concluded at 11:25 a.m.)

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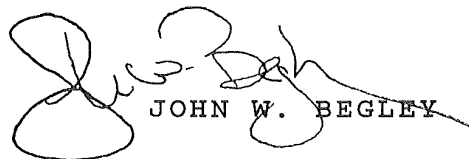
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C E R T I F I C A T E

- - -

I, JOHN W. BEGLEY, a Registered Professional Reporter and Notary of the State of Pennsylvania, do hereby certify that I reported the deposition of J. Coleman Weber in the foregoing matter; that the foregoing is a true and correct transcript of the stenographic notes of testimony taken by me.

I FURTHER CERTIFY that I am not an attorney or counsel of any of the parties; nor a relative or employee to any attorney or counsel connected with the action, nor am I in any way interested in the result of said case.

  
JOHN W. BEGLEY

DATE:

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5 reason in the appropriate column on the errata  
6 sheet for any change made.

7 After making any change in form or  
8 substance which has been noted on the following  
9 errata sheet along with the reason for any  
10 change, sign your name on the errata sheet and  
11 date it.

12 Then sign your deposition at the end of  
13 your testimony in the space provided. You are  
14 signing it subject to the changes you have made in  
15 the errata sheet, which will be attached to the  
16 deposition before filing. You must sign it in  
17 front of a witness. Have the witness sign in the  
18 space provided. The witness need not be a notary  
19 public. Any competent adult may witness your  
20 signature.

21 Return the original errata sheet & transcript  
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23 promptly! Court rules require filing within 30 days  
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| 1  | ERRATA SHEET |        |            |                 |
| 2  | PAGE         | LINE # | CHANGE     | REASON THEREFOR |
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OF

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I hereby acknowledge that I have read the foregoing deposition and that the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the attached errata sheet.

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