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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

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TRANSWESTERN PIPELINE)
COMPANY, a Delaware)
corporation,)
)
Plaintiff,)
)
vs.)
)
THE MONSANTO COMPANY and)
DOES 1 - 200, inclusive,)
)
Defendants.)
-----)

No. BC 026959

DEPOSITION OF
JAMES E. SPRINGGATE

August 14, 1992

Volume 1

(Pages 1 - 178)

CERTIFIED COPY

REPORTED BY: ROSE KIEHN, CSR No. 3268 (40554)

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TRANSWESTERN PIPELINE)
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corporation,)
Plaintiff,)
vs.)
THE MONSANTO COMPANY and)
DOES 1 - 200, inclusive,)
Defendants.)
-----)

--oOo--

BE IT REMEMBERED that, pursuant to
stipulation, and on Friday, August 14, 1992,
commencing at 10:00 a.m., thereof, at 505
Montgomery Street, San Francisco, California,
before me, ROSE KIEHN, a Certified Shorthand
Reporter, personally appeared

JAMES E. SPRINGGATE

called as a witness by the Plaintiff, who having
been first duly sworn, was examined and testified
as follows:

--oOo--

SHEARMAN & STERLING, 725 South Figueroa
Street, Twenty-first Floor, Los Angeles, California

1 90017-5421, represented by JANET M. GRADY, Attorney
2 at Law, appeared as counsel on behalf of the
3 Plaintiff.

4 BRONSON, BRONSON & MCKINNON, 505
5 Montgomery Street, San Francisco, California
6 94111-2514, represented by CHARLES F. PREUSS,
7 Attorney at Law, appeared as counsel on behalf of
8 the Defendants.

9 --oOo--

10 EXAMINATION BY MS. GRADY

11 MS. GRADY: Q. Good morning,
12 Mr. Springgate. My name is Janet Grady and I
13 represent Transwestern Pipeline Company in this
14 litigation.

15 Mr. Springgate, have you ever had your
16 deposition taken before?

17 A. Yes, I have.

18 Q. And could you give me the summary of the
19 litigation in which your deposition was taken?

20 A. The subject was Agent Orange 245T
21 herbicide, and the defendant was Monsanto Company,
22 and the plaintiff was a group.

23 Q. Class action?

24 A. I am not sure. It was a large group that
25 was put together for a case that occurred -- the

1 case went to court in New York.

2 Q. Approximately when was your deposition
3 taken?

4 A. Eight years ago, more or less.

5 Q. Other than in the litigation involving
6 Agent Orange, have you ever had your deposition
7 taken?

8 A. I don't -- not that I recall.

9 Q. Have you ever provided a statement under
10 oath in connection with your employment with
11 Monsanto?

12 A. Not that I recall.

13 Q. Have you ever acted as an advisor or a
14 consultant on litigation involving Monsanto?

15 A. Yes, I am sure I have.

16 Q. And on what litigation was that?

17 A. Advisor or consultant? Probably the -- I
18 would think the 245T Agent Orange subject. As a
19 consultant, it covers a lot of territory because
20 for a long time I have been in a position of being
21 a consultant as an employee of Monsanto. I have --
22 I have even consulted for Monsanto for one year
23 after I retired. And I was an advisor on some
24 Monsanto personnel cases during that period of
25 time.

1 Q. Have you ever acted as a consultant to
2 Monsanto on PCB litigation?

3 A. I don't believe I have.

4 Q. Have you ever acted as an expert witness?

5 A. I was involved in a case for a company
6 other than Monsanto after I retired where I was to
7 be the expert witness in a -- and I consulted with
8 their law firm. The case was actually settled and
9 didn't go to court.

10 Q. Did that litigation involve PCBs?

11 A. No, it didn't.

12 Q. Have you ever testified in court before?

13 A. No.

14 Q. What was the nature of the expertise that
15 you offered in your engagement as a potential
16 expert witness?

17 A. The subject of -- was a contract on the
18 product called polysilicon, which Monsanto was a
19 purchaser and user of the material for the business
20 that I was in prior to my retirement. The company
21 I consulted with was Union Carbide Corporation.

22 Q. And was the -- was the subject matter of
23 your potential testimony the contract aspect or
24 something else?

25 A. It was -- it was, I think, somewhat

1 different than that. It was industry use and
2 practice in regard to the polysilicon subject.

3 Q. Let me go over the ground rules that we
4 use in depositions even though you have had your
5 deposition taken and I am sure you have consulted
6 with your counsel. You understand that you are
7 under oath today and your testimony is just as if
8 you were testifying in a court of law?

9 A. I understand.

10 Q. You will have a chance to review the
11 record after the deposition concludes. The
12 reporter will send you a copy of the transcript and
13 you will have a chance to correct any errors or
14 inaccuracies that exist in the transcript, but it's
15 important that we try to get as complete and
16 accurate a record today as is possible.

17 Do you understand that?

18 A. I understand.

19 Q. So that we can get an accurate record,
20 it's important that I wait until you finish your
21 answer and if you could, wait until I finish my
22 question before you respond to make it easier for
23 the reporter. Can you do that?

24 A. All right.

25 Q. It is also important that you understand

1 the questions that I ask you today. So if you
2 believe that you do not understand a question, can
3 you please bring that to my attention?

4 A. I will.

5 Q. Thank you. Are you under any medication
6 today that would prevent you from giving accurate
7 and truthful testimony?

8 A. No, I am not.

9 Q. Is there any other reason you feel you
10 cannot give accurate and truthful testimony today?

11 A. No, there isn't.

12 Q. I will try to take a break about every
13 hour, hour-and-a-half; but if at any time you would
14 like to take a break either to consult with your
15 lawyer or for any other reason, please let me know.

16 A. All right.

17 Q. I will be asking you questions today
18 about events and documents, some of which were
19 drafted and took place many years ago. I am
20 entitled to your best recollection as you sit here
21 today. That means that if you have some
22 recollection responsive to the question I pose to
23 you, that I am entitled to that recollection.

24 Do you understand that?

25 A. I understand.

1 Q. Are you represented here today,
2 Mr. Springgate?

3 A. Yes, I am.

4 Q. And Mr. Preuss is your lawyer?

5 A. Correct.

6 Q. Could you please summarize for me your
7 education after high school?

8 A. I have a B.S. degree in chemical
9 engineering from the University of Missouri, and I
10 have an M.S. degree in chemical engineering from
11 Washington University in St. Louis, Missouri, and I
12 have advanced management training from Stanford
13 University's executive management course.

14 Q. In what year did you receive your B.S.
15 degree?

16 A. In 1950.

17 Q. And what about your M.S. degree?

18 A. 1955.

19 Q. When did you take the advanced management
20 training?

21 A. 1974.

22 Q. What was your first job after you
23 graduated from college?

24 A. I went to work for Monsanto Company.
25 That was my first employment after college.

1 Q. What year was that?

2 A. That was in September of 1950.

3 Q. You mentioned that you are retired from
4 Monsanto; is that correct?

5 A. Correct.

6 Q. What year did you retire?

7 A. I retired 1989, March 31st, 1989.

8 Q. Everyone remembers the exact date of
9 their retirement. I don't know why that is.

10 MR. PREUSS: When you retire, you
11 probably will.

12 MS. GRADY: I am already planning it.

13 Q. And you mentioned that you acted as a
14 consultant for Monsanto for one year after you
15 retired?

16 A. That is correct.

17 Q. Do you have any current employment or
18 consulting arrangements with Monsanto?

19 A. I do not.

20 Q. Are you currently employed?

21 A. My only business activity today is that I
22 am a member of the Board of Directors of a small
23 company in Silicon Valley that produces equipment
24 for the electronics industry and for that I receive
25 stock options. So it's not obviously a yes or a

1 no. Other than that, I am not currently employed
2 by anyone.

3 Q. And what is the name of the company?

4 A. Asyst Technology, A-s-y-s-t.

5 Q. In the year that you consulted or had a
6 consulting arrangement for Monsanto after you
7 retired, did Monsanto call upon you to offer
8 consulting expertise?

9 A. Yes, they did.

10 Q. What was the nature of the consulting?

11 A. The nature of that was the silicon
12 business that I -- from which I had just retired.

13 Q. Okay. What I would like to do is just
14 briefly go over your job history at Monsanto. It
15 obviously spans quite a number of years. So can
16 we -- can we start with your first job in -- that
17 you had with Monsanto and work forward to the
18 present? What was your first position with
19 Monsanto?

20 A. The first job was in an engineering group
21 in the Queeny plant of Monsanto in St. Louis.

22 Q. And what was the nature of your job
23 responsibilities?

24 A. It was designing and installing
25 modifications to manufacturing equipment in that

1 manufacturing plant.

2 Q. So did this call upon your education as a
3 chemical engineer?

4 A. Yes, it did.

5 Q. Were these chemical manufacturing
6 processes?

7 A. Yes, a chemical manufacturing plant and
8 chemical manufacturing processes.

9 Q. And how long did you have that job?

10 A. Approximately two years, after which I
11 moved to manufacturing supervision at the same
12 location. This is chemical manufacturing
13 supervision.

14 Q. So that was in approximately 1952?

15 A. Yes.

16 Q. What products were being produced that
17 you were supervising the manufacturing?

18 A. Benzoic acid.

19 Q. And could you spell that for the
20 reporter, please?

21 A. B-e-n-z-o-i-c, I think. Yes,
22 B-e-n-z-o-i-c, benzoic acid.

23 Q. What were the commercial uses? What were
24 they in 1952?

25 A. It was generally a food preservative. If

1 you look at the fine print on a bottle of fruit
2 juice, it will say one/tenth of one percent sodium
3 benzoic added as a food preservative.

4 Q. How many people reported to you in that
5 position?

6 A. Probably 30.

7 Q. What were the nature of their
8 responsibilities? Did you have chemists? Were
9 these line workers that reported to you?

10 A. Right. I was really responsible -- the
11 person reporting directly to me would have been
12 called a foreman. People who reported to him in
13 return were the hourly paid workers who operated
14 the manufacturing equipment around the clock, 24
15 hours a day, seven days a week.

16 Q. What was the next position that you held?

17 A. The next position was a -- called
18 maintenance supervisor and maintenance supervisor
19 was maintaining the chemical equipment, repairing
20 chemical equipment and installing new chemical
21 manufacturing equipment.

22 Q. And how long did you hold that position?

23 A. About three years.

24 Q. How long were you a manufacturing
25 supervisor?

1 A. Well, let's see. Let me calculate here
2 for a second.

3 Q. Yeah.

4 A. It's hard to get the time. Say
5 approximately three years.

6 Q. So you were a manufacturing supervisor
7 until about 1955?

8 A. Correct.

9 Q. And then you became a maintenance
10 supervisor. And how long did you hold that
11 position?

12 A. Approximately four years.

13 Q. So until about 1959?

14 A. About 1959.

15 Q. Did you go to school to get your M.S.
16 degree while you were working?

17 A. Yes, I did.

18 Q. Then what was the next position you held
19 after maintenance supervisor?

20 A. The position was maintenance
21 superintendent.

22 Q. How did that position differ from the one
23 that preceded it?

24 A. This was the next level of supervision.
25 So I had eight to ten maintenance supervisors

1 reporting to me.

2 Q. Were these all within the Queeny plant?

3 A. Correct.

4 Q. About how many people were employed at
5 the Queeny plant during the time that you were
6 maintenance superintendent?

7 A. Total personnel was approximately 1,200
8 people.

9 Q. Were Aroclors manufactured at the Queeny
10 plant during the time you were maintenance
11 supervisor or superintendent?

12 A. I don't -- I don't recall. I don't think
13 so. The answer is really I don't recall.

14 Q. Okay. I take it you don't -- let me
15 just ask the question. Do you recall ever
16 installing any equipment to be used to produce
17 Aroclors in the Queeny plant?

18 A. I don't recall that.

19 Q. How did you first come to hear about
20 PCBs?

21 A. At a later time in my life I was
22 responsible for the plasticizer group of Monsanto
23 products which included some Aroclor products.

24 Q. Okay. Maybe we will move forward to
25 that.

1 A. We will get to that.

2 Q. So from 1959 on until some period you
3 were a maintenance superintendent in the Queeny
4 plant, correct?

5 A. For three years.

6 Q. And then what was your next position
7 after that?

8 A. I was a manufacturing superintendent and
9 transferred to the Nitro, West Virginia plant.

10 Q. What were your duties as manufacturing
11 superintendent?

12 A. Supervised a group of manufacturing
13 supervisors who in turn managed operating units
14 producing chemical products at the Nitro plant.

15 Q. What did the Nitro plant produce in 1962
16 or thereabouts?

17 A. Rubber chemical products, agricultural
18 chemical products, meaning herbicides and animal
19 food supplements.

20 Q. And how long were you a manufacturing
21 superintendent in Nitro or at Nitro?

22 A. Two years, two years until 1964. 1964 I
23 became a plant manager of the Nitro plant.

24 Q. And how long were you plant manager?

25 A. 1964 until 1968.

1 Q. And what was your next position after
2 that?

3 A. I transferred back to St. Louis to
4 Monsanto's headquarters, and I was a project
5 director for the engineering and construction of a
6 manufacturing plant that was to be installed in
7 Texas City, Texas.

8 Q. What was to be produced at the plant?

9 A. A product called Santicizer 711.

10 Q. What is Santicizer 711?

11 A. Santicizer is a plasticizer used
12 primarily in vinyl plastics to soften the plastic
13 material, the vinyl. And a typical use would have
14 been -- for an end use would have been the seat
15 covers in automobiles, the ones that are -- look
16 like leather, but are ~~not leather or~~ softened
17 vinyl. And Sanitizer 711 was the leading product
18 for that use.

19 Q. And how long were you director for
20 engineering and construction of this plant down in
21 Texas City?

22 A. Now, that was when it was called a
23 project director.

24 Q. I am sorry. I have got that right here,
25 project director.

1 A. For some portion of one year, I think it
2 was less than a full year.

3 Q. What was your next position after that?

4 A. My next position was business director,
5 plasticizers.

6 Q. What were your job responsibilities as
7 business director?

8 A. The job responsibilities included the
9 manufacturer of plasticizers, the research and
10 development efforts on the plasticizers, marketing
11 of the plasticizers, being responsible for the
12 profitability of that group.

13 Q. When did you become the business director
14 for plasticizers?

15 A. Sometime in the 1969 to early '70 period.
16 And I don't have a clear recollection of the date.

17 Q. And was that a position in St. Louis?

18 A. Correct.

19 Q. Was there anyone above you that was
20 responsible for the plasticizer business alone in
21 Monsanto?

22 A. Not alone. The organization was such
23 that I was the plasticizer director. I had a boss
24 who was responsible for plasticizers plus general
25 chemicals plus something else. And then there

1 would have been another higher level of echelon who
2 was -- so I was the head of the plasticizer
3 business unit, if you will.

4 Q. Have we missed the time when you first
5 became aware of PCBs, or is that right about now?

6 A. That should have been while I was the
7 plasticizer director. It should have been about
8 that point in time.

9 Q. And do you recall how you became aware of
10 the existence of PCBs?

11 A. Well, PCBs or Aroclors in Monsanto
12 terminology was one of the products of the product
13 group that I was responsible for. So in our list
14 of products that we manufactured and sold, Aroclors
15 were one of those products. That's how I first
16 heard of PCBs.

17 Q. Which Aroclors did the plasticizer group
18 manufacture and sell?

19 A. I could not tell you the -- the numbers
20 of the products. I could only broadly say that
21 those that were called Santicizer number so and so
22 were plasticizers. The other use for PCBs was what
23 we called functional fluids. And they had
24 different numbers and terminology in functional
25 fluids. So I can't really recall the Santicizer

1 numbers that went with the Aroclors.

2 Q. The plasticizer group was responsible for
3 the manufacturing, research and development,
4 marketing of all of the Santicizers; is that
5 correct?

6 A. That is correct, but I need to clarify.

7 Q. Sure.

8 A. We had two different business units
9 selling PCBs to end markets. One of them was the
10 plasticizer use and the other one was the
11 functional fluids use. And my recollection is that
12 all of those products were made at the same
13 location, manufactured by the same people. And I
14 say I was responsible for manufacturing, meaning I
15 had a manufacturing director who would visit that
16 plant and see that the Santicizer products were
17 being made in the quantity that we needed, the
18 quality that we needed. At the same time someone
19 from the functional fluids group was visiting that
20 plant to see that those needed for the functional
21 fluids were being made in the proper quantity and
22 quality.

23 There's another agency called the plant
24 manager who would see they were being made
25 properly, the people weren't being injured and so

1 forth. So when I say -- when you say who is
2 responsible for the manufacture of Aroclors, there
3 were really three different parties. Each had a
4 portion of it.

5 Q. What plant were the Aroclors manufactured
6 at in?

7 A. Well, I recall the Anniston, Alabama
8 plant. And I don't -- to the best of my knowledge,
9 there weren't any others in the United States. To
10 the best of my recollection, there were no others
11 in the United States. That was the only one, as
12 far as I recall.

13 Q. What about -- is it pronounced Krummrich?

14 A. Krummrich.

15 Q. Were any -- where is that plant located?

16 A. In East St. Louis, Illinois.

17 Q. Do you recall any manufacturing of
18 Santicizers at the Krummrich plant?

19 A. I don't recall. I really don't.

20 Q. Monsanto also had a plant in Newport,
21 which I believe is in Wales; is that correct?

22 A. Correct.

23 Q. Were any of the Santicizers during your
24 period as business director manufactured in Wales?

25 A. I simply don't recall.

1 Q. So your best recollection is it was
2 Anniston?

3 A. That's the one I do recall, yes.

4 Q. Do you recall that there was more than
5 one plant providing Santicizers for your group?

6 A. My recollection would be it was only the
7 Anniston plant, but that's my recollection.

8 Q. How long did you hold the post of
9 business director of plasticizers?

10 A. Sometime about 1973 and I became general
11 manager of plasticizers and process chemicals. And
12 in about 1974 I became general manager of
13 phosphates and detergents. And in 1975 I
14 transferred to California as general manager of the
15 silicon business. And there were -- so I have
16 described four different jobs over about a
17 five-year period. And I am really confused as to
18 what those dates were.

19 Q. Okay. We have some organization charts
20 that might help.

21 A. Uh-huh.

22 Q. General manager for plasticizers, how
23 does that differ from business director for
24 plasticizers?

25 A. I would say it doesn't, not greatly. It

1 means I didn't have that next level of boss and
2 instead I reported to someone at a higher level,
3 but the responsibilities were essentially the same.

4 Q. What were your job responsibilities as
5 general manager of phosphates and general
6 detergents?

7 A. Responsible for the research and
8 development efforts for the manufacturing of those
9 products, for the sales of those products, and for
10 the profitability of those products.

11 Q. Let me go back to 1973 for just a second
12 because I think I did not get your full title. You
13 were general manager, plasticizers and specialty
14 chemicals?

15 A. Process chemicals.

16 Q. Process chemicals. What are process
17 chemicals?

18 A. Process chemicals were heavy acids like
19 hydrochloride acid and sulfuric acid and broadly
20 used general chemicals like phthalic ^{ANHYDRIDE} ~~maleic~~ and
21 ~~hydride~~. ^{MALEIC ANHYDRIDE}

22 Q. In 1974 was Monsanto still in the
23 plasticizer business?

24 A. 1974?

25 Q. Uh-huh.

1 A. Yes.

2 Q. So after you left the position as general
3 manager of plasticizers, there were still sales of
4 plasticizers being made by Monsanto?

5 A. Yes.

6 Q. During the time that you were business
7 director for plasticizers, were the Aroclors
8 removed from those products?

9 A. I think.

10 MR. PREUSS: Let me just object on
11 vagueness. You mean in 1973 were they removed or
12 by 1973 or during the year 1973? I think your
13 question is a little vague or at least I would like
14 to get it clarified.

15 MS. GRADY: Okay. Let me restate it.

16 Q. During the time you were business
17 director between -- or for plasticizers between
18 1969 and 1973, were the Aroclors removed from the
19 plasticizer products for which you were
20 responsible?

21 A. Monsanto decided to discontinue the
22 manufacture and sale during that period, at some
23 date in that period.

24 Q. And they -- Monsanto decided to
25 discontinue the manufacture and sale of Aroclors

1 used in plasticizers; is that correct?

2 A. Well, my recollection is that we were
3 finding PCBs in the environment. And the first
4 thing we did was to try to find out where the PCBs
5 in the environment were coming from. And then the
6 next wave of effort was to discontinue
7 manufacturing and sales in those areas that we
8 thought were contributing broadly in the
9 environment. And originally we continued to sell
10 and those sales were where the Aroclor was
11 contained. And then that occurred while I was
12 there. I started to comment on what happened after
13 I left, but I am not real sure what happened after
14 I left. But I know that happened while I was
15 there.

16 Q. Did the discontinuation of the
17 manufacture and sale of Aroclors in products where
18 the Aroclor was contained occur while you were
19 business director of plasticizers?

20 MR. PREUSS: You are talking about
21 plasticizer products?

22 MS. GRADY: Yes.

23 THE WITNESS: I think in the plasticizer
24 products -- we discontinued the sale of either all
25 Aroclors or essentially all Aroclors because

1 generally in the plasticizer products the material
2 generally is not contained, meaning it had
3 reasonably wide distribution in the end market. So
4 my recollection is the plasticizer products were
5 the first ones that we discontinued manufacturing
6 and marketing.

7 MS. GRADY: Q. What do you mean by
8 "reasonably wide distribution in the end market"?

9 A. To give some examples first on those that
10 are contained, if an Aroclor is used as a
11 functional fluid in an airline airplane hydraulic
12 system or in a compressor system where it is
13 contained, it's contained. It's not being spread
14 around the countryside.

15 The opposite extreme would be -- we did
16 some business with the paper companies and it was
17 used in carbonless carbon paper. And it's used in
18 carbonless carbon paper. That paper is widely
19 distributed in offices, in filling stations, anyone
20 who uses carbonless carbon paper.

21 It was then sent to trash dumps where the
22 PCB could have been leached out and gone into the
23 ground or the paper was even recycled into
24 corrugated paper board and the PCBs went into
25 rivers. So the extremes would be carbonless carbon

1 paper would widely disperse the PCBs. And a closed
2 system like an airline airplane hydraulic system or
3 a compressor fluid system was closely controlled
4 and contained. It didn't spread the PCBs in its
5 normal usage in the functional fluid area.

6 Q. Were there any uses for which
7 plasticizers were sold during your tenure as
8 business director of that group that you considered
9 the end use to be contained?

10 A. I recommend making an argument that a
11 plasticizer or a window sealant was reasonably well
12 contained to any Monsanto management. That idea
13 was not selling very well. They didn't consider
14 that being contained. So I don't recall having a
15 good place -- having a good contained use of
16 plasticizers and therefore they were the first ones
17 that we were looking at to eliminate.

18 Q. When you were the plant manager at the
19 Nitro plant in West Virginia, did you have ultimate
20 responsibility for the labeling of the products
21 that left the plant?

22 A. I would say no, not really. The
23 manufacturing plant's responsibility was to see
24 that the labels were attached as -- but the label
25 was really specified by a combination of marketing

1 people, medical people if it had any possible
2 toxicity problem. So that the plants were really
3 given the appropriate labels to us on whatever the
4 plants shipped and the plants really didn't have
5 the responsibility to make up the terminology for
6 the labels.

7 Q. Was it the ultimate responsibility of the
8 plant manager to make sure that the right label was
9 attached to the right product?

10 A. It was part of the manager's
11 responsibility, yes.

12 Q. You mentioned that one of the products
13 produced at the Nitro plant were agricultural
14 chemical products; is that right?

15 A. That's correct.

16 Q. Were those shipped in drums?

17 A. The agricultural products that I recall
18 manufacturing were solid materials that were
19 powders. They were shipped in cardboard drums, if
20 you will, the size and shape of drums, but they
21 were manufactured with paper, cardboard.

22 Q. Do you recall any agricultural chemical
23 products that were produced at the Nitro plant
24 during your tenure there that were shipped in metal
25 drums?

1 A. I can think of at least one. I am sure
2 we had more than one, yes.

3 Q. Did those drums have paper labels on
4 them?

5 A. I don't recall whether they had paper
6 labels or they had painted-on labels. I don't
7 recall.

8 Q. Do you recall whether there was a
9 production line that was designed to affix labels
10 to products leaving the Nitro plant?

11 A. No. I continue -- what I would remember
12 is that each manufacturing unit -- each
13 manufacturing department attached their own labels.
14 And we probably produced 30 to 40 different --
15 different products and each of those manufacturing
16 units would attach their own labels. Other than
17 the location of the customer, which would be done
18 by the shipping department, but the locations as to
19 what the product is, any hazardous handling labels
20 would all be done in the manufacturing department
21 as the containers were filled.

22 Q. Do you recall any equipment that was used
23 to affix the labels?

24 A. No, I don't. Equipment may be as simple
25 as a stencil and a spray can.

1 Q. Right. For the -- do you recall any
2 products in Nitro that had warning labels on them?
3 A. Yes.
4 Q. Were you as plant manager provided with
5 the labels from St. Louis or some other location or
6 were they printed there at Nitro?
7 A. I don't believe we printed our own
8 labels. Our labels were provided to us from
9 somewhere and I don't recall where somewhere was.
10 Q. Okay.
11 A. But I don't think we printed labels.
12 Q. When you became head of the plasticizer
13 group, did you have ultimate responsibility for the
14 warning labels put on plasticizer products?
15 A. I would say yes. We had all
16 responsibilities for the products that we handled.
17 Q. Do you recall whether -- strike that.
18 Do you recall where labels for the
19 plasticizer products were printed?
20 A. I wouldn't know where they were printed,
21 no. No, I don't recall.
22 Q. Did Monsanto have a printing facility
23 when you were there?
24 A. Yes, we did.
25 Q. Where was it?

1 A. In St. Louis. Where was it?

2 Q. It was in St. Louis?

3 A. Yes.

4 Q. Was it in the Queeny plant? Excuse me.

5 A. The only printing facility I recall was
6 at Monsanto's headquarters in Grevecoeur,

7 ~~e-r-e-v-e-c-o-e-u-r.~~ Creve Coeur

8 Q. And did that printing facility print
9 labels?

10 A. I don't recall. It may sound a bit
11 ridiculous, but, as a manager, manufacturers'
12 labels just appeared. I don't know where they came
13 from.

14 Q. Let me show you an exhibit which we have
15 premarked as Exhibit 539. I will hand to the
16 reporter the one with the stamp on it and provide
17 you and your counsel with a copy.

18 (Whereupon, Plaintiff's
19 Exhibit 539 was marked
20 for identification.)

21 MS. GRADY: Q. And the questions I am
22 going to ask you about this exhibit, Mr. Springgate --
23 and I realize it's difficult to read -- are on the
24 first page. Down in the right-hand corner of
25 Exhibit 539 it says, "Monsanto Industrial Chemicals

1 Company, June 1st, 1972."

2 Do you see that?

3 A. Yes.

4 Q. Can you tell by looking at this

5 organization chart whether it accurately represents

6 this level of management in the Monsanto Industrial

7 Chemicals Company in 1972?

8 MR. PREUSS: What level? You mean the

9 whole chart?

10 MS. GRADY: No, I just mean this page.

11 Let me strike this and just make a simpler

12 question.

13 Q. Does this look like a management chart

14 from 1972 to you from the titles and the names on

15 this first page?

16 A. I think it does.

17 Q. Your position is accurately reflected,

18 for example, as business director of plasticizers?

19 A. I think that's correct.

20 Q. And you reported to --

21 A. E.S. Robson.

22 Q. How do you spell that?

23 A. R-o-b-s-o-n.

24 Q. How did you -- how did you relate to the

25 director of manufacturing in this time period? How

1 did your responsibilities relate to that person's?

2 A. That was Holzapfel, I think, which is the
3 fourth name in the second column. This was again
4 when we were using a reasonably complex
5 manufacturing program. Fred Holzapfel had the
6 plant managers reporting to him. So the names
7 under there like Avon, Delaware River and so forth
8 were plant sites and those plant managers reported
9 to Holzapfel.

10 Within a business unit we had products
11 that were being manufactured in those various
12 locations. So the business units each had a
13 manufacturing manager who would work with those
14 manufacturing locations in regard to quantity and
15 quality of the product being manufactured.

16 Q. So you had a manufacturing manager under
17 you who worked with the Anniston plant, for
18 example, on the --

19 A. Correct.

20 Q. -- quantity and quality of the Aroclors?

21 A. That's correct.

22 Q. And -- well, strike that.

23 MR. PREUSS: Well, let me just clarify
24 that. You said on Aroclors. Again we're talking
25 about a time frame June 1, 1972.

1 THE WITNESS: Well, we -- I had a
2 manufacturing manager who worked with the plants,
3 whichever plasticizer products were being
4 manufactured at that point in time.

5 MS. GRADY: That's right. I didn't mean
6 to imply anything else.

7 MR. PREUSS: I just want to make sure.

8 MS. GRADY: Q. Who is Mr. Bergen?

9 A. Howard Bergen was a business director.
10 And as it says here -- it says, "Specialty
11 Products," which at one point in time he was
12 responsible for the Aroclors used as functional
13 fluids. ~~I don't know -- period.~~ ²

14 Q. Even though I said I wasn't going to do
15 this, could I get you to look at the next page?
16 Are you familiar with someone named P.S. Park,
17 who's shown there on the first block of the second
18 level?

19 A. Yes, I am.

20 Q. Who's P.S. Park?

21 A. Phocian Park, P-h-o-c-i-a-n, I think.

22 MR. PREUSS: It's unique.

23 THE WITNESS: Yeah.

24 MS. GRADY: Q. That is a man?

25 A. Yes.

1 Q. Who is Mr. Park?

2 A. Mr. Park was an attorney assigned to a
3 group of businesses. He was one of two. There's
4 apparently another name there that I can't read.

5 Q. Did you have an attorney assigned to the
6 plasticizer business?

7 A. I am sure we did, but at that date I
8 couldn't tell you who the man was.

9 Q. And what tasks did the attorney assigned
10 to the plasticizer business --

11 A. Generally would work with us on customer
12 contracts, which was far and away the busiest
13 effort that we had going with the -- that required
14 some input from an attorney and any other legal
15 questions we may have of him. I can broaden it to
16 say I think every business unit I have ever been in
17 in Monsanto had an attorney assigned to work with
18 that business unit. It's always on a case basis as
19 needed, whatever you need.

20 Q. After you -- was the work you did with
21 the silicon business starting in 1975, was that
22 your last position with Monsanto?

23 A. Correct.

24 Q. What was your title?

25 A. When I started it was general manager of

1 electronic materials and for the last five years it
2 was president of Monsanto's electronic materials
3 company.

4 Q. And what are electronic materials?

5 A. Primarily silicon wafers for the
6 semiconductor industry of the electronics business,
7 of the electronics industry, manufactured and sold
8 silicon wafers.

9 Q. Were the -- you indicated that the Texas
10 City plant for which you were a project director
11 was to manufacture Santicizer; is that correct?

12 A. That's correct.

13 Q. Do you recall whether there were any
14 particular design needs based on -- strike that.
15 Did the Santicizer -- was the Santicizer
16 manufactured with Aroclors?

17 A. No, it was not.

18 Q. So there were Santicizers that contained
19 Aroclors and others that did not; is that correct?

20 A. Correct.

21 Q. And the Texas City plant did not produce --

22 A. Did not.

23 Q. So the first time you believe that you
24 heard about Aroclors or PCBs was when you
25 transferred back to St. Louis, is that correct,

1 after your job in Texas City?

2 A. Yes, I believe I made that comment
3 earlier, but let me broaden it a bit. I hate to
4 say it's the first time I have ever heard of
5 Aroclors or PCBs. As a manufacturing
6 superintendent, we probably used a functional fluid
7 in some of the equipment that we had in the Queeny
8 plant. I had good friends who transferred from
9 plant to plant and one of them was the
10 superintendent of the Aroclor department in
11 Anniston, Alabama. So it's -- it's hard to say
12 when was the first time that I heard of PCBs if
13 the -- it was a Monsanto product and --

14 Q. Who was your good friend that was
15 superintendent of the Anniston plant that
16 manufactured Aroclors?

17 A. The name was Robert G. Moody.

18 Q. Is Mr. Moody still alive?

19 A. No, he isn't.

20 Q. Was -- the equipment in the Queeny plant
21 used functional fluids?

22 A. I don't believe I can answer that. I
23 don't believe I can tell you which piece of
24 equipment --

25 Q. You don't recall?

1 A. No.

2 Q. Let me show you the next exhibit we have
3 premarked as Exhibit 541. I will provide a copy to
4 you and one to your -- sorry, one to your counsel.

5 (Whereupon, Plaintiff's
6 Exhibit 541 was marked
7 for identification.)

8 MR. PREUSS: We are going to skip 540?

9 MS. GRADY: Yes.

10 MS. GRADY: Q. Why don't you go ahead
11 and read the whole document, Mr. Springgate?

12 A. Uh-huh.

13 Q. Have you ever seen this document before,
14 Mr. Springgate?

15 A. Not that I recall.

16 Q. Do you have any familiarity with a man
17 named D.V.N. Hardy?

18 A. Not that I recall.

19 Q. What about the R.S. Baxter?

20 A. No, not that I recall.

21 Q. Have you ever heard of the research done
22 by two scientists in Sweden named Jensen and
23 Widmark on Aroclors?

24 A. Not that I recall.

25 Q. Do you recall any discussion within

1 Monsanto about research done in Sweden on the
2 persistence -- that discovered the persistence of
3 Aroclors in the environment?

4 A. Not that I recall.

5 Q. All right. The next exhibit which is
6 premarked as 545 -- Mr. Springgate, I will point
7 out for you for the record that some of these
8 exhibits have numerous stamps on them and that's
9 because they have been used in different
10 litigation.

11 (Whereupon, Plaintiff's
12 Exhibit 545 was marked
13 for identification.)

14 MS. GRADY: Q. Could you flip through
15 Exhibit 545 and tell me if this looks familiar to
16 you at all?

17 A. Now, what was the question?

18 Q. Have you seen this document before?

19 A. Not that I recall.

20 Q. By March 3d, 1969, were you the business
21 director of the plasticizers group?

22 A. I am not sure. Sometime in -- the only
23 thing I am sure of, we transferred back to
24 St. Louis in the summer of 1968. And I was working
25 on the project at Texas City. And sometime during

1 the next year I became the project director of
2 plasticizers.

3 MR. PREUSS: Business director you mean?

4 THE WITNESS: I am sorry. Business
5 director of plasticizers. And I am not sure of the
6 specific date.

7 MS. GRADY: Q. Your job at Texas City --
8 strike that.

9 For your job at Texas City you were
10 actually located in St. Louis; is that correct?

11 A. Yes, correct.

12 Q. When you took on your job as business
13 director for plasticizers, did you receive a
14 briefing by the person who had held that job
15 before, if there was one?

16 A. Not that I recall.

17 Q. Who held the job before you?

18 A. I don't -- I think that job was created
19 as a result of a reorganization. I think we went
20 to the business director concept for the first time
21 at that time. So I think it was a rearrangement of
22 the whole organization that resulted in business
23 direct to us.

24 Q. How did you go about learning about the
25 plasticizer business that you were now head of?

1 A. I recall talking to the director of
2 marketing about his product list and his customer
3 list. I remember talking to the research and
4 development director about the projects he was
5 working on. So in summary I would say by talking
6 to the heads of each of those departments.

7 Q. Did you talk to the director of marketing
8 and -- in the first weeks or months when you became
9 business director for plasticizers, did you talk
10 the director of marketing about the issue of the
11 presence of PCBs in Monsanto's plasticizer records?

12 A. I don't recall.

13 Q. And is that the same answer for any talks
14 you had with your head of research and development?

15 A. I don't recall that.

16 Q. Do you recall any discussion with any
17 Monsanto employees in the first couple of weeks or
18 months upon assuming the job of business director
19 for plasticizers when the topic of PCBs came up?

20 A. I assume you mean PCBs in the
21 environment?

22 Q. PCBs in Monsanto's products and in the
23 environment.

24 A. There's a big difference. PCBs are
25 Monsanto's products or they were. The Aroclors are

1 PCBs. So I am sure I talked to people about the
2 Aroclors. Sometime early in my assignment as a
3 plasticizer business director I remember reading
4 and hearing about the peregrine falcon on the west
5 coast, but I couldn't tell you what the date was.

6 Q. What do you recall hearing about the
7 peregrine falcon?

8 A. What I remember hearing -- and not from
9 scientific dissertations, but from the newspaper
10 and magazines -- was that PCBs were suspected of
11 being responsible for the thin egg shells as laid
12 by the peregrine falcon and hence the falcon chicks
13 were not hatching. And it was a PCB problem
14 somehow. The PCBs were supposed to have wound up
15 in the falcon and that resulted in the thin egg
16 shells.

17 Q. Who did you hear that from?

18 A. I would say that was from the public
19 press, not scientific input. That would have been
20 from newspaper articles or magazine articles.

21 Q. And did you take any action in your
22 position at Monsanto upon hearing about the
23 potential link between PCBs and egg shell thinning?

24 A. I can't recall a specific activity. I am
25 sure we took action, but I can't recall for you

1 specific things that we did.

2 Q. Do you recall going to anyone at Monsanto
3 and saying, "Hey, I have been -- have you heard
4 this about peregrine falcons, what are we doing
5 about this," or words to that effect?

6 A. There was a discussion in our business
7 group and among -- with other people about the
8 peregrine falcon and as to whether PCBs were likely
9 to be responsible for that or not. So, yes, I
10 remember that kind of discussion.

11 Q. Did you have an opinion on whether PCBs
12 were likely to be responsible?

13 A. I don't recall.

14 Q. Would you characterize this as more just
15 colleagues talking about stories in the popular
16 press or did this relate in some way to your job
17 responsibilities?

18 A. It would have been a portion of my job
19 responsibility. If the PCBs were truly being
20 broadcast into the environment and it was to be
21 affecting wild life, that would affect my job
22 responsibilities. We would be very much concerned.
23 We would need to know how that was happening and do
24 something about it.

25 Q. Do you recall taking any steps to find

1 out how PCBs might be broadcast into the
2 environment so they were ending or allegedly ending
3 up in peregrine falcons?

4 A. I recall having discussed about how PCBs
5 could be spread around from the various uses to
6 which we were selling, which ones would likely be
7 spreading PCBs around and which ones were not.
8 Yes, we had that kind of conversation and we had a
9 lot of conversation about what action we should be
10 taking. And I remember taking a lot of action.

11 Q. I am just trying to get a beginning date --

12 A. Right.

13 Q. -- for this activity. So that's the only
14 reason I am kind of rooting around here.

15 What's the first discussion you remember
16 with Monsanto employees about the issue of PCBs in
17 the environment. And if not by date, but who you
18 had the discussion with.

19 A. I can't recall that either way.

20 Q. Could I direct your attention to the
21 second page of Exhibit 545, the third full
22 paragraph that starts, "the conclusions of these
23 scientists are puzzling," and ask you to read that
24 paragraph?

25 A. Uh-huh.

1 Q. In your conversations with people at
2 Monsanto, was it your impression that people --
3 Monsanto people were confused as to how PCBs might
4 be showing up in the environment?

5 MR. PREUSS: Object to the form of the
6 question as calling for speculation.

7 THE WITNESS: Try that again, please.

8 MS. GRADY: Q. Sure. In your
9 conversations with people at Monsanto, was it your
10 impression that people at Monsanto were confused
11 about how PCBs might be showing up in the
12 environment?

13 MR. PREUSS: Again, I object to the form
14 of the question as calling for speculation as to
15 what's in the mind of other people and
16 argumentative in the use of the term "confused."

17 THE WITNESS: Shall I --

18 MR. PREUSS: You can answer.

19 THE WITNESS: We are a science based
20 company and we did not understand how PCBs could
21 wind up broadly in the environment with what we
22 knew about the uses of PCB and the chemical and
23 physical aspects of the product. We operated on
24 the scientific basis. We needed to understand how
25 you would possibly get from A to B. And this

1 paragraph says they're stable compounds and they
2 don't break apart and they're essentially insoluble
3 in water. And when the peregrine falcons
4 supposedly contain PCB after eating fish and
5 seafood, there was no way we could make the
6 connection between PCBs used in an airplane
7 hydraulic system and a falcon showing up with trace
8 PCBs. And that's all that sentence says. We don't
9 have the science to cover that distance in between.

10 MS. GRADY: Q. Could you -- could I
11 direct your attention to the one, two, three,
12 four -- fifth paragraph which starts, "PCBs are
13 also used in several plastic type applications"?

14 A. Uh-huh.

15 Q. "Here the chemical is incorporated into
16 the polymer as an integral part of the solid
17 material. This applies whether the polymer is used
18 as an adhesive, an elastomer or a surface coating."

19 A. Correct.

20 Q. Is there a description of some of the
21 products produced by the plasticizer people?

22 A. Yes. The products we produced
23 plasticizers are combined with plastic materials to
24 give different characteristics to the finished
25 plastic material. And when it's combined in a

1 plastic material, there's no way to separate the
2 two. That's all that says.

3 Q. You told me before, I believe, that the
4 plasticizer division produced and sold Santicizers
5 and that was the product from that group that
6 contained Aroclors; is that correct?

7 A. Santicizer is a Monsanto trade name for
8 plasticizer products. We had how many different
9 products? Let's say 30 different plasticizer
10 products. Some of those were Aroclor based
11 products. Most of them were not. My recollection
12 is that the Aroclor based products was a small
13 fraction, maybe 20 percent of our total plasticizer
14 products. The big volume plasticizer products are
15 not PCBs at all. They're made out of linear ^{ALCCLORS} ~~clors~~,
16 different chemistry.

17 Q. Initially did NCR carbonless --

18 A. Carbon paper.

19 Q. -- carbon paper product come out of the
20 plasticizer group?

21 A. I believe it did.

22 Q. And was that one of your products when
23 you were business director for plasticizers?

24 A. I believe it was.

25 Q. And Aroclors were used in that product up

1 to some point, correct?

2 A. I believe that's true.

3 Q. When you had your first discussions with
4 Monsanto people about how PCBs might be ending up
5 in the environment, was there discussion of
6 carbonless carbon paper as a possible source?

7 A. Originally my recollection is that that
8 was not one of the early suspects. In the first
9 few months of this subject, we discussed all
10 possible uses. And we really didn't understand it.
11 And then in the case of carbonless carbon paper, we
12 had convinced ourselves that the PCB would not
13 leach out of the paper into the water. That was
14 our initial belief.

15 And then over the next few months I
16 remember -- over the next period of time -- I don't
17 remember whether it was a few months or how long it
18 really was -- we then became convinced that
19 probably the broadest method of spreading -- the
20 most effective method of spreading PCBs was the
21 carbonless carbon paper. It went from the bottom
22 of our suspect list to the top of our suspect list
23 over a period of time as we developed more
24 information and better methods of identifying the
25 PCBs. And they were one -- since they were the

1 highest on the suspect list of spreading PCBs, that
2 was one of the first cases where we went back to
3 the customer and said, "We have to find alternate
4 products."

5 Q. You said that at first when you were
6 discussing this situation that you all had -- that
7 you had convinced yourself, you being the Monsanto
8 people, that the Aroclors in the carbonless carbon
9 paper could not leach into water.

10 Is that an accurate statement?

11 A. One of the facts we had was stated here,
12 that PCBs had a very low solubility in water. And
13 you would initially think that even if the paper
14 got into the water, PCBs -- either solubility is so
15 low that they wouldn't leach out at any detectible
16 level, that was an original thought.

17 And then a later thought was it
18 apparently was wrong because as we studied the
19 subject and we got more and more scientific data on
20 the subject, our scientists and our engineers would
21 come back and our scientists would tell you what
22 solubility was in water and our engineers would
23 come back and say yes.

24 And upon further research of the paper
25 industry, they would tell you that not only was

1 carbonless carbon paper reasonably widely
2 distributed as carbon paper, then a lot of it went
3 back, was recycled and it went through another
4 washing process into cardboard. And now you also
5 got the cardboard distributed. So it was -- our
6 scientists and engineers over a period of time came
7 back and concluded that there's a lot more
8 distribution from the carbonless carbon paper than
9 we originally visualized.

10 Q. Did you have scientists reporting to you
11 that were working on trying to figure out how PCBs
12 from carbonless carbon paper might be getting into
13 the environment?

14 A. Yes, I did. I had some. And the
15 functional fluid group had some and we had some
16 under a combined effort.

17 Q. Were the scientists working -- can you
18 explain to me how -- how the -- the scientists'
19 efforts were coordinated in terms of their
20 research?

21 A. After -- after some period of time --
22 some period of months, Monsanto decided to put a
23 larger and more coordinated effort on determining
24 how PCBs were distributed and what could be done
25 about it and so forth and so on. They put together

1 a task force, if you will, and then most of that
2 scientific effort was then directed by that task
3 force. And each of our business units had some
4 member on that task force for different purposes.
5 So we eventually ended up with a combined
6 task force approaching all these subjects at one
7 time. So you could be working on the right subject
8 at the right time from the research point of view
9 or a PR point of view or any other point of view.
10 So we had a combined research effort.

11 Q. You mentioned that a hydraulic system --
12 strike that.

13 Aroclors were used in hydraulic fluids
14 for airplanes; is that correct?

15 A. Yes, I believe that's true.

16 Q. And you mentioned that you thought that
17 hydraulic systems on airplanes were a closed
18 system; is that correct?

19 A. Correct.

20 Q. Now, why was that a closed system? Can
21 you explain to me why the hydraulic system on an
22 airplane is a closed system?

23 A. Well, this is closed systems in terms
24 of -- of polluting the environment, if you will,
25 with PCBs. When you put Aroclors in the hydraulic

1 system on an airplane, you don't -- if you put in
2 50 pounds, you come back two weeks later, you are
3 still supposed to have 50 pounds or 49.99. You are
4 supposed to have the same volume in a closed
5 container. It's not like it squirts loose once and
6 it spreads all over the runway. It's a closed
7 system. It has to be a closed system. You can't
8 afford to keep buying Aroclors. So that is a
9 closed system in contrast to this carbonless carbon
10 paper, little bubbles of PCB on the back and they
11 get spread all over the place. That is what I mean
12 by a closed system versus an open system.

13 Q. I don't know anything about a hydraulic
14 airplane system. Let me ask one additional
15 question. Are you saying an airplane hydraulic
16 system is not like the oil you put into a car where
17 periodically you have to add more oil; rather you
18 put one dose of hydraulic fluid in an airplane
19 engine and that keeps it running for the life of
20 the airplane?

21 A. Uh-huh. An airplane hydraulic system is
22 like the brake fluid in your car. You fill a brake
23 system with brake fluid, and under normal
24 circumstances you should have no leakage, and the
25 brake fluid stays there for years. So a hydraulic

1 system on an airplane is like that. If you have no
2 failures, if you have no leaks, it ought to stay
3 like that for a long period of time.

4 Q. What if you have leaks?

5 A. If you have leaks, you are going to lose
6 some. Again, even if you have leaks, you have
7 leaks under a more controlled system, meaning the
8 mechanics who work on that airplane work on it at
9 the same place all the time. It's not -- you know,
10 you are not spraying it over the corn fields of
11 Iowa. If you have got a leak, the odds are it's
12 going to leak right there where you are working on
13 it or, if you spill some of it, where you are
14 repairing the hydraulic system. And it's more a
15 closely controlled system.

16 Q. Do you know anything about gas
17 compressors from your work with Monsanto?

18 A. In generalities I do. I have done enough
19 engineering and maintenance work in the past that I
20 have an idea of how they operate, yes.

21 Q. Were there any gas compressors at the
22 Nitro plant?

23 A. I don't recall frankly.

24 Q. What about the Queeny plant when you were
25 there?

1 A. I am sure we -- I remember air
2 compressors. I don't remember natural gas
3 compressors.

4 Q. And -- well, let's talk about air
5 compressors then. Is an air compressor, in your
6 opinion based on your work at Monsanto, a closed
7 system as you have defined that term?

8 A. If you used the fluid -- you are talking
9 the use of a fluid?

10 Q. Uh-huh.

11 A. I would think if you are talking about
12 the use of a fluid in an air compressor, it should
13 be a closed system, yes. You don't add gallons per
14 day to keep things running. You fill up the system
15 and it's a contained system. It's a closed system.
16 And even if you had a leak, you know where to look
17 for it.

18 Q. What lubricant's used in compressors? Do
19 you know anything about that based on your work at
20 Monsanto?

21 A. Well, I know that you generally -- you
22 need lubricants if you have bearings. If you have
23 pistons, you need lubricants.

24 Q. Are you familiar at all with the product
25 Turbinol produced by Monsanto?

1 A. Not in great detail. I know what it is.

2 Q. What is it?

3 A. It's -- I would say that's a fluid.

4 Let's see. Let me think for a second. You have
5 Pydraul. One of those is for hydraulic systems.

6 And I think that's -- I don't remember the products
7 other than those used for hydraulic systems. And I
8 don't remember the nomenclature.

9 Q. Do you recall any discussions of any
10 products used for lubricants in gas compressors
11 during your work at Monsanto?

12 A. Not that I recall.

13 Q. Did that fall into the function of fluids
14 business?

15 A. That's correct.

16 Q. This is a good time for a break which I
17 am ready for if you are willing

18 A. Okay.

19 (Whereupon, a recess was taken.)

20 MS. GRADY: Q. I have been derelict in
21 identifying exhibits, I realized. So let me
22 describe for the record the last exhibit we were
23 working with, which was Exhibit 545, which is a
24 three-page document with Bates numbers T 091767
25 through 69, which purports to be a memo -- excuse

1 me -- a letter dated March 3d, 1969 to Westinghouse
2 from Elmer P. Wheeler of Monsanto.

3 The next document I would like to show
4 you I have premarked as Exhibit 547, which I will
5 describe for the record as a three-page document
6 dated March 6th, 1969, which purports to be a
7 memorandum to a group of people, actually to
8 Mr. Wheeler from W.R. Richard. The subject of the
9 memorandum is Aroclor Wildlife Accusations and
10 Mr. Springgate is shown as a CC.

11 And I would like you to take a look at
12 this, Mr. Springgate, and tell me if you have seen
13 this document before.

14 (Whereupon, Plaintiff's
15 Exhibit 547 was marked
16 for identification.)

17 THE WITNESS: I would say not that I --
18 not that I recall.

19 MS. GRADY: Q. Mr. Springgate, as I
20 reviewed the documents that had your name on them,
21 I noticed that -- this is not a question. This is
22 a preamble to a question. I noticed that at a
23 certain point you started showing up in a long CC
24 list with Mr. Bergen and others.

25 This is the question. Do you recall that

1 some sort of program was put into place in the
2 spring of 1969 to organize the distribution of
3 information within Monsanto concerning PCBs?

4 A. I don't recall. No, I don't recall.

5 Q. Do you know what information you got
6 about PCBs and what information you didn't get? In
7 other words, was it your understanding that there
8 was some system of circulation that had you getting
9 certain kinds of information about PCBs?

10 A. Well, yes. When we started the task
11 force to develop more information about PCBs and do
12 some more scientific work about PCBs, then I was
13 given information that affected my plasticizer
14 business unit. And I was able to monitor what was
15 being done by the task force through receiving
16 copies of whatever it was published from the task
17 force.

18 Q. How was the task force organized?

19 A. My recollection is that they brought in a
20 man by the name of Bill Papageorge, who I think had
21 just been the plant manager at the Anniston plant.
22 And he was put in charge of a task force. And then
23 my recollection is that they put in other
24 appropriate people in that task force, either
25 scientific persons or medical people, to contribute

1 to the solution of the problem of the distribution
2 of PCBs in the environment.

3 Q. Were there meetings of the heads of
4 manufacturing for the groups that produced products
5 containing Aroclors on the PCB issue prior to
6 Mr. Papageorge being brought in to manage the
7 process?

8 A. I simply don't recall.

9 Q. Do you recall discussions about a
10 scientific paper printed in Nature magazine by a
11 fellow by the name of Dr. Risebrough?

12 A. I don't recall that.

13 Q. Let me direct your attention to the
14 second page of Exhibit 547 down to the paragraph
15 that starts, "But we can't easily control hydraulic
16 fluid losses in small plants," and ask you to read
17 that paragraph.

18 A. Uh-huh. I have read it.

19 Q. Based on your work at Monsanto in the
20 plasticizer group and the information you gained
21 about the use of Monsanto's PCBs, do you know what
22 is meant by "We can't easily control hydraulic
23 fluid losses in small plants"?

24 A. I don't know what the writer meant.

25 Q. Does that convey any information to you,

1 based on your experience at Monsanto, about why it
2 would be difficult to control fluid losses of
3 hydraulic fluids at small plants?

4 A. No. I don't understand what the writer
5 meant and, frankly, the statement doesn't make a
6 lot of sense to me. It would appear to me you
7 could control hydraulic fluids.

8 Q. You don't recall making that comment?

9 A. No.

10 Q. In the next paragraph, the one that
11 starts "Risebrough has taken known Aroclor samples
12 and claims to have evidence of enzyme and hormone
13 change," can you read that paragraph, please?

14 A. Uh-huh.

15 Q. The sentence that reads "Since
16 Risebrough's paper in 'Nature' in December of 1969
17 has just been published, it is timely, perhaps
18 imperative, that this paper and its implications be
19 discussed with certain customers," do you recall
20 discussing Dr. Risebrough's work concerning PCBs
21 and the environment with any of your customers?

22 A. Well, we discussed the PCBs in the
23 environment with our customers. Specifically in
24 reference to Risebrough's papers, no, I don't
25 recall.

1 Q. Was there any discussion within Monsanto
2 about what customers would be contacted concerning
3 the evolving information about PCBs and which would
4 not?

5 A. I do recall that -- I do recall we had a
6 program to discuss PCBs with all our customers. I
7 do also recall that we discussed -- we had a ~~party~~ ^{PRIORITY}
8 list on what we thought were the potentially widest
9 spread customers for PCBs and those which we
10 thought were least likely to spread PCBs. So we
11 had a ~~party~~ ^{PRIORITY} list that we worked through from top to
12 bottom.

13 Q. Do you recall when NCR was first included
14 with the plasticizers group regarding its Aroclors?

15 A. I don't recall.

16 Q. So in this particular sentence in Exhibit
17 547 where it states, "this paper and its
18 implications --" I am sorry. I need to read more,
19 but "It is timely, perhaps imperative, that this
20 paper and its implications be discussed with
21 certain customers."

22 The use of the term "certain" doesn't
23 comport with your recollection of some sort of
24 division between what customers would be approached
25 with information about PCBs in the spring of 1969?

1 A. I don't recall what this writer had in
2 mind, that specific reference.

3 Q. And you understand that I am not asking
4 you what this writer had in mind. I am just trying
5 to refresh your recollection of any discussions or
6 materials that you recall occurring in the spring
7 of 1969 concerning this subject.

8 MR. PREUSS: He's already answered you
9 about discussion of PCBs with all customers in the
10 priority list. You want him to expand on that?

11 MS. GRADY: No.

12 Q. I just want to know if the use of the
13 term "certain customers" refreshes any other
14 recollections you might have about how customers
15 were identified?

16 A. It doesn't.

17 Q. Thanks.

18 Okay. The next exhibit is marked as
19 Exhibit 548.

20 (Whereupon, Plaintiff's
21 Exhibit 548 was marked
22 for identification.)

23 MS. GRADY: Q. And for the record,
24 Exhibit 548 is a two-page document bearing Bates
25 numbers TRAN 086181 through 086182. It purports to

1 be a memorandum dated May 13th, 1969 from W.R.
2 Richard to file, subject Aroclor Analysis in
3 Pesticide Residues, visit to Professor G. Widmark,
4 W-i-d-m-a-r-k, University of Stockholm, May 5th,
5 1969, with a long -- that was '69 -- with a long CC
6 list which includes Mr. Springgate.

7 The same question as with all these
8 documents, Mr. Springgate; by looking at this
9 document, can you tell me whether you have seen it
10 before?

11 A. I don't recall. I don't recall seeing
12 it.

13 Q. Were you shown any documents in
14 preparation for your deposition here today?

15 A. Was I shown any? I guess -- can I change
16 that to did I read documents? The answer is no.

17 Q. Were you shown any? I don't understand
18 why you are making the distinction. Is there
19 some -- were you shown documents? Were documents
20 presented to you in preparation for your
21 deposition?

22 A. I think yes.

23 Q. Was this one of the documents?

24 A. I don't know.

25 Q. How many documents were presented to you

1 in preparation for your deposition?

2 A. A small pile.

3 Q. Can you -- one-inch pile, a two-inch
4 pile?

5 A. A couple-inch pile.

6 MR. PREUSS: Not as thick as your pile.

7 MS. GRADY: I hope not for your sake.

8 Q. And were these documents given to you to
9 read at home?

10 A. No, they were not.

11 Q. Did you meet with Mr. Preuss to prepare
12 for your deposition here today?

13 A. Yes, I did.

14 Q. And when did you meet with him?

15 A. Yesterday.

16 Q. How long was the meeting?

17 A. Two-and-a-half hours.

18 Q. Did you read any documents during your
19 meeting?

20 A. I would say no.

21 Q. Did you review any documents?

22 A. I don't know how to answer "review"
23 versus "read."

24 Q. Did you skim any documents?

25 A. Let me restate. I looked at exhibits and

1 noticed that I was on the CC list. That's what I
2 did do.

3 Q. Did any of the documents that you looked
4 at refresh your recollection, refresh your memory
5 of events that had occurred during your employment
6 with Monsanto?

7 A. The only thing that refreshed -- didn't
8 refresh -- I saw timing and my name on a list which
9 told me that apparently the business director at
10 that point in time -- it's really the only thing it
11 did for me.

12 Q. So your memory was refreshed as to the
13 time period of your various jobs?

14 A. The business director of plasticizers.

15 Q. Was your memory refreshed in any other
16 way?

17 A. No.

18 Q. Do you recognize the form of Exhibit 548?

19 A. The form in what regard to the question?

20 Q. As being a memorandum with you on the CC
21 list from Mr. Richard, do you recall receiving
22 documents that looked like this from Mr. Richard?

23 A. I would say yes.

24 Q. And did you receive those in the ordinary
25 course of your job duties as business director for

1 plasticizers?

2 A. Yes, I did.

3 Q. And did you receive a number of documents
4 from Mr. Richard updating you on information about
5 PCBs?

6 A. I am sure I did.

7 Q. Do you recall any discussion or does this
8 memorandum refresh your recollection about any
9 discussion concerning research that had been done
10 in Sweden concerning the persistence of Aroclors in
11 the environment?

12 A. No, I didn't.

13 Q. I may have asked you this. If so, I
14 apologize. Aroclor 12 was the Aroclor used in
15 carbonless carbon paper, correct?

16 A. I don't know. I don't recall.

17 Q. We may have a document that may refresh
18 your memory. All right. The next exhibit is 550,
19 which I will describe for the record as a six-page
20 document, the first page of which purports to be a
21 memorandum dated June 4th, 1969 from Mr. Wheeler to
22 Howard Bergen and Charles Smith and James
23 Springgate with the Bates number TRAN 058981. The
24 remaining pages of this exhibit are consecutive and
25 start with the number TRAN 057762 and go through

1 057766 and purport to be handwritten notes of a
2 Friday meeting, A building. Mr. Springgate's name
3 appears on the first page of what purport to be
4 meeting notes.

5 Do you remember anything that took place
6 in 1969, particularly in 1969? I am trying to
7 figure out if there's some key event that we could
8 use as a benchmark in trying to establish some sort
9 of chronology.

10 (Whereupon, Plaintiff's
11 Exhibit 550 was marked
12 for identification.)

13 MR. PREUSS: Oh, your question is a
14 little broad. Anything that happened in 1969?

15 MS. GRADY: Uh-huh.

16 THE WITNESS: The problem is it works the
17 other way around. One event that I remember was
18 Monsanto discontinuing sales of Aroclors which
19 affected our entire plasticizer business. That was
20 a very important event, but I don't know the date.

21 MS. GRADY: Q. Do you recall how long
22 you had been discussing with other Monsanto people
23 the persistence of PCBs in the environment prior to
24 the discontinuation of plasticizer that contained
25 Aroclors?

1 A. No, I don't recall.

2 Q. What's Building A or A Building, I guess
3 it is?

4 A. Monsanto's buildings at Crevecoeur, they
5 had very sophisticated numbering systems. They
6 were A, B, C and D.

7 Q. Was there discussion at Monsanto that the
8 public information about PCBs was similar to the
9 hue and cry over DDT?

10 MR. PREUSS: Well, I am going to object
11 to the form of the question as argumentative.

12 MS. GRADY: Okay. I will rephrase.

13 Q. Do you recall in your discussions with
14 Monsanto employees any linkage of public awareness
15 of deleterious environmental persistence of DDT and
16 the issue of the persistence of PCBs in the
17 environment?

18 MR. PREUSS: Well, again object to the
19 form of the question as argumentative, at least to
20 the term of deleterious, no foundation.

21 THE WITNESS: I really don't recall.

22 MS. GRADY: Q. Do you recall any
23 discussions of DDT while you were at Monsanto?

24 A. Yes, but I don't remember the time frame.
25 I remember Rachel Carson or whatever her name was,

1 Silent Spring, and that was probably ten years
2 before this or something, but it's very vague.

3 Q. Was it ever your concern that people
4 would associate the PCBs that were in the
5 plasticizer products with the bad publicity that
6 DDT had gotten?

7 A. I don't remember that concern.

8 Q. Could I direct your attention to the page
9 that has Bates number TRAN 057765?

10 A. Uh-huh.

11 Q. Do you know a man named Dr. Scott Tucker?

12 A. Yes.

13 Q. And did he work with someone named Bob?

14 A. Someone who --

15 Q. Named Bob, to your recollection.

16 A. I couldn't help -- can't contribute to
17 that.

18 Q. Is Mr. Wheeler known as Bob?

19 A. No. His name is Elmer.

20 Q. Elmer.

21 Did you come to believe that the work
22 done by Dr. Risebrough was essentially valid?

23 A. I don't recall.

24 Q. You don't recall if you came to any
25 conclusion about Dr. Risebrough's work? Do you

1 recall coming to any conclusion at any time in your
2 work at Monsanto that PCBs did persist in the
3 environment?

4 A. Yes.

5 Q. When was that?

6 A. About the time that Monsanto discontinued
7 the sales.

8 Q. And when you say "about the time," what
9 kind of time frame do you have in mind?

10 A. Within months, that point of time.

11 Q. Within months of the discontinuation of
12 the sales of Aroclors in the plasticizer products
13 was the best you can target when you concluded for
14 yourself --

15 A. Right.

16 Q. -- that PCBs were persisting in the
17 environment?

18 Did you know that the Krummrich plant was
19 dumping Turbinol?

20 MR. PREUSS: Objection, assuming facts
21 not in evidence, argumentative.

22 MS. GRADY: Q. You can answer.

23 MR. PREUSS: I will direct your attention
24 to --

25 THE WITNESS: That's a beating your wife

1 question, is it not?

2 MS. GRADY: Q. Well, I get to ask those
3 kind of questions. I don't think it is, but even
4 if it is, I get to ask the questions.

5 I will direct you to TRAN 057766 under
6 the name "Paul Hodges, Plants," item No. 2, "Stop
7 any gross losses," and then under that it says,
8 "Krummrich was dumping Turbinol."

9 Does that refresh your recollection as to
10 any knowledge you ever had that the Krummrich plant
11 was dumping Turbinol?

12 A. I had no knowledge at all about that.

13 Q. Do you recognize the handwriting of these
14 notes?

15 A. No, I don't.

16 Q. At any time prior to when Monsanto
17 discontinued the sale of Aroclors and plasticizer
18 products, did you come to any conclusion about how
19 PCBs were getting into the environment?

20 A. I don't recall. It was too long ago. I
21 don't know what I thought -- my thought process was
22 in 1969.

23 Q. Did you think that -- did you reach any
24 conclusion in your own mind as to whether
25 carbonless carbon paper was responsible in any way

1 for putting PCBs into the environment?

2 A. I do recall that we thought that was a
3 primary contributor to PCBs in the environment and
4 that we should discontinue the use and sales for
5 that purpose. I do recall that.

6 Q. The next exhibit we will mark as Exhibit
7 551, which I will describe for the record as a
8 one-page document with Bates number TRAN 0251233
9 which purports to be a memo dated June 10th, 1969,
10 from J.E. Springgate to Mr. W.E. Schalk,
11 S-c-h-a-l-k, the subject Aroclors.

12 Could you please read this entire memo,
13 Mr. Springgate?

14 (Whereupon, Plaintiff's
15 Exhibit 551 was marked
16 for identification.)

17 THE WITNESS: Uh-huh.

18 MS. GRADY: Q. Did you draft this memo,
19 Mr. Springgate?

20 A. I don't recall, but I probably did.

21 Q. Is that your signature?

22 A. Yes, I believe it is.

23 Q. Is this -- is this a draft that's kept in
24 your files? Can you explain to me the form of
25 this? I have seen some of them with a printed form

1 and others that just have names where the "to" and
2 "from" go.

3 A. This looks like a -- just a letter, which
4 is just an internal memo requesting Walter Schalk
5 to do something and requesting Farrar to do
6 something.

7 Q. So this is the form that you used in your
8 work at Monsanto?

9 A. Correct.

10 Q. And who's Mr. Schalk?

11 A. He was the director of marketing of the
12 plasticizer group.

13 Q. And do you recall -- do you recall
14 anything about the request made in Exhibit 551
15 concerning paints for the interior of water towers?

16 A. I don't -- I don't recall that particular --
17 I don't recall the memo. I don't recall the
18 application.

19 Q. Down at the bottom there's a note to
20 Martin. Do you know who that is?

21 A. Probably it's -- M.W. Farrar is Martin
22 Farrar.

23 Q. Oh. Who was Martin Farrar?

24 A. He was the director of research of our
25 business unit of our plasticizer business group.

1 Q. What methods were used to control the use
2 of plasticizer products?

3 A. I am sorry. I don't understand the
4 question. What -- what way?

5 Q. Let me rephrase it. It's indicated in
6 Exhibit 551 that one -- that paints with Aroclors
7 in them might be in use in water towers where the
8 water is primarily for human consumption. Were
9 there methods in place for recommending uses of
10 Aroclor based products or controlling the uses to
11 which Monsanto products were put?

12 A. Well, the function of the marketing
13 department was to create as many markets as
14 possible for product. And that was their purpose
15 in life. So unless you -- you were working with a
16 product that had some known health hazard or if you
17 were working with an application that required some
18 governmental approval, the normal course of events
19 would be to encourage the use of the product
20 wherever it had economic benefit. It was the
21 normal course of events. And you didn't usually
22 worry about control of the product unless there was
23 some health reason or legal reason that you had to
24 control it such as legal reason being an FDA
25 approval or a Department of Agriculture approval or

1 something of that tape. So you didn't normally
2 worry about control of how many people wanted to
3 use your product if you didn't have any known
4 hazard.

5 Q. If you had a known hazard, how did you
6 control the use?

7 A. Well, let me think. Some products --
8 chlorinated hydrocarbons as a class are known to
9 develop chloracne, skin acne. So if you were
10 selling a product that's a chlorinated hydrocarbon,
11 you would be concerned about the end use and warn
12 the potential customer that's a problem of that
13 product.

14 Now, what does that say? It says,
15 "Mr. Customer, if you were going to put this in a
16 shampoo, it wouldn't make a lot of sense. Even if
17 you were going to use it on any application where
18 it would be handled by the bare hand, it's got a
19 health problem associated with it."

20 So you would be very concerned about
21 people that used that particular product in certain
22 application. Normally in plasticizers these
23 products are mixed in machinery. And you don't
24 usually worry about control.

25 Q. If you knew of a specific health hazard,

1 for example, the situation that you raise, which is
2 chloracne in relation to chlorinated hydrocarbons,
3 did you warn the customers of the specific hazard?

4 A. Yes.

5 Q. So the warning would consist of --

6 A. Label, some information on the product
7 sheet that went with the product, the data sheet.

8 Q. Were the plasticizer products that
9 contain PCBs identified as containing PCBs?

10 A. To -- I haven't seen a data sheet on
11 plasticizers in 20-odd years. My recollection is
12 every plasticizer product we sold also listed the
13 chemical name. So my recollection is yes, Aroclors
14 were called chlorinated biphenyls.

15 Q. So your recollection is that products
16 that contained Aroclors also had a label that
17 stated chlorinated biphenyls?

18 MR. PREUSS: I think that
19 mischaracterizes his testimony. He didn't say it
20 was a label necessarily.

21 MS. GRADY: Q. Oh, I am sorry. I didn't
22 mean to mischaracterize your testimony.

23 A. I would say in the plasticizer group our
24 marketing brochures, our sales information, listed
25 Santicizer number so and so and the specific

1 chemical compound that was involved. And that was
2 in all of our marketing literature. And I do
3 not -- I do not recall whether that was on the
4 labels or not.

5 Q. Okay. The next document is -- let's see --
6 552, which consists of the Bates number TRAN 02 --
7 purports to be handwritten notes with a date up in
8 the right-hand corner of the first page of 8/25/69
9 and what looks like a title saying "Aroclors
10 Toxicity Meeting" with a list of names, one of
11 which is Springgate.

12 And I would ask you to look at these
13 notes, Mr. Springgate, and tell me if you recognize
14 whose handwriting this is.

15 (Whereupon, Plaintiff's
16 Exhibit 552 was marked
17 for identification.)

18 THE WITNESS: No, I don't know whose
19 handwriting it is.

20 MS. GRADY: Q. Do you recall attending
21 meetings to discuss the toxicity of Aroclors prior
22 to Mr. Papageorge being brought on on the PCB
23 issue?

24 A. I don't recall a specific meeting. I
25 don't recall whether we did or did not really.

1 Q. What's the first time you remember
2 hearing about PCBs being found in fish?

3 A. Sometime close to the point in time that
4 the product was discontinued within months.

5 Q. Were all the Aroclors or -- excuse me.
6 Were all the plasticizers with Aroclors
7 discontinued at the same time?

8 A. I think they were, but I am not sure.

9 Q. On the first page of these notes under
10 item 3 it says, "Hartford, Conn. publicity PCB in
11 fish." That's my interpretation of this
12 handwriting.

13 Does that ring any bells concerning
14 discussions you had with people listed above on
15 Exhibit 552 concerning toxicity of Aroclors?

16 A. No, I don't recall that.

17 Q. Were there any products produced by the
18 plasticizer group that were used in food
19 production?

20 A. I am sorry. In food?

21 Q. Yes.

22 A. Not in food production. We had a
23 product, not an Aroclor, that was used in food
24 wrap, a clear vinyl food wrap, but it was not an
25 Aroclor product.

1 Q. It was not an Aroclor product?

2 A. No. My recollection is that product

3 required FDA approval.

4 Q. Was there any -- was there ever any

5 discussion within Monsanto about the taste of

6 Aroclors precluding their use in contact with food?

7 A. I have no recollection of any

8 conversation like that.

9 Q. Okay. Could you read the text down at

10 the bottom of page TRAN 021750 where it says,

11 "J. Fallon," question mark?

12 A. Uh-huh.

13 Q. Does that refresh your recollection of

14 any discussions concerning the taste of Aroclors

15 precluding their use in food?

16 A. No, it doesn't.

17 Q. What about rub-down oil, any discussion

18 of the use of Aroclors in rub-down oil?

19 A. Not that I recall.

20 Q. Are you familiar with a product called

21 Electrisol?

22 A. Not really, no.

23 Q. Have you ever heard of it?

24 A. No, not that I recall.

25 Q. Was there any discussion lead by

1 Dr. Tucker concerning finding PCBs in four out of
2 five samples of Electrisol?

3 A. I don't recall.

4 Q. Was there discussion at Monsanto about an
5 incident in Pensacola involving the discharge of
6 Aroclors?

7 A. I don't recall.

8 Q. Do you recall any discussion at any
9 meeting about the toxicity of Aroclors, discussing
10 the anchovies and the presence of PCBs in
11 anchovies?

12 A. I don't recall that.

13 Q. Could you look in the middle of the page
14 that has 21752 at the bottom? Next to the middle
15 item it states, "Publicity from Oregon state,
16 attachment D," and then some words I can't read,
17 then, "Anacopa Island -- Brown Pelican, anchovies
18 hundreds of parts per million -- not confirmed by
19 mass spec."

20 Did this refresh your recollection about
21 any discussion concerning anchovies?

22 A. No, it doesn't.

23 Q. Do you recall an ad hoc committee on PCBs
24 being formed to report to you and Mr. Bergen
25 concerning a plan for dealing with evidence

1 concerning the persistence of PCBs in the
2 environment?

3 MR. PREUSS: Addressed to them alone?

4 MS. GRADY: Yes, to them alone.

5 THE WITNESS: No, I don't recall that.

6 MS. GRADY: Q. Okay. Could you look at
7 the bottom of 21753 where it says, "Conclusion"?
8 And read that, if you can.

9 A. Uh-huh.

10 Q. If you can't, I can give you my best
11 rendition of it and see if that refreshes your
12 recollection concerning the creation of an Aroclor
13 ad hoc committee.

14 MR. PREUSS: That was to report to him
15 and Bergen alone?

16 MS. GRADY: Correct.

17 THE WITNESS: I can read the note, but I
18 don't recall anything about that.

19 MS. GRADY: Q. What's the first time
20 that you recall management above your level of
21 Mr. Bergen's level being involved with the issue of
22 Aroclors and their persistence in the environment?

23 A. I can't -- I can't give you a date. I
24 don't -- I don't have a clear recollection of -- of
25 when that happened.

1 Q. Do you have any recollection?

2 A. No, I don't.

3 Q. Did you have the authority as business
4 director of the plasticizers group to change the
5 label on plasticizers that contained Aroclors?

6 A. Did I have the authority? Probably not.
7 As I recall, labeling would be proposed by the
8 marketing department. It would have to be checked
9 by someone in the medical department. And it
10 probably had to be approved by someone in the
11 patent department or law department who was
12 concerned with trademarks. So that a label change
13 was not a simple situation.

14 Q. Is that same process that you described,
15 is that true of a warning label on a product?

16 A. I could say probably as close as I can
17 get to that because that also would be a label
18 change. That would be my recollection is that it
19 probably did.

20 Q. When you were business director of
21 plasticizers, what was your understanding about
22 whether if you wanted to change the warning label
23 on Aroclor containing plasticizer products, you had
24 to get the approval of your boss?

25 A. My recollection is that it wasn't my boss

1 that you went to for approval. It was to the
2 appropriate department of specialists like the
3 marketing department, the medical department and
4 the patent department.

5 Q. Are you talking about the marketing
6 department that reported to you?

7 A. Yes.

8 Q. So you, the head of the business, wanted
9 to change the warning label on the products, you
10 still had to have the approval of the marketing
11 people that worked for you?

12 A. Yes, they -- well, they would do it. I
13 didn't change labels. They changed labels. They
14 would make a proposal to change and we would get
15 the staff department specialist to agree or
16 disagree.

17 Q. So the genesis for the change -- for a
18 change in labels came from the marketing department
19 up?

20 A. Yes.

21 MS. GRADY: Gentlemen, it's 12:30. I
22 have no particular preference as to when we break
23 for lunch. I don't know if you have reservations
24 anywhere or not.

25 MR. PREUSS: Whatever you like.

1 MS. GRADY: Why don't we go for another
2 15 minutes if that's okay with you?

3 MR. PREUSS: Sure.

4 MS. GRADY: Q. Okay. The next exhibit
5 is 553, which I will describe for the record as a
6 one-page document bearing Bates number TRAN 058985
7 purporting to be a memorandum from E.V. John to a
8 list of recipients. Mr. Springgate is shown as a
9 CC and the memo purports to be dated August 25th,
10 1969.

11 And I would ask that you read this
12 memorandum, Mr. Springgate.

13 A. Uh-huh.

14 (Whereupon, Plaintiff's
15 Exhibit 553 was marked
16 for identification.)

17 MS. GRADY: Q. Does this refresh your
18 recollection in any way about the formation of an
19 ad hoc committee to report on PCB related issues?

20 MR. PREUSS: To him and Mr. Bergen only?

21 MS. GRADY: Right. We are getting to
22 that one.

23 THE WITNESS: No, it really doesn't. No,
24 I don't recall this.

25 MS. GRADY: Q. Do you recall an ad hoc

1 committee meeting -- excuse me -- an ad hoc meeting
2 to be formed to report to a PCB committee?

3 A. No, I don't. I remember a PCB task
4 force, but I don't think this was the particular
5 group that I remember. So I don't recall the --

6 Q. Was there a PCB committee that you were a
7 member of?

8 A. I don't recall.

9 Q. The next exhibit is 555, which I will
10 describe for the record as a multi-paged document
11 bearing Bates numbers TRAN 024250 through 24262.
12 It purports to be dated October 2d, 1969. The
13 subject: Report of Aroclor Ad Hoc Committee, to
14 Howard S. Bergen, Jr., James E. Springgate, from a
15 list of names. And it's stamped Company
16 Confidential and Confidential.

17 (Whereupon, Plaintiff's
18 Exhibit 555 was marked
19 for identification.)

20 MS. GRADY: Q. Why don't you flip
21 through this, Mr. Springgate, and see if you recall
22 seeing this report before?

23 A. I really don't recall this committee.

24 Q. Are you familiar with any policies
25 Monsanto had concerning the stamping of documents

1 Company Confidential?

2 A. Let's see. We used that stamp on
3 practically all business plans and I think they
4 came about -- we had some information stolen now 20
5 years ago and after that we went to a program
6 whereby we stamped almost everything Company
7 Confidential.

8 Q. Can I direct your attention to 24252,
9 which says up at the top "Objectives" --

10 A. 252?

11 Q. Yes.

12 -- and ask you to read that page?

13 A. Uh-huh, I have. I have read it.

14 Q. Was there discussion at Monsanto about
15 how to protect continued sales and profits of
16 products containing Aroclor in connection with
17 information about the persistence of Aroclors in
18 the environment?

19 A. Yes, there was.

20 Q. And did you participate in that
21 discussion?

22 A. I am not referring -- the broad subject
23 is, was there a conversation? Yes, I am sure there
24 was. Did I participate in those conversations?
25 Yes, I did, the section of my plasticizer business

1 group.

2 Q. Who did you talk to about that subject?

3 A. I would say I talked to my boss at the
4 time, who was Ernie Robson probably. And I am sure
5 I talked to Howard Bergen and I talked to our
6 research people. I talked to our marketing people
7 I am sure.

8 Q. Did you talk to Howard Bergen about how
9 to save products that had Aroclors in them from
10 being discontinued?

11 A. I don't remember a specific reference. I
12 don't remember a specific conversation.

13 Q. But you remember that you had such
14 conversations; is that correct?

15 A. I don't recall.

16 Q. So do you recall anyone that you talked
17 to saving the profits and sales from plasticizer
18 products that contained Aroclors?

19 A. I remember talking to my marketing
20 manager, who was Mr. Schalk at that time, but I
21 don't have specific memory of specific
22 conversations.

23 Q. Did you have the authority to discontinue
24 a product based on health reasons, health warning
25 reasons or adverse health reasons, I guess?

1 A. Yes, sure.

2 Q. Did you recommend a discontinuation of
3 the plasticizer products that contained Aroclors?

4 A. No.

5 Q. Did you recommend against such
6 discontinuation?

7 A. Well, they were a product of the line.
8 You don't have to recommend against. They were a
9 product of commerce. And my recollection is that
10 at some point in time when scientific data was
11 being developed and there then became a body of
12 knowledge, the science of how did this material get
13 distributed in the environment, a higher level
14 group of Monsanto managers than my level made the
15 decision that plasticizer products would be
16 discontinued. I remember they didn't happen to ask
17 me to vote on that subject.

18 Q. When you say it was a product of the
19 line, it was a product of commerce, were you
20 suggesting that the role of the business director
21 is to champion the products and the decisions about
22 discontinuing the products are made at a higher
23 level?

24 MR. PREUSS: I will object. It's a
25 mischaracterization of his testimony,

1 argumentative.

2 MS. GRADY: Q. You can answer.

3 A. Aroclors continued -- my recollection is
4 they constituted 20 percent of the plasticizer
5 line. They had some reasonable profit attached to
6 that 20 percent of our business. And before I
7 would give up 20 percent of the business, I would
8 want to be sure that discontinuing the product line
9 was justified. So your first inclination is to
10 defend it. And so we did defend it until the
11 science was developed as to how this environmental
12 contamination occurred.

13 Now, during that same period of time the
14 groupings overseeing the PCB problem kept being
15 raised higher and higher levels of Monsanto. So I
16 do recall that eventually the internal Monsanto
17 executive committee type of people were receiving
18 reports. And my recollection is they made the
19 final decision of discontinuing the product, all of
20 which is kind of normal course of events.

21 Q. Did there ever come a time prior to the
22 discontinuation or the decision by this higher
23 level of Monsanto executives to discontinue the
24 plasticizers that contained Aroclors? Did there
25 ever come a time when you stopped defending the

1 products?

2 A. Well, what we had underway was trying to
3 understand the problem and develop a larger and
4 larger body of data, scientific data, and to try to
5 understand what this PCB environmental problem
6 really was and was not. And my recollection is
7 everything that PCBs were accused of polluting,
8 honestly it wasn't all true. So PCBs were -- it
9 turns out after you develop all the scientific
10 data, they were being reasonably widely dispersed.

11 So you have to go through this period of
12 time of developing scientific data. As I say, this
13 is a science based company. We like to understand
14 what we are doing. So did I personally shift from
15 defending to voluntarily agreeing to reduce the
16 product line? I frankly don't recall. This is 24
17 years ago or whatever.

18 MS. GRADY: Why don't we break?

19 (Whereupon, the proceedings were
20 adjourned at 12:40 p.m. for a lunch break.)

21 --o0o--

22

23

24

25

1 AFTERNOON SESSION

1:35 P.M.

2 EXAMINATION BY MS. GRADY (continued)

3 MS. GRADY: Q. Mr. Springgate, can I
4 turn your attention or direct your attention to the
5 page that says page 6 up at the top and page 24257
6 down at the bottom? That second paragraph
7 discusses an incident involving milk. Could you
8 read that paragraph, please?

9 A. Okay. I have read it.

10 Q. Do you recall anything about an incident
11 in Maryland involving finding PCBs in milk?

12 A. No, I don't.

13 Q. Okay. The last paragraph on this page,
14 could you read that, please?

15 Just so it is clear since we have all
16 been off on our lunch break, we are on Exhibit 555,
17 which is the report -- purported report of the
18 Aroclor ad hoc committee to Mr. Bergen and
19 Springgate.

20 A. I do recall that highway marking paints --
21 I remember some conversation about that apparently
22 contained -- some paints contained Aroclor.

23 Q. Was that a product of the plasticizer
24 group?

25 A. Yes, correct. Yes, it was.

1 Q. Did Monsanto actually manufacture the
2 highway working paints or components that were used
3 by --

4 A. I think just the Aroclor that was sold to
5 the paint manufacturer.

6 Q. So did the plasticizer group sell pure
7 Aroclor for end uses that involved plastics or
8 vinyls?

9 A. That's correct. We sold -- that's a
10 correct way to state it. We sold pure Aroclors and
11 then the vinyl fabricator would mix it with vinyl
12 to makes things like seat covers or would mix it
13 with a paint formulation to create a paint. So
14 what we sold were Aroclors.

15 Q. Did the plasticizer group sell pure
16 Aroclors to NCR to be used in the manufacture of
17 carbonless carbon paper?

18 A. It's my recollection we did, yes.

19 Q. Then the Santicizer product, was that a
20 product that was blended with Aroclors and
21 something else by Monsanto, or was that pure
22 Aroclor?

23 A. My recollection is that the Santicizer
24 products were pure Aroclors. It just had our
25 Santicizer trade name as a plasticizer. We called

1 it Santicizer XYZ, whatever the number was, but it
2 was pure Aroclor.

3 Q. Were the Aroclors sold for different end
4 users by the plasticizer group in any way different
5 from a chemical composition standpoint?

6 A. I am sorry. I don't understand that.

7 Q. Let me rephrase. The Aroclor that you
8 sold to people that made paint, was it different in
9 any way than the Aroclor you sold under the
10 Santicizer brand?

11 A. It was -- my recollection would be it was
12 one of those that we sold under the Santicizer
13 brand. We had a series. It was sold under the
14 Santicizer brand and that was one of the series.

15 Q. So one of the series of Santicizer was
16 pure Aroclor; is that correct?

17 A. I believe all the series of Santicizers
18 were pure Aro -- no. Sorry about that. We had a
19 total of 30 or 40 products, most of them with the
20 Santicizer trade name. It's a Monsanto trade name.
21 Of that group of 30 or 40 products, my recollection
22 would be that there were ten or 12 that were
23 Aroclor products. They were also sold under the
24 Santicizer trade name.

25 Q. Does -- do you recall any discussion

1 among the PCB group that you were a part of of oil
2 and/or grease applications of Monsanto products
3 being suspect for putting PCBs into the
4 environment?

5 A. Well, I don't remember that -- I don't
6 recall the specific instance of this particular
7 memo. My recollection was that we were looking at
8 all the uses of Aroclor and trying to identify
9 those that would most likely be the environmental
10 contaminants, and the -- I do recall that the
11 highway marking paint was interesting because we
12 thought if the paint came off the highway in a rain
13 storm, it probably went into the environment.

14 So we were looking at those -- we were
15 trying to develop some data -- some scientific data
16 that would close the gap between the products we
17 sold and where it wound up in the environment. We
18 were trying to understand how it got there.

19 And then again we had some products we
20 knew that -- or we found out that would have very
21 broad distribution, such as the product in the
22 carbonless carbon paper. And we had some products
23 we knew would have extremely limited distribution
24 which would be the -- the fluid that was used for
25 electrical transformers and the fluids that would

1 be used for industrial equipment, the -- either the
2 transmission fluids or the hydraulic fluid because
3 that was more contained uses.

4 Q. Do you recall any discussion of the uses
5 of oil and/or -- and/or grease lubricants?

6 A. I don't recall that.

7 Q. Did you play any part in notifying
8 Monsanto manufacturing plants that they should be
9 aware that there was a potential environmental
10 problem with Aroclors?

11 A. I don't recall that specifically.

12 Q. Based on your experience, who do you
13 think would have had the responsibility if the
14 plants were to be notified that there was a
15 potential problem with Aroclors? Who would be
16 responsible for notifying them?

17 A. My experience would be that the business
18 group directors would notify their manufacturing
19 managers, who in turn would notify the plants.

20 Q. Down at the bottom of what's noted as
21 page 9, up at the top, which is kind of a confusing
22 direction, in that last paragraph there's some
23 discussion of electric dishwashing compounds.
24 Could you read that paragraph, please?

25 A. Uh-huh. I have read it.

1 Q. After you left -- sometime after you left
2 the plasticizer group, you were head of the
3 phosphates and detergents group; is that correct?

4 A. That's correct.

5 Q. Do you recall any discussion while you
6 were head of plasticizers about possible
7 contamination of dishwasher compounds by PCBs?

8 A. I do not remember that, no.

9 Q. Did that ever come up while you were --
10 you were in the phosphate and detergent business?

11 A. Not to the best of my recollection.

12 Q. Did Monsanto's business involve
13 formulation of products for consumer use?

14 A. Monsanto sold raw materials to the big
15 detergent manufacturers. Like we sold the raw
16 materials to Proctor Gamble, Colgate and Lever
17 Brothers. They in turn formulated dish detergent
18 and laundry detergent.

19 Q. Could I direct your attention to page 10
20 of Exhibit 55 under the heading of Assignment of
21 Full-Time Effort and ask you to read those two
22 paragraphs? Actually, I guess it continues onto
23 the next page. Why don't you just read the first
24 two paragraphs though?

25 A. Okay. I have read that.

1 Q. Does -- do these paragraphs refresh your
2 recollection in any way concerning when
3 Mr. Papageorge was brought in to head up the PCB
4 efforts?

5 A. Not in regard to when. I remember that
6 he was brought in, but I don't remember the timing.

7 Q. Did you play any role in recommending
8 that someone be brought in to head up Monsanto's
9 PCB monitoring efforts?

10 A. I don't recall.

11 Q. Do you recall ever making a presentation
12 to the CDC or the CMC concerning bringing in a
13 coordinator for PCB activities?

14 A. I don't recall that, no. I should
15 explain to you. I have probably made hundreds of
16 presentations to that group, but I don't recall
17 that one.

18 Q. Do you recall whether you played any role
19 in Mr. Papageorge getting the job?

20 A. I don't recall.

21 Q. The next exhibit we will look at is 557.

22 (Whereupon, Plaintiff's
23 Exhibit 557 was marked
24 for identification.)

25 MS. GRADY: Q. Let me go back for just a

1 second to 555. I can't remember if I asked you
2 this question or not. If you look at the first
3 page of Exhibit 555, it purports to be a report to
4 just Mr. Bergen and you.

5 Do you recall having some sort of
6 oversight responsibility with Mr. Bergen for PCB
7 activities prior to Mr. Papageorge's appointment?

8 A. Yes. I would recall that we did. We
9 each operated a business group that manufactured
10 and sold Aroclors.

11 Q. And did your shared responsibility with
12 Mr. Bergen, was that a job that was assigned to you
13 from up above or was it one that kind of naturally
14 flowed your responsibilities?

15 A. The normal course of events since we were
16 the business directors of the products.

17 Q. Exhibit 557 purports to be a one-page
18 memorandum from Mr. Bergen to a list of people
19 including Mr. Springgate dated October 27th, 1969,
20 subject PCB pollution problem, CDC presence. It
21 purports to be dated -- I already said this, right --
22 October 27th, 1969 and the Bates number is TRAN
23 F8986.

24 Mr. Springgate, have you had a chance to
25 look at Exhibit 557?

1 A. Yes, I have.

2 Q. Have you ever seen this exhibit or this

3 document before?

4 A. I don't recall this exhibit.

5 Q. Does the form look familiar to you?

6 A. Yes, it does.

7 Q. Is this the form in which inter-corporate

8 communications inside Monsanto were carried out?

9 A. Yes, it is.

10 Q. When was the -- was the first presence

11 you -- strike that.

12 What is the CDC?

13 A. I think it stood for Corporate

14 Development Committee -- Corporate Development

15 Committee, words to that effect.

16 Q. And was that group renamed at some point

17 to the Corporate Management Committee?

18 A. I don't recall. I don't recall.

19 Q. I have seen references to both a CDC and

20 a CMC. Do you remember if those were the same

21 group that had its named changed at some point?

22 A. I would believe that they are.

23 Q. And who were members of the CDC?

24 A. The members were usually the heads of the

25 various divisions of Monsanto and the heads of the

1 various staff departments of Monsanto, including
2 the president of the company, in other words, the
3 top internal officers of the company.

4 Q. Can we go back to that organization chart
5 we looked at this morning, which I think was the
6 first exhibit, Exhibit 539?

7 A. Uh-huh.

8 Q. At what level does membership on the CDC
9 start, if that's shown on this chart?

10 A. With Mr. Cunningham, the top man.

11 Q. He's the managing director; is that
12 correct?

13 A. Correct.

14 Q. He's managing director of Monsanto
15 Industrial Chemicals Company?

16 A. That is correct.

17 Q. How many managing directors approximately
18 were there?

19 A. They were probably about five at that
20 time.

21 Q. In '72 or thereabouts?

22 A. (Nods head.)

23 Q. Correct?

24 A. About five in 1972.

25 Q. You indicated that in addition to the

1 heads of the divisions, there would be heads of the
2 operating staffs; is that what you were saying?

3 A. What we would call staff departments.

4 Q. Staff departments?

5 A. Meaning the head of the legal department,
6 the head of the personnel department, and we -- at
7 different points in time they would have a man who
8 would be called the vice-president of marketing.
9 So these were people who were head of staff
10 departments in addition to the people who were
11 heads of the line operating units of Monsanto.

12 Q. So it was the idea that the staff
13 department's interests ran across the various
14 business lines?

15 A. Yes.

16 Q. Where was the vice-president from
17 marketing drawn?

18 A. The -- for many years they had a
19 vice-president of marketing who was in essence a
20 staff advisor to the president. He was not one of
21 the functional marketing managers.

22 Q. You mentioned earlier that you made
23 hundreds of presentations to the CDC; is that
24 correct?

25 A. Correct.

1 Q. Did you come to form an understanding of
2 what their role was within Monsanto?

3 A. Yes, I would think so.

4 Q. What was your understanding?

5 A. Their role was advisors to the president.
6 Their role would be responsible to the president
7 for plans, future plans, business plans; and their
8 role would be to contribute to individual business
9 units where they had functional expertise. In
10 other words, the personnel director would provide
11 expertise to a business unit through a committee.

12 Q. How did you -- did you see a difference
13 between your role vis-a-vis the president of
14 Monsanto and the role of the CDC?

15 A. Try that again.

16 Q. You testified that you understood the
17 role of the CDC in part to be as advisors to the
18 president.

19 A. Uh-huh.

20 Q. How was that role different from the role
21 that you had as head of the plasticizers business?

22 A. Well, the CDC members were the most
23 experienced management within Monsanto. They were
24 also looking at issues across the corporation where
25 those like -- jobs like mine were working on issues

1 specific only to our business unit. They had a
2 more broad outlook. I would say those were the two
3 primary differences.

4 Q. Did the CDC meet on a regular schedule?
5 Let's say during the time period '68 to '72, if it
6 varied.

7 A. I don't recall. That may leave the wrong
8 impression. They would meet on more or less a
9 regular schedule, meaning it was not just to meet
10 for a crises of some kind. Yes, they did meet on a
11 reasonably regular schedule.

12 Q. You just don't recall?

13 A. I don't recall what the schedule was.

14 Q. What the interval of the meetings was?

15 A. No.

16 Q. Exhibit 557 states, "CDC has asked for a
17 status report and plan of action on a subject
18 problem."

19 Do you recall talking -- making a
20 presentation to the CDC prior to October 1969
21 concerning PCB?

22 A. I don't recall it, no.

23 Q. Who's Jim Bryant?

24 A. I don't recall that either. I know -- I
25 think I could identify most of the people on that

1 list, but Jim Bryant I can't identify.

2 Q. Who's -- I think you already told me
3 this, but who's D.B. Hosmer?

4 A. He was a manufacturing manager. He was
5 always a manufacturing manager. What he was
6 assigned to at this specific point in time I am not
7 sure.

8 Q. Who gave presentations to the CDC? Was
9 there a certain level of Monsanto -- did you have
10 to be of a certain rank to go in and make a
11 presentation to the CDC?

12 A. No. I would say the routine reports on
13 sales and profitability were made by the heads of
14 the business units. And then any other subject
15 matter that came up, the reports would be made by
16 the people who had expertise in that subject,
17 whatever the subject may be.

18 Q. Do you remember making a presentation to
19 the CDC at any time on the issue of PCBs?

20 A. I don't recall that, no.

21 Q. Okay. 559 is the next exhibit, which I
22 will describe for the record as a multi-paged
23 document, Bates numbers TRAN 024713 through 737 on
24 the first page. Mr. Springgate's name appears in
25 handwriting. There's a date of November 17, 1969

1 in the upper right-hand corner and the document is
2 headed PCB Presentation to Corporate Development
3 Committee.

4 (Whereupon, Plaintiff's
5 Exhibit 559 was marked
6 for identification.)

7 MS. GRADY: Q. Mr. Springgate, is that
8 your handwriting -- I am sorry -- on the first page
9 of this exhibit?

10 A. I don't think so. It doesn't look like
11 it.

12 Q. Do you want to flip through and
13 familiarize yourself with the document? I am just
14 going to ask you a couple of things about -- in
15 particular down at the bottom of 24727 it says in
16 handwriting, "Turn over to Jim Springgate." From
17 there on maybe it looks more familiar.

18 A. Uh-huh. I have looked through this.

19 Q. Okay. Does looking through Exhibit 559
20 refresh your recollection about whether you made a
21 presentation to the Corporate Development -- excuse
22 me -- Corporate Development Committee concerning
23 PCBs?

24 A. No, it doesn't.

25 Q. On the first page of this exhibit in the

1 fifth paragraph, there are the figures 22 followed
2 by an M with a line over it?

3 A. Uh-huh.

4 Q. In Monsanto's conventions, does that mean
5 22 million?

6 A. Correct, it does.

7 Q. What does an M without a line mean? I
8 have got one of those to show you too.

9 A. I don't know what this would mean.

10 Q. Okay. Look on page 24715. In the middle
11 of that -- the text it states, "funding
12 toxicological and analytical test program with
13 excess of 100," and it's followed by an M without a
14 line over it. Is there a Monsanto convention that
15 that means 100,000?

16 A. I would say no, it doesn't mean 100,000.
17 100,000 normally would be 100 K. And what 100 M
18 means I don't know.

19 Q. Probably doesn't mean 100 million, right?
20 So that doesn't look like a term -- a convention
21 that you are familiar with?

22 A. Just the bare M does not.

23 Q. Okay. Could you turn to the page that's
24 labeled up at the top page 4, which includes
25 figures broken out in various ways for plasticizers

1 and functional fluids? And I would ask you to
2 review the numbers for plasticizers and tell me if
3 those figures comport with your recollection of the
4 business at the time you were business director?

5 A. I would say those numbers appear to be
6 reasonable, to the best of my recollection, yes.

7 Q. So you recall that production was
8 approximately 34 million pounds per year in
9 Aroclors for the plasticizers business in 1969?

10 A. That's a little more detail than I
11 recall. I recall that -- my recollection would be
12 that our plasticizers sales of 34 million pounds
13 and \$6 million is a ballpark.

14 Q. What about the return on investment of
15 10.5 percent, does that sound like the right
16 ballpark?

17 A. I would say that's --

18 MR. PREUSS: For plasticizers or for
19 Aroclors?

20 MS. GRADY: For both, sorry.

21 THE WITNESS: That would be logical. I
22 don't recall the number, but it's not illogical.

23 MS. GRADY: Q. "Worldwide M/I," do you
24 know what that stands for?

25 A. It's market share. That's Monsanto over

1 industry.

2 Q. So this would indicate to you with your
3 knowledge of Monsanto convention that that's
4 indicating that Monsanto had 62 percent of the
5 worldwide market in the Aroclor business?

6 A. Correct.

7 Q. This states that there are two U.S.
8 plants, Anniston and Sauget?

9 A. Sauget, which is the one previously
10 referred to as Krummrich, the same location.

11 Q. In that case, this indicates that both
12 Anniston and Krummrich were producing Aroclor.
13 Does that refresh your recollection in any way?

14 A. No, it doesn't, but that's what it says.

15 Q. Could I direct your attention to a couple
16 of pages forward in the document? It's in
17 handwriting. Up at the top it says page 6. In
18 that first full paragraph where it states, "The
19 first load of Aroclor went out of Anniston, Alabama
20 to General Electric in 1931. Since then the market
21 has grown to one of Monsanto's most profitable
22 franchises," was -- at the time that you were
23 business director of the plasticizers group, was it
24 one of the most profitable business lines in
25 Monsanto?

1 A. I doubt it, but I didn't write at that
2 text. I don't know what they had in mind.

3 Q. But your recollection is that it wasn't.
4 What about the Aroclor part?

5 MR. PREUSS: Did you say "was" or "was
6 not"?

7 MS. GRADY: Was not.

8 THE WITNESS: Was not would be my
9 recollection.

10 MS. GRADY: Q. What about the Aroclor
11 portion of the plasticizer business? Did he ever
12 break out the numbers that way, to your
13 recollection, in terms of profit?

14 A. Within the plasticizer business, it was
15 the most profitable as a percent of sales, but it
16 was not the most profitable in terms of total
17 dollars.

18 Q. So it wasn't?

19 A. It wasn't the biggest things we had in a
20 plasticizer.

21 Q. Could I direct your attention to the page
22 that's labeled 8 up at the top --

23 At the bottom it says 24270.

24 A. Uh-huh.

25 Q. -- and ask you to read those

1 alternatives?

2 A. Okay.

3 Q. Alternative 2 states, "Go out of total
4 Aroclor business was considered unacceptable from a
5 Divisional viewpoint, but from a Corporate
6 viewpoint may be necessary. Only you can make that
7 decision."

8 A. Right.

9 Q. Based on your years of working at
10 Monsanto, did you understand there to be on certain
11 occasions a difference between a divisional
12 viewpoint and a corporate viewpoint?

13 A. Correct.

14 Q. What did the corporate viewpoint refer
15 to?

16 A. Well, the -- a corporate viewpoint from
17 higher level people is what it really means, may
18 decide to go out of the business and suffer the
19 loss of sales and the loss of profitability; that
20 lower level people would never come to that same
21 conclusion.

22 Q. How did you decide what decisions had to
23 be made by the CDC and what decisions could be made
24 by business -- at the business director or
25 divisional manager level?

1 A. At the business director/business manager
2 level, we were working on a scientific ^{CONCLUSION} exclusion to
3 the problem that we were convinced that we could
4 find meaning -- we could put together with the
5 source of the Aroclors that wound up as an
6 environmental contaminant and could eventually
7 determine exactly what was contaminating whatever
8 portion of the environment we were looking at. And
9 we were convinced that all Aroclors were not
10 environmental contaminants; that those that would
11 go into things -- carbonless carbon paper may very
12 well turn out to be the item contaminating the
13 scene, but those enclosed systems probably were not
14 contaminating the environment and we should be able
15 to separate those two.

16 So from a business point of view,
17 business unit point of view, we thought that over a
18 period of time we could separate out the offenders
19 from those who were not the offenders. Now, from
20 the corporate point of view, again, higher levels
21 of management more experienced people, better
22 backgrounds, they may reach the conclusion that
23 you, the business director, have an interesting
24 point of view; but we, corporate management, don't
25 share it with you. We will go out of the business

1 entirely. They sometimes reached different
2 decisions due to greater experience, more broad
3 responsibilities.

4 Q. Was -- how did you decide it was an issue
5 that could only be -- that could only be determined
6 by the higher level management?

7 A. Typically that is determined by higher
8 level management. Lower level people usually
9 believe they can solve all their own problems.
10 Higher level people often say, "Explain your
11 problem to me and I will share in the decision with
12 you." And in this particular case, I don't know
13 which method or how it got there.

14 Q. On page 16, this is part of the document
15 that relates to plasticizers. Up at the top it
16 says, "Comments distinctions from FF." FF in
17 Monsanto parlance is functional fluids; is that
18 correct?

19 A. Correct, uh-huh.

20 Q. And the first point is "large number of
21 direct U.S. customers - 570."

22 Does that comport with your recollection
23 of the number of customers U.S. plasticizers
24 business had?

25 A. Yes. I don't remember the specific

1 number, but we had many, many customers.

2 Q. And was it also your understanding the
3 functional fluids group had direct customers?

4 A. That's correct.

5 Q. On the next page, page 17, there's a
6 chart that has three columns, "Markets, 1968
7 Sales," and, "Major Aroclor used." And the first
8 product listed is carbonless carbon paper. The 8.8
9 million pounds as reflected on this document and
10 the major Aroclor used is Aroclor 1242.

11 Does that -- do you have any reason to
12 believe that the major Aroclor, carbonless carbon
13 paper, was not Aroclor 1242?

14 A. No, I don't have any reason to doubt that
15 that is accurate.

16 Q. On page 18 there's another chart that is
17 showing applications for various products and
18 there's a product or a market -- excuse me --
19 described as "hot melt adhesives."

20 Does that ring a bell with you as a
21 product of the plasticizer group?

22 A. Yes, it does.

23 Q. And it says that the source -- I am sorry --
24 that the heading for this chart was possible
25 contamination sources. It says here the source,

1 "Contact with product via packaging.
2 Incineration."

3 Was there a -- was product packaging
4 identified as a potential problem with the use of
5 PCBs?

6 A. I don't recall.

7 Q. I can't tell what this page is labeled.
8 So down at the bottom it's 24733. Let me ask you a
9 general question first.

10 When presentations were made -- well,
11 that's not going to work. Strike that.

12 Do you recall having any group meetings
13 with the medical department, the law department,
14 the functional fluids department and the
15 plasticizers department about PCBs?

16 A. I remember generally having meetings,
17 yes.

18 Q. But you don't have any specific
19 recollection of preparing for CDC presentations; is
20 that correct?

21 A. No.

22 Q. Item 2 here is "notify all Aroclor
23 customers of PCB problem and relabel containers -
24 within 60 days."

25 Do you recall any discussion concerning

1 the relabeling of PCB containing products?

2 A. No, I don't.

3 Q. Item 10 on the next page says -- and this
4 is still part of the recommended action plan --
5 "Determine feasibility and cost of eliminating 5/6
6 Cl2 in Aroclors 1242 and 1248," and then has a date
7 of 3/70.

8 Do you know what 5/6 Cl2 is or
9 represents?

10 A. No, I don't.

11 Q. Does that represent higher chlorinated
12 isomers and Aroclors?

13 A. I don't know. I don't know. The degree
14 of chlorination is the 42 and 48, I think, but I
15 don't know what that means.

16 Q. Is there a discussion of lawsuits -- did
17 you have discussions of lawsuits that could be
18 filed against Monsanto related to Monsanto's use of
19 Aroclors?

20 A. I don't remember a discussion of lawsuits
21 that could be filed. No, I don't.

22 Q. Okay. Exhibit 560.

23 (Whereupon, Plaintiff's
24 Exhibit 560 was marked
25 for identification.)

1 MS. GRADY: Q. For the record, I will
2 describe this as a three-page document, TRAN 023298
3 through 023301, headed Minutes of Meeting of the
4 Corporate Development Committee, November 17th,
5 1969. And then it has a list of people who were
6 present. And I would ask you to look at this,
7 Mr. Springgate, sufficiently so that you can tell
8 me if you recall seeing this document before.

9 A. I don't recall seeing this document.

10 Q. Is this a form of document that you are
11 familiar with?

12 A. Yes, it is.

13 Q. Is this how minutes of CDC meetings were
14 typically provided to you?

15 A. Yes, it is.

16 Q. On the versions that you got, were there
17 blanks as there are on this version? So, for
18 example, on the first page, there's a large white
19 area and on the second page there's a large white
20 area and on the third page there's a large white
21 area.

22 A. Yes.

23 Q. You know what I described -- the document --
24 the exhibit actually goes to page 301. Sorry.

25 And what did you understand to be -- why

1 were you getting these documents with big white
2 spaces on them?

3 A. Because we were getting copies of
4 decisions that affected our business and they were
5 not sending us copies of subject matter that did
6 not affect our business. Item 1 could have been a
7 personnel issue, nothing to do with my business.

8 Q. Did the CDC presentations that you
9 attended out of the hundreds you made -- you
10 attended or made presentations to, was it typical
11 for the committee to make a decision on the spot?

12 A. Typically, no. Sometimes there were --
13 decisions were not even necessary. They were
14 reviews of financial subjects and decisions were
15 not required. Typically I would say decisions were
16 not made on the spot while the presenters were in
17 the room. Instead they would take it under
18 advisement and make a decision later.

19 Q. Was there some understanding or some --
20 did you have any understanding as to what your
21 batting average was in terms of making
22 recommendations to the CDC of their going along
23 with those recommendations?

24 A. Yes.

25 Q. What was it?

1 A. Extremely high because you don't make bad
2 recommendations to your boss.

3 Q. So an attempt was made, I take it from
4 your last answer, to try to give them a
5 recommendation that they were going to approve; is
6 that correct?

7 A. A recommendation that you believed was
8 the right recommendation for the corporation and
9 therefore you would expect them to approve it.

10 MR. PREUSS: Kind of like advising
11 clients.

12 THE WITNESS: Right.

13 MR. PREUSS: You only get so many bats.

14 MS. GRADY: Q. Okay. Down at the bottom
15 of 23301 there's a section called "Conclusions."

16 Could you read that, please?

17 A. Uh-huh.

18 Q. Was the continued production of Aroclor
19 1254 and 1260 one of the times that the CDC did not
20 agree with one of your recommendations?

21 A. I am sorry, but I am a bit confused.
22 What is this? Minutes of a meeting.

23 Q. Let me see if I can help you. If you
24 look up above at items 4 and 5 on that same page,
25 this purports to be -- all of these items purport

1 to be a summary of the presentation made to the CDC
2 which was also the case with the document that we
3 looked at that was Exhibit 559.

4 Just to shortcut rehashing what all of
5 those recommendations were, if you look at 4 and 5,
6 it indicates that the recommendation being made to
7 the CDC was to educate customers on need to reduce
8 and effectively control PCB effluents at their
9 plants and develop and implement new packaging
10 systems for Aroclor 1254 and 1260. And then down
11 at the bottom under "Conclusions: The division is
12 instructed to develop a program to discontinue
13 these products," referring to Aroclors 1254 and
14 1260, "and report this to the committee."

15 So my question with all that being
16 preamble is, was the -- your recommendation
17 concerning Aroclors 1254 and 1260 one of the times
18 when the CDC did not go along with or did not agree
19 with your recommendation?

20 MR. PREUSS: I will object as assuming
21 facts not in evidence.

22 THE WITNESS: I can't answer yes to that
23 either. This is not clear to me at all. The
24 division is instructed to -- I am reading -- the
25 division is instructed to develop a program to

1 discontinue these products and report this.

2 MS. GRADY: Q. Okay. Why don't we look
3 back -- let me -- just in terms of seeing if we can
4 refresh your recollection here, why don't we look
5 back at Exhibit 559? At alternative 3 on page
6 24720 where the document states, "Alternative 3:
7 Go out of Aroclor 1254 and 1260. This was
8 seriously considered and may eventually occur by
9 our actions and customer actions, nevertheless, we
10 feel that segments of this business are defensible
11 or are so 'confined' in use that specific plans of
12 action are called for this portion."

13 Does that refresh your recollection
14 whether your recommendation concerning the
15 continued marketing of 1254 and 1260 was one of the
16 times when the CDC did not agree with your
17 recommendation?

18 MR. PREUSS: Well, again, Counsel, I am
19 going to object as a mischaracterization. There's
20 nothing in there that says what you had represented
21 to be said. So it's argumentative and assuming
22 facts not in evidence.

23 THE WITNESS: I don't remember the
24 details about this and I don't have a clear
25 recollection of what happened and I frankly don't

1 even understand. Under item 5 it says, "Develop
2 and implement a new packaging systems..." So, I --
3 "6, Introduce to market, replacement products..."
4 How would a conclusion be different from that? I
5 don't recall this and I don't understand it.

6 MS. GRADY: Q. Okay. Let's look at
7 Exhibit 561.

8 (Whereupon, Plaintiff's
9 Exhibit 561 was marked
10 for identification.)

11 MS. GRADY: Q. It purports to be a
12 memorandum to Monsanto, Organic Chemicals Division,
13 Public Relations Report, dated October 1969 bearing
14 Bates numbers TRAN 058372 through 374. And it
15 shows distribution to a long list of people, one of
16 which is -- or purports to show distribution, one
17 of which is Mr. Springgate.

18 The same question as usual,
19 Mr. Springgate, do you recall seeing this document
20 before?

21 A. No, I don't.

22 Q. Is this document in a form that you
23 recognize?

24 A. Yes, it is.

25 Q. And what is that form?

1 A. This would be the form that the public
2 relations department used to notify the people in
3 the operating unit of any item that they had picked
4 up in the publications that were of interest to
5 this particular group of people.

6 Q. And do you recognize Exhibit 561 as the
7 type of document that you received on some sort of
8 regular basis from the public relations department?

9 A. Yes, it is.

10 Q. In that second paragraph it states, "A
11 memo to plant managers, communicators and field
12 offices alerted key Monsanto personnel to the
13 growing PCB controversy."

14 Do you recall playing any role in
15 alerting Monsanto personnel to PCB issues?

16 A. I remember that we did. How and which
17 date I don't recall.

18 Q. You don't recall if it was by memorandum
19 or some other means?

20 A. No, I don't.

21 Q. What means of communicating to the people
22 in the plant were there at the time you were head
23 of the plasticizers group? By that I mean were
24 there newsletters that regularly went out to the
25 Monsanto employees? Was there a report that went

1 out on a quarterly basis or was information
2 provided on an issue-by-issue basis, on no regular
3 basis, or some combination of any or none of those?

4 A. Yes to all of the above. We had routine
5 plant newsletters, we had newsletters at Monsanto's
6 main office, we had routine monthly manufacturing
7 marketing and research reports, and we had memos on
8 specific subjects and phone calls and whatever on
9 specific subjects.

10 Q. You were physically located in Monsanto's
11 main offices; is that right?

12 A. Correct.

13 Q. And there was a newsletter that went
14 around the main headquarters building; is that
15 right?

16 A. Yes, there was.

17 Q. Is it your recollection that that was
18 monthly?

19 A. Yeah, I would say that was monthly.

20 Q. And when you were at Nitro, were there
21 also plant newsletters that went around --

22 A. Correct.

23 Q. -- on a regular basis? Do you have any
24 recollection of seal deaths on the English coast
25 being a cause for increased publicity about PCBs in

1 the environment?

2 A. I don't recall it.

3 MR. PREUSS: Let me object late to the
4 question on the basis that it's argumentative to
5 the extent it assumes that the seal deaths were
6 connected with the PCBs. It's lacking foundation
7 as well.

8 MS. GRADY: Q. This is Exhibit 566,
9 which is a three-page document, TRAN 021702 through
10 021704, purports to be a Report of Meeting with
11 Ministry of Agriculture, Fisheries and Food,
12 Fisheries Laboratory, Burnham-On-Crouch, in London
13 on 27th January, 1970, lists who was present there
14 for the ministry, who was present for Monsanto and
15 then copies to a large group of people, one of
16 which is shown as Mr. Springgate. The report is
17 labeled Company Confidential.

18 Mr. Springgate, do you recognize Exhibit
19 566 as a document you have seen before?

20 (Whereupon, Plaintiff's
21 Exhibit 566 was marked
22 for identification.)

23 THE WITNESS: No, I don't recall seeing
24 it.

25 MS. GRADY: Q. What was the reporting

1 relationship between Monsanto U.K. and the various
2 business lines in St. Louis?

3 A. If you were -- had a business group
4 responsibility, it was worldwide. So you were
5 responsible for that business in Europe or Japan as
6 well as the United States.

7 Q. And as head of the plasticizers business,
8 did you have a business group responsibility?

9 A. Yes.

10 Q. Did you receive reports on a regular
11 basis from employees of Monsanto U.K. that related
12 to plasticizers' issues?

13 A. Yes, I did.

14 Q. And did those reports take the form that
15 you see in Exhibit 566?

16 A. Yes, it could.

17 Q. This is a form that you recognize?

18 A. Yes.

19 Q. Page 2 of this document, item 2, could
20 you read that, please? By the way, if anything I
21 direct your attention to you don't think is enough
22 information for you to figure out, feel free to
23 read more of the document.

24 A. I have read that.

25 Q. Did you provide, or did any of your staff

1 at your direction provide, to the fisheries and
2 food ministries in England information about the
3 proportions of Aroclor 1242 that were shipped into
4 England?

5 A. I don't recall.

6 Q. This says, "It is invariably the higher
7 chlorinated compounds (5 and 6 chlorines) that are
8 found and they," referring to the ministry people,
9 "therefore assume, incorrectly, that these are the
10 commercial grades most widely used."

11 Was there any reason that you recall not
12 to provide information to the food and fisheries
13 ministries in England concerning what commercial
14 grades of Aroclors were most widely used?

15 MR. PREUSS: Well, I am going to object
16 as assuming facts not in evidence and
17 argumentative.

18 MS. GRADY: Q. Just any reason you
19 recall being discussed, Mr. Springgate.

20 A. I don't recall that subject at all.

21 Q. Okay. Item 6 on page 3 of this document,
22 which down at the bottom is 21704, it's the two
23 paragraphs there next to item 6 that I would like
24 you to read.

25 A. Uh-huh.

1 Q. Was there a time when Monsanto was
2 holding -- withholding from public dissemination
3 the information that carbonless carbon paper was
4 made with PCBs?

5 MR. PREUSS: Object as argumentative,
6 assuming facts not in evidence.

7 THE WITNESS: I don't recall that being
8 true, no.

9 MS. GRADY: Q. Does -- this statement,
10 "We were questioned closely about the quantities of
11 PCB used in the U.K. and the major industrial
12 applications. Our response was limited to the
13 applications given in the authorized press
14 statement, i.e., those uses or proposed uses that
15 are given in the literature. No mention was made
16 of NCR, but it will become increasingly difficult
17 to maintain this position. Indeed, continuing to
18 do so might only highlight the NCR paper
19 application when it becomes, as it must, more
20 widely known," does that refresh your recollection
21 in any way about Monsanto -- Monsanto's position
22 concerning the Aroclor content of carbonless carbon
23 paper?

24 A. I don't remember any portion of that.

25 Q. Did you have any discussions with NCR

1 that they didn't want the world to know that
2 carbonless carbon paper had PCBs in it?

3 A. Not that I recall.

4 Q. Did you have any discussion with your
5 marketing people that it wouldn't do marketing any
6 good to disclose that carbonless carbon paper had
7 PCBs in it?

8 A. Not that I recall.

9 Q. How were all of the plasticizers'
10 customers notified of the presence of PCBs in their
11 products?

12 A. I don't recall specifically, but the
13 only -- I don't recall specifically, period.

14 Q. What's your general recollection?

15 A. My general recollection would be that we
16 had such a broad customer base, we would have had
17 to have done that by memo of some type.

18 Q. Is that -- have you told me everything
19 you recall about the notification of PCB content to
20 the customers of plasticizers?

21 A. That's it.

22 (Whereupon, Plaintiff's
23 Exhibit 568 was marked
24 for identification.)

25 MS. GRADY: Q. Let me show you Exhibit

1 568, which for the record purports to be a two-page
2 letter bearing Bates TRAN 003226 through 27, dated
3 February 18th, 1970 on Monsanto letterhead, signed
4 by Donald A. Olson.

5 Mr. Springgate, have you ever seen
6 Exhibit 568 before?

7 A. I don't recall it.

8 Q. Does this refresh your recollection about
9 any letter that was sent out to plasticizer
10 customers concerning the presence of PCB in certain
11 Monsanto products?

12 A. Not specifically. I remember informing
13 customers somehow by memo. That's about all I
14 remember.

15 Q. So you can't tell me sitting here today
16 whether this was the letter sent to the plasticizer
17 customers or not?

18 MR. PREUSS: This specific one? It says,
19 "functional fluids group."

20 MS. GRADY: Right.

21 THE WITNESS: He was the functional
22 fluids director of sales. So this letter probably
23 didn't go to the plasticizer customers.

24 MS. GRADY: Q. Do you recall
25 coordinating the notification of plasticizer

1 customers with the notification of functional
2 fluids customers?

3 A. I don't recall that, no.

4 (Whereupon, Plaintiff's
5 Exhibit 572 was marked
6 for identification.)

7 MS. GRADY: Q. Exhibit 572 purports to
8 be a one-page memorandum to Mr. Papageorge, signed
9 by R. Emmet Kelly, Bates number TRAN 008374, dated
10 March 30th, 1970, with a list of CCs where
11 Mr. Springgate's name appears.

12 Would you look at this and tell me if you
13 have seen this document before, please?

14 A. I don't remember this document.

15 Q. Down in it last paragraph there it
16 states, "This brings us to a very serious point."
17 There's a preceding paragraph about contamination,
18 alleged contamination, of silage in Ohio. "When
19 are we going to tell our customers not to use any
20 Aroclor in any paint formulation that contacts
21 food, feed, or water for animals or humans? I
22 think it is very important that this be done."

23 Does this refresh your recollection about
24 any follow-up efforts you engaged in or you advised
25 your -- or directed your staff to engage in about

1 finding out if paints -- excuse me -- if paints
2 still contained -- were being made with Aroclors?

3 A. I have a vague recollection of the
4 painted silos that supposedly some PCB was picked
5 up. Your next question, did this lead to -- your
6 question was what?

7 Q. Do you recall conducting any follow-up
8 work, either yourself or directing your staff to do
9 so, to find out if paint was still being formulated
10 with Aroclors?

11 A. I think in an earlier memo you were
12 showing me I asked our marketing department to do
13 that, yes.

14 Q. Do you recall anything subsequent to that
15 request?

16 A. I don't recall the answer to that.

17 Q. All right. The next exhibit is 574.

18 (Whereupon, Plaintiff's
19 Exhibit 574 was marked
20 for identification.)

21 MS. GRADY: Q. This purports to be a
22 multi-paged document with Bates numbers STR CC1530
23 through STR CC15 -- and then the last two digits
24 are cut off, but it looks to me like they are
25 contiguous pages, in which case the last number

1 would be 1539. It is a memorandum from
2 Mr. Papageorge dated April 7th, 1970 to a list of
3 people including Mr. Bergen and Mr. Springgate.

4 And it's the usual question,
5 Mr. Springgate, whether you recall seeing this
6 document prior to today?

7 A. I don't recall this specific document.

8 Q. Do you recall documents like this one?

9 A. Yes, I do.

10 Q. Did Mr. Papageorge present
11 recommendation -- strike that.

12 After the time where Mr. Papageorge
13 was -- became head of the PCB monitoring
14 activities, was it he that made the presentations
15 to what has apparently now been renamed the CMC?

16 A. I don't recall. I don't recall. He may
17 have, but others may have also.

18 Q. Do you recall Mr. Papageorge running his
19 recommendations by you and others prior to
20 presenting them to the CMC?

21 A. Yes, I do.

22 Q. And was that for purposes of getting your
23 sign-off?

24 A. Yes, I think that is true.

25 Q. It was your understanding that if you had

1 a strong disagreement with one of the
2 recommendations, that it wouldn't be made or it
3 would be modified in some way?

4 A. Correct.

5 Q. Okay. Could I get you to turn to what's
6 labeled at the top "Page 2," under item Roman
7 numeral III, "Objectives," where it states, "The
8 overall objective of this plan is to manage the PCB
9 pollution problem to prevent it from adversely
10 affecting the established Return-on-Investment
11 objectives of the Functional Fluids and
12 Plasticizers Group, while maintaining the corporate
13 image of Monsanto as a responsible and respected
14 member of industry worldwide," and then get you to
15 read the objectives that are listed by number under
16 that?

17 A. Uh-huh.

18 Q. Do you recall making a recommendation to
19 a Monsanto client that they should give an Aroclor
20 based product to a non-Monsanto product?

21 MR. PREUSS: At any time?

22 MS. GRADY: Q. At any time. At any time
23 while you were head of plasticizers.

24 A. I am sorry. Give an Aroclor product --

25 Q. -- to a non-Monsanto product.

1 A. Yes, I do.

2 Q. What was that?

3 A. I remember -- I remember decisions with
4 NCR on switching to some other product. And they
5 had a better idea of what the field was than we
6 did. And I remember some person came in. He was a
7 manufacturer of some kind of a lamp that used
8 Aroclor. And we told him we didn't have any
9 substitute product for him and we kind of guessed
10 with him on something else that could be used. So
11 the answer to the question broadly is yes.

12 Q. And what was the nature of the
13 discussions with NCR about a replacement for
14 Aroclors in carbonless carbon paper?

15 A. They needed a replacement for their
16 carbonless carbon paper. So we discussed with them
17 what the characteristics were of the product that
18 they needed and we discussed things that were
19 either made by Monsanto or made by other people.

20 Q. Do you recall any instances other than
21 NCR and this maker of this lamp that used Aroclors?

22 A. Not off the top of my head.

23 Q. And what was -- was NCR the largest
24 customers in the plasticizers group?

25 A. No. They were the largest customer for

1 Aroclor, but not the largest customer we had in the
2 group, no.

3 Q. Could you look at page 5 where it says,
4 "Action - Develop acceptable substitutes and
5 selectivity phase-out of the Aroclor containing
6 industrial fluids"? The response listed is not
7 yours. It's the functional fluids group. And then
8 it has a series of dates.

9 Do you recall any discussion about
10 phasing out of Aroclor use as development of
11 acceptable substitutes went forward?

12 MR. PREUSS: Excuse me. Objection to the
13 form. Are you talking about industrial fluids now,
14 all products, plasticizers or what?

15 MS. GRADY: I guess I am talking about
16 all products containing Aroclors.

17 THE WITNESS: Well, I remember many
18 discussions of substitutes for the plasticizers
19 that contained Aroclor. I really didn't
20 participate in discussion of the functional fluids
21 with Aroclor.

22 MS. GRADY: Q. Page 8, item 7, Objective --
23 Determine," excuse me, "effects of PCBs on birds,
24 aquatic life, animals and humans."

25 Could you read that, "Status, action,"

1 et cetera?

2 A. Yes, I read that.

3 Q. Did you participate in any discussions
4 concerning the results of toxicological studies
5 being conducted on Aroclors?

6 A. I remember some discussions of it, yes.

7 Q. What do you recall?

8 A. Very little. I remember meeting with
9 those people, with the Monsanto medical people, but
10 that's about all I remember.

11 Q. Do you recall anything about effects on
12 liver enlargements or reproduction of rats?

13 A. No, I don't.

14 Q. The last page is headed "COSTS. Costs
15 for the program for 1970 have been budgeted as
16 follows:" And then it has a chart that shows it
17 with the bottom number being \$675 with that M next
18 to it again without a line over it.

19 Does either your experience at Monsanto
20 or your work in the plasticizers group at the time
21 this document was created allow you to tell me if
22 that \$675,000 that was devoted to -- that was
23 proposed for the budget?

24 A. I don't understand that terminology.

25 Q. Do you remember what the research budget

1 was for -- strike that.

2 Do you remember what the budget was for
3 tasks related to PCB issues at Monsanto when you
4 were head of the plasticizers group?

5 A. No, I don't.

6 Q. Does \$675,000 sound reasonable to you?

7 A. Yes, it does.

8 MS. GRADY: Why don't we take a break?

9 (Whereupon, a recess was taken.)

10 MS. GRADY: Q. The next Exhibit is 575.
11 It purports to be a three-page document, Bates TRAN
12 005549 through 51, from St. Louis - General Offices
13 dated April 9th, 1970, subject PCB's Management
14 Plan, to Mr. Papageorge, with Mr. Springgate shown
15 as a CC.

16 Do you recall seeing Exhibit 575 prior to
17 today?

18 (Whereupon, Plaintiff's
19 Exhibit 575 was marked
20 for identification.)

21 THE WITNESS: I don't recall it. No, I
22 don't.

23 MS. GRADY: Q. Who is John Mason?

24 A. He was a member of Monsanto management
25 within the same operating unit as were Howard

1 Bergen and was I.

2 Q. He was up above you on the organizational
3 chart?

4 A. I think so. At various times we were
5 peers and one time he was up above me depending on
6 the point in time.

7 Q. Okay. Could you read the first
8 paragraph, please?

9 A. Yes, I have read that.

10 Q. Do you recall discussing with
11 Mr. Papageorge making an affirmative presentation
12 to the CMC such as to make sure that the business
13 division's best interests were represented?

14 A. I don't recall that specifically.

15 Q. Do you have a general recollection?

16 A. No.

17 Q. Could you read item 1 on the first page
18 of this exhibit, "Open the review by referring to
19 the previous presentation to the CMC highlighting
20 particularly their direction that we should prepare
21 a plan to discontinue the manufacture of 1254 and
22 1260"?

23 Do you recall a time when the CMC had
24 recommended that a program be developed to
25 discontinue all sales of 1254 and 1260 and that the

1 division was recommending that certain sales be
2 continued?

3 MR. PREUSS: Well, if that purports to be
4 a characterization of paragraph 1, I would object.
5 It's a mischaracterization.

6 MS. GRADY: It doesn't. I am not
7 purporting to summarize what it's saying here.
8 This is just a question.

9 MR. PREUSS: Okay.

10 THE WITNESS: I don't remember this
11 specific issue, period. I do remember a prior memo
12 we looked at and I can read what it says here, but
13 I don't remember the subject.

14 MS. GRADY: Q. Okay. Could you look at
15 item 10? Oops, sorry. I need you to look at the
16 top of page 2, item G, and then item 10.

17 A. Uh-huh. I have read it.

18 Q. Does anything that you have just read
19 refresh your recollection of a -- of a division
20 recommending that the CMC modify a directive to
21 discontinue the sale of 1254 and 1260?

22 A. I don't remember these specific points.
23 I just don't.

24 Q. Do you have a general recollection of the
25 division recommending to CMC that 1254 and 1260 not

1 be terminated?

2 A. I just don't remember that, no.

3 (Whereupon, Plaintiff's
4 Exhibit 578 was marked
5 for identification.)

6 MS. GRADY: Q. The next exhibit is 578,
7 which purports to be minutes of the meeting of the
8 Corporate Management Committee April 20th, 1970.
9 It's a two-page document bearing Bates range BIR
10 002086 through 87.

11 And I would ask you to look at this,
12 Mr. Springgate, so you can answer the question
13 whether you have seen Exhibit 578 before?

14 A. I don't remember seeing it. No, I don't.

15 Q. Do you recall seeing minutes of the
16 Corporate Management Committee in this form before?

17 A. Yes, I do.

18 Q. And this was how the decisions of the
19 Corporate Management Committee were typically
20 presented to you; is that correct?

21 A. That's right.

22 Q. On the second page of this document under
23 "Conclusions" it states that "The committee felt
24 that while the division has taken major steps to
25 resolve this problem, more affirmative action must

1 be taken. A replacement product should be
2 developed on a crash basis for the NCR
3 application."

4 Does that refresh your recollection about
5 a Corporate Management Committee meeting involving
6 the PCB issue?

7 A. No. The answer is no, it doesn't. I
8 remember developing a replacement product for the
9 NCR application, but I don't remember the CMC's
10 involvement in that subject.

11 Q. In other words, you don't remember being
12 directed --

13 A. No, I don't.

14 Q. -- to do that?

15 (Whereupon, Plaintiff's
16 Exhibit 579 was marked
17 for identification.)

18 MS. GRADY: Q. Exhibit 579, which is a
19 four-page document bearing two sets of Bates
20 numbers, one is PRR 022792 through '795 and the
21 other is SCM 038534 through 38537. It purports to
22 be a memorandum from Keller dated April 17th, 1970,
23 subject Environment Materials Analyzed by Monsanto
24 for PCBs, to W.P. Papageorge, Personal and
25 Confidential, list of CCs with Mr. Springgate among

1 them.

2 Do you recall seeing Exhibit 579 prior to
3 today?

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

5 Q. Do you recognize the form of 579 as one
6 with which you are familiar in your work at
7 Monsanto?

8 A. Yes.

9 Q. And is this a form in which you received
10 information concerning the PCB issue?

11 A. Yes, it is.

12 Q. The next exhibit is 581. 581 is Bates
13 numbered 300 2628, and it's from Papageorge, dated
14 April 28th, 1970, to G. Robert Sido, with a list of
15 CCs including Mr. Springgate.

16 I would ask you to read this entire
17 memorandum, please.

18 (Whereupon, Plaintiff's
19 Exhibit 581 was marked
20 for identification.)

21 THE WITNESS: Uh-huh. All right.

22 MS. GRADY: Q. Have you seen Exhibit 581
23 prior to today?

24 A. I don't think so.

25 Q. Is this one of the documents that was

1 shown to you in preparation for the deposition?

2 A. Not that I recall.

3 Q. Who was G. Robert Sido?

4 A. I believe he was a man who developed

5 labels. He worked on labels.

6 Q. Where was he located?

7 A. Somewhere in the Crevecoeur complex, but

8 I don't know where.

9 Q. Does this refresh your recollection as to

10 any discussions you had in the spring of 1970

11 concerning relabeling of products containing

12 Aroclors?

13 A. No, it doesn't. I don't remember that.

14 Q. Do you recall -- does this text look

15 familiar to you?

16 A. I would say, yes, it does.

17 Q. Is this the text that appeared on Aroclor

18 or plasticizer products that contained Aroclor

19 after some period of time?

20 A. I don't know. I don't recall.

21 Q. That's not your handwriting down at the

22 bottom, is it?

23 A. No, it isn't.

24 Q. Do you recognize that handwriting?

25 A. No, I don't.

1 Q. The next exhibit is 584. That's not it.
2 I am sorry. The next exhibit is 583, which is
3 here.

4 (Whereupon, Plaintiff's
5 Exhibit 583 was marked
6 for identification.)

7 MS. GRADY: Q. For some reason I only
8 have two copies of that one. Sorry. Exhibit 583
9 purports to be -- or is a two-page document, Bates
10 numbered Tran 085279 through 80, from St. Louis -
11 General Offices, dated April 28th, 1970, subject
12 Aroclor, to Schalk, Waychoff, Paton, with a list of
13 CCs, which does not include Mr. Springgate.

14 Could I get you to read the first --
15 let's say down through item 3 on the first page of
16 Exhibit 538 -- 583? Sorry.

17 A. Uh-huh.

18 Q. Mr. Springgate, it's late in the day and
19 I have just turned to the second page of this
20 document and discovered why I put it in here which
21 is that it appears that you signed it.

22 Is that your signature?

23 A. I would believe it is, yes.

24 Q. And do you recall seeing Exhibit 583
25 prior to today?

1 A. No, I don't.

2 Q. But you have no reason to believe that
3 you didn't draft this?

4 A. No.

5 Q. Item No. 2, "Assume we will discontinue
6 sales of PCBs on August 31st, 1970," do you recall
7 what that was about? This assumes that product
8 sales would stop as of August 31st, 1970?

9 A. Well, we were going to discontinue the
10 products that we thought were the biggest
11 contributors to the environmental contamination.
12 As I say, the body of the sciences is increasing
13 and changing, but at this point in time we thought
14 we were going to discontinue these. And that's
15 apparently what this memo says and we should be
16 informing people that we were going to do that.

17 Q. When this memo says -- it lists among the
18 products that are under item 2, "Assume we will
19 discontinue sales of PCBs on August 31st, 1970,"
20 A-1242.

21 Does that mean A-1242 sold as Aroclor and
22 sold as Santicizer, for example?

23 A. Well, if I was doing it, it would be that
24 sold as a plasticizer. It is Aroclor 1242. I only
25 spoke for the plasticizer sales, but that's what

1 that says.

2 Q. Do you recall an effort being made in the
3 spring of 1970 to notify all of the plasticizer
4 customers that Aroclor -- the Aroclors listed here
5 would not be available to them after August 31st,
6 1970?

7 A. I remember notifying customers that we
8 were discontinuing the products. I don't remember
9 the specific timing.

10 Q. Why did you -- why did you recommend that
11 the assumption be made that these listed Aroclors
12 would be discontinued as of August 31st, 1970?

13 A. Why did we assume that in this memo?

14 Q. Right.

15 A. I don't recall, but the logical
16 assumption was that was the recommendation about to
17 be made to the Corporate Management Committee.

18 Q. Were sales of 1242 discontinued as of
19 August 31st, 1970?

20 A. They were discontinued, but I don't
21 remember the date.

22 Q. Were sales of the Aroclors that were sold
23 by the plasticizer group discontinued prior to --
24 strike that.

25 (Whereupon, Plaintiff's

1 586 was marked
2 for identification.)
3 MS. GRADY: Q. All right. The next
4 exhibit is 586, which is a multi-paged document
5 bearing Bates numbers TRAN 085281 through 085304.
6 The cover memo is from St. Louis - General Offices,
7 dated May 11th, 1970, to Mr. Bergen and
8 Mr. Springgate, CC to Mr. Papageorge, from John
9 Mason.
10 And I would ask you if you have seen 586
11 before?
12 A. I don't remember it. I don't remember.
13 Q. Did John Mason represent the two business
14 lines, the functional fluids business line and the
15 plasticizer business line at CMC meetings?
16 A. For purposes of the PCB subject, he did.
17 Q. Why was that?
18 A. My recollection is that he represented
19 the division which at the time was the organic
20 division. This was a special assignment given to
21 him by the general manager of the organic division
22 which was to coordinate all efforts on the PCB
23 program which is not only Papageorge, but also any
24 governmental efforts we had going for contacts in
25 Washington, D.C. So he was assisting the

1 Papageorge program, as well as I remember, but he
2 was actually even a higher level than Papageorge,
3 my recollection.

4 Q. Is it your recollection that
5 Mr. Papageorge was not coordinating any efforts
6 that were going on with regulators or legislators?

7 A. Yes, that's my recollection. Mason was
8 doing that.

9 (Whereupon, Plaintiff's
10 Exhibit 587 was marked
11 for identification.)

12 MS. GRADY: Q. Exhibit 587, I ask you to
13 take look at that. I will describe it for the
14 record as a three-page document bearing Bates
15 numbers TRAN 085321 through 323, from Papageorge,
16 dated May 27th, 1970, subject PCB Environmental
17 Problem, to J.R. Durland, Tokyo, CC Mr. Bergen,
18 Mr. Dana and Mr. Springgate.

19 A. Uh-huh. I have read this.

20 Q. Have you seen Exhibit 587 prior to today?

21 A. Not that I recall.

22 Q. Is that your handwriting up in the
23 right-hand corner?

24 A. I don't think it is, no.

25 Q. Do you recognize the form of that

1 document --

2 A. Yes.

3 Q. -- as one that you used in the normal

4 course of your duties?

5 A. Yes.

6 Q. Do you recall that -- do you recall

7 whether a determination was made that the Aroclors

8 sold by the plasticizer group were not

9 biodegradable?

10 MR. PREUSS: Let me just object here. At

11 what point in time are we talking about?

12 MS. GRADY: At any point in time.

13 MR. PREUSS: In all plasticizers?

14 MS. GRADY: Yeah, any Aroclors in any

15 plasticizers at any point in time.

16 MR. PREUSS: Okay.

17 MS. GRADY: Q. Do you recall a

18 determination being made that they were not

19 biodegradable?

20 A. No, I don't. I remember some discussion

21 about biodegradability, but I don't remember which

22 ones were and which ones were not.

23 Q. And you don't remember a determination

24 being made that any of them were not biodegradable?

25 A. I don't remember the conclusion of the

1 biodegradation subject.

2 Q. Okay. Do you recall at any time prior to
3 when the Aroclor 1242 used in carbonless carbon
4 paper was withdrawn from sale that a determination
5 was made that that form of Aroclor was not
6 biodegradable?

7 A. I don't remember the conclusions of the
8 biodegradability subject.

9 Q. Okay. The next is Exhibit 588.

10 (Whereupon, Plaintiff's
11 Exhibit 588 was marked
12 for identification.)

13 MS. GRADY: Q. For the record, it is a
14 two-page record with Bates numbers STR C05152
15 through 5153 from Papageorge dated May 27th, 1970,
16 subject PCB Environmental Problem, May Summary, to
17 Mr. Bergen and Mr. Springgate.

18 Mr. Springgate, do you recall or have you
19 seen Exhibit 588 prior to today?

20 A. I don't think so, no.

21 Q. Was this one of the documents shown to
22 you in the preparation for your deposition?

23 A. I don't recall.

24 Q. Did Mr. Papageorge after some point in
25 time start presenting you and Mr. Bergen with

1 monthly records?

2 A. Yes, he did.

3 Q. And is Exhibit 588 an example of one of

4 those monthly reports?

5 A. I believe it is.

6 Q. And you used this in carrying out your

7 duties and responsibilities in your work --

8 A. Yes.

9 Q. -- as head of plasticizers?

10 A. Yes, we did.

11 MS. GRADY: The next exhibit is Exhibit

12 594.

13 (Whereupon, Plaintiff's

14 Exhibit 594 was marked

15 for identification.)

16 MS. GRADY: Q. Exhibit 594, for the

17 record, is a one-page document, TRAN 061665, from

18 Papageorge, dated July 28th, 1970, to John Mason,

19 with a list of CCs including Mr. Springgate.

20 Mr. Springgate, have you seen Exhibit 594

21 prior to today?

22 A. No, not that I recall.

23 Q. Do you recognize the form of 594 as one

24 used by Monsanto?

25 A. Yes.

1 Q. And you had -- you have received
2 information in this particular form in your work as
3 head of the plasticizers group?

4 A. Yes, that's true.

5 Q. Okay. Could you read this memorandum,
6 please?

7 A. Uh-huh. I have read it.

8 Q. Earlier today we discussed the fisheries
9 and food ministries in the United Kingdom and an
10 incident involving meeting with Monsanto
11 representatives and them. And you indicated that
12 you did not recall having a policy of -- strike
13 that. It's hopelessly complex.

14 Let me just ask it to you this way. Do
15 you recall Monsanto keeping the Aroclor content of
16 NCR carbonless carbon paper a secret?

17 A. I don't recall that one way or the other.
18 It is, however, very common industry practice not
19 to tell the world what your specific customers buy
20 from you. Some companies -- most companies object,
21 some vehemently. A very large company like IBM
22 would not allow anyone to disclose what was sold to
23 them. In regard to NCR, I don't remember the
24 details of that case.

25 Q. Do you know what Monsanto's policy was

1 with regards to disclosing --

2 A. Not to disclose a customer use if the
3 customer had an objection.

4 Q. And that -- did that include not
5 disclosing the presence of PCBs to government
6 agencies if the customer objected?

7 A. I think government agencies are in a
8 different category. I think we made the data
9 available to the government agencies routinely.

10 Q. Do you have any contact with the WARF
11 Project, the Wisconsin Alumni Research Foundation?

12 A. No.

13 Q. Okay. The next exhibit is Exhibit 595,
14 which is a multi-paged memorandum with Bates
15 numbers TRAN 039104 through 039111, from
16 Papageorge, dated August 18th, 1970, subject PCB
17 Environmental Problem, July status report to a long
18 list of people, none of which includes
19 Mr. Springgate, but the CC list does.

20 Do you recall seeing Exhibit 595 prior to
21 today?

22 (Whereupon, Plaintiff's
23 Exhibit 595 was marked
24 for identification.)

25 THE WITNESS: No, I don't.

1 MS. GRADY: Q. Could I ask you to look
2 at page 4? Under "Research, Aroclor 1242
3 Replacement for NCP," can you tell me if that's a
4 typo? Is that supposed to be NCO?

5 A. I think the Xerox failed to pick up the
6 bottom of that R.

7 Q. Okay. This discusses various results of
8 tests that are run on MIPB and I would like to ask
9 you if -- if Monsanto performed special research
10 for replacement products for certain customers?

11 A. I would say yes, we provided special
12 research for many customers.

13 Q. At the time you were there, did you
14 provide special research for all customers in terms
15 of replacement products for Aroclors?

16 A. As broad a customer list as you could
17 hope to cover. Again, in an economic benefit
18 versus research cost, I doubt that we spent any
19 time and energy on that paint for the highway we
20 discussed earlier. When we had problems like a
21 replacement for NCR or any work that was being done
22 in the functional fluid area -- so you have a
23 priority list of which is most important and which
24 is least important and you probably never get to
25 those that are the least important.

1 Q. And what's the definition in that answer
2 of "most important" and "least important"?

3 A. What's most important is probably most
4 important from a business standpoint -- point of
5 view. Can you continue the business and can you
6 satisfy the customer? And from Monsanto's point of
7 view, you have big customers, you have multiple
8 products that you are marketing to them, large
9 customers. So you want to keep that large customer
10 happy and you are more inclined to do a large
11 amount of work. Again, the opposite extreme is a
12 paint manufacturer who doesn't buy much and it's
13 easy for him to buy an alternate product. So you
14 would probably do very little on that application.

15 Q. Were there certain customers in the --
16 that were -- strike that.

17 Were there certain plasticizer customers
18 that you notified of the withdrawal of Aroclor in
19 time to do special research projects to find a
20 substitute?

21 A. I honestly don't recall. I just don't
22 recall, okay, which is bad wording. There is not a
23 dishonest -- I don't recall.

24 (Whereupon, Plaintiff's
25 597 was marked

1 for identification.)

2 MS. GRADY: Q. Exhibit 597 is the next
3 exhibit, which is a memorandum from Papageorge,
4 dated October 6, 1970, subject PCB Environmental
5 Problem, September Status Report, to a long list of
6 people, CC Mr. Bergen, Mr. Mason and
7 Mr. Springgate. The Bates number is TRAN 0031205
8 through 003116 -- oops, or wrong, 117.

9 Mr. Springgate, have you seen 597 prior
10 to today?

11 A. Not that I recall.

12 Q. Is this another -- do you recognize this
13 to be one of Mr. Papageorge's monthly status
14 reports?

15 A. Yes, I do.

16 Q. Could you read the first paragraph under
17 "GENERAL," please, where it says, "Performance
18 against the PCB plan was reviewed with the CMC on
19 September 14," down through the end of that first
20 paragraph?

21 A. Yes, I have read that.

22 Q. Does this paragraph -- where it states,
23 "However, it was emphasized that we must continue
24 to emphasize to all remaining users of PCB's the
25 importance of preventing escape to the environment

1 and we must ensure that these warnings are fully
2 documented so that they will support the action we
3 have taken in this area should we become involved
4 in legal actions," does that refresh your
5 recollection in any way concerning discussions
6 about labeling?

7 A. Not really, no.

8 Q. Did you have meetings with your marketing
9 people concerning documenting warnings about PCBs?

10 A. Not that I recall. We discussed
11 notification, but I don't recall discussing
12 documenting.

13 Q. How were warnings to customers still
14 using PCBs documented?

15 A. I don't recall.

16 Q. Did the plasticizers marketing people use
17 call reports?

18 A. Yes, they did.

19 Q. And did you review as part of your job
20 call reports?

21 A. Not normally. The marketing manager
22 normally did that.

23 Q. Did you ever have reason to review
24 documentation of a warning to a particular customer
25 about their use of PCB containing products?

1 A. Not that I recall, but that would not
2 normally be my function either.

3 Q. Were customers of the plasticizers group
4 told before the Monsanto product they were buying
5 was reformulated?

6 A. In the -- specifically in the case of
7 Aroclors?

8 Q. Yes.

9 A. I don't recall specifically. As a matter
10 of practice, yes, they certainly were. You would
11 wind up in big trouble if you didn't tell your
12 customer you were reformulating.

13 Q. And, as a matter of practice, at what
14 point in the reformulation process was the customer
15 notified that his product was being reformulated?

16 A. Before you ever shipped it to him.

17 Q. At any point prior to that?

18 A. As a routine practice you probably had
19 discussion while you were working on a
20 reformulation.

21 (Whereupon, Plaintiff's
22 Exhibit 598 was marked
23 for identification.)

24 MS. GRADY: Q. Exhibit 598 is a
25 multi-paged exhibit bearing Bates numbers TRAN

1 003094 through 3104, from Papageorge, to a list of
2 people, dated December 7th, 1970, subject PCB
3 Environmental Problem, November Status Report.
4 Mr. Springgate together with Mr. Bergen and
5 Mr. Mason shows ups as a CC.

6 Mr. Springgate, do you recall seeing
7 Exhibit 598 prior to today?

8 A. No, I don't recall.

9 Q. Is this another Papageorge monthly
10 report?

11 A. It appears to be, yes.

12 Q. And you recognize the form of it --

13 A. Yes, I do.

14 Q. -- to be a Papageorge monthly report?

15 Could I direct your attention to page 7
16 under the heading Pydraul Reformulation, Factory
17 Mutual Visit? What is Factory Mutual?

18 A. It's a fire insurance carrier, I believe.
19 Factory Mutual was the insurance company -- Factory
20 Mutual, which the manufacturers belonged, and it's
21 kind of a self-insured fire insurance.

22 Q. Did the plasticizers group use Factory
23 Mutual to certify any of the tests that it
24 performed on products?

25 A. I don't recall.

1 Q. Could you look on the next page at
2 Turbinol 153A? Do you know what the V105C pump
3 test is?

4 A. No, I don't.

5 Q. Do you know what TAN Krummrich CDP is?

6 A. No. No, I don't.

7 Q. It's called tribal language. If you
8 don't belong to that tribe, you don't know what it
9 is.

10 Maybe you remember whether the use of the
11 word Krummrich in a -- to describe a product
12 designated that the product was made at Krummrich,
13 the Krummrich plant?

14 A. I would have no idea. There were also
15 people named Krummrich.

16 Q. Were any of the plasticizer products
17 reformulated to include chlorinated Turbinols,
18 PCTs?

19 A. I don't recall. I think there were
20 always chlorinated terphenyls, were there not? I
21 believe.

22 Q. I am sorry. I didn't understand you.

23 MR. PREUSS: There were always --

24 THE WITNESS: Chlorinated terphenyls,
25 that was always one of the products, I think.

1 MS. GRADY: Q. Oh, I see. Okay. Let me
2 clarify. Were any of the products that formerly
3 included PCBs reformulated to include PCTs?

4 A. I don't know. I don't know.

5 Q. The next exhibit is Exhibit 600.

6 (Whereupon, Plaintiff's
7 Exhibit 600 was marked
8 for identification.)

9 MS. GRADY: Q. Exhibit 600 is a
10 multi-paged exhibit bearing Bates TRAN 022427
11 through 436, titled at the top Progress Report,
12 Organic -- Progress Report, Organic Chemicals
13 Division, Technology Department, dated 10/29/71,
14 showing it is -- mine has a hole through it. I
15 think it says presented by -- there is a fellow
16 named Litschgi, L-i-t-s-c-h-g-i, and Dr. Tucker,
17 distribution shown restricted to a list of names
18 and then with details to another list of names
19 which includes Mr. Springgate.

20 Mr. Springgate, have you seen Exhibit 600
21 before?

22 A. Not that I recall.

23 Q. Do you recognize the form of Exhibit 600?

24 A. Yes, I do.

25 Q. You have seen documents like it; is that

1 right?

2 A. Correct.

3 Q. What is Exhibit 600?

4 A. It appears to be a progress report from
5 the organic chemicals division technology
6 department.

7 Q. Were these progress reports issued on a
8 regular basis?

9 A. Yes, they were.

10 Q. And what was their purpose?

11 A. Their purpose was to inform those on a
12 distribution list the result of their work, their
13 research work.

14 Q. Did the organic chemicals division
15 technology department test materials provided by
16 plasticizer customers? And I will direct your
17 attention to what is labeled at the bottom 22430 to
18 see if that helps.

19 A. 22430?

20 Q. Uh-huh, Table 1, Customer Service.

21 A. Uh-huh.

22 MR. PREUSS: Where were you?

23 MS. GRADY: Let me restate the question.

24 Q. Did the organics division technology
25 department test materials received from

1 plasticizers' customers for Aroclor content?

2 A. I don't recall. I just don't recall.

3 Does it say that here somewhere?

4 Q. No.

5 A. I don't recall.

6 Q. Do you recall a program where the
7 technology department tested materials provided by
8 functional fluids customers for Aroclor content?

9 A. I don't recall that either.

10 MS. GRADY: The next document is Exhibit
11 601.

12 (Whereupon, Plaintiff's
13 Exhibit 601 was marked
14 for identification.)

15 MS. GRADY: Q. It's a multi-paged
16 document with Bates numbers TRAN 065404 through
17 417, titled Aroclor Plasticizer Withdrawal Plan.
18 Down in the right-hand corner of the first page it
19 says, "W.S. Clark," with a date 12/7/71.

20 Have you seen Exhibit 601 prior to today?

21 A. Not that I recall.

22 Q. Do you recall there being a document that
23 was sent out to various people involved with the
24 final withdrawal of plasticizer products that
25 contained Aroclors?

1 A. Yes, I remember we did that.

2 Q. Did you help draft that document?

3 A. I probably didn't draft it. I probably
4 reviewed it.

5 Q. And did the document need your sign-off
6 prior to being used?

7 A. Yes. I would say it did.

8 Q. Could you look at -- on page 10 which is
9 labeled "Dos/Don'ts, Research Work" and review that
10 page, please?

11 A. Uh-huh. Yes, I have read that.

12 Q. Do you recall advice being given to
13 salesmen on what research work Monsanto was willing
14 to provide to plasticizer customers for which
15 Monsanto was discontinuing the Aroclor based
16 product?

17 A. That appears to be what this list is. I
18 don't recall it, but that appears to be the list.

19 Q. Does it comport with any recollection you
20 might have that Monsanto would not do research work
21 for customers -- excuse me -- for miscellaneous
22 work requests from salesmen?

23 A. We always -- we always had to control
24 which research work we did and which we did not do.
25 Every individual salesman thought his customer was

1 the world's most important. So we always had to
2 control it. Well, apparently in the terms of
3 replacing PCBs in plasticizers, in this specific
4 plasticizer, this appears to be the list of things
5 we would do and the list of things we wouldn't do.
6 That's the extent of my knowledge.

7 Q. Got it. On the next page, do's and
8 don'ts, product group item No. 2, "Visit key
9 accounts as per attached list. Don't do: Don't
10 visit accounts other than those shown on attached
11 key account list."

12 Do you recall establishing a policy that
13 only certain accounts would be visited by Monsanto
14 salesmen in person concerning the withdrawal of
15 certain products that contained Aroclors from the
16 market?

17 A. I don't recall that, but I do recall that
18 earlier some prior exhibit said we had 570
19 customers and there's a limit to how many persons
20 you can cover.

21 MR. PREUSS: So that question was
22 broader, but you were intending him to answer it as
23 a group, head of the plasticizer group, correct?

24 MS. GRADY: Yes.

25 THE WITNESS: Well, my comments are all

1 restricted to the plasticizer group.

2 (Whereupon, Plaintiff's
3 Exhibit 602 was marked
4 for identification.)

5 MS. GRADY: Q. Okay. Exhibit 602, which
6 I will describe for the record as a multi-paged
7 document bearing TRAN 085934 through 85942, from
8 W.R. Corey, date December 27th, 1971, subject
9 PCB/PCP Implementation Program, to C.P. Cunningham,
10 with a list of CCs not including Mr. Springgate.

11 Mr. Springgate, do you recall seeing
12 Exhibit 602 prior to today?

13 A. No, I don't.

14 Q. Who is W.R. Corey?

15 A. Winthrop Corey. Wink was the --

16 Q. Wink Corey?

17 A. Wink, W-i-n-k, was the nickname.

18 Winthrop was his first name and he was probably --
19 I think he was general manager of functional fluids
20 and something else.

21 Q. Had functional fluids been split off from
22 the plasticizer group as part of a business group?

23 A. No. They were always separate business
24 groups, but at this point in time I think Howard
25 Bergen reported to Corey and -- where are we? '71,

1 I still had plasticizers. I was reporting to
2 Robson, Cunningham or Bible, but we reported
3 through different chains. But we were still in a
4 section of Monsanto that was Monsanto's industrial
5 chemicals company, I guess they were calling it.

6 Q. Who is C.P. Cunningham?

7 A. He was the managing director of
8 Monsanto's industrial chemicals company.

9 (Whereupon, Plaintiff's
10 Exhibit 603 was marked
11 for identification.)

12 MS. GRADY: Q. Exhibit 603 is a
13 multi-paged document, Bates TRAN 085111 through
14 115, with a CC list on the front with
15 Mr. Springgate's name together with Mr. Bergen's
16 and Mr. Papageorge's. The third page of the
17 document is dated 1/28/72.

18 Have you seen Exhibit 608 prior to today,
19 Mr. Springgate?

20 A. I don't recall it.

21 Q. Do you recall the form of this?

22 A. Yes.

23 Q. What is this? What is Exhibit 603 in
24 terms of its form?

25 A. This is a internal Monsanto communication

1 form to send information to multiple receivers at
2 the same time.

3 Q. So this again was some form of Monsanto
4 internal communication? You just said that.

5 A. Right.

6 Q. And in your job as head of plasticizers,
7 did you have reason to receive things that looked
8 like exhibit -- in form like Exhibit 603?

9 A. Correct.

10 (Whereupon, Plaintiff's
11 Exhibit 604 was marked
12 for identification.)

13 MS. GRADY: Q. Exhibit 604 is a
14 multi-paged document, Bates numbers TRAN 003025
15 through 3035, from Papageorge, date February 10th,
16 1972, subject PCB/PCT, subject Action Plan, to a
17 long list of names including Mr. Springgate.

18 Do you recognize Exhibit 604 as a
19 document you have seen prior to today?

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

21 Q. Do you recall that at a certain point
22 during the PCB issue when you had some
23 responsibility for PCB issues that a chart was
24 developed to show progress towards goals?

25 A. Yes.

1 Q. Could you look at 3031 --

2 A. Uh-huh.

3 Q. -- just headed, "Plasticizers"? No. 1,
4 "Generate withdrawal plan," subpoint E or subpoint
5 D, "Notify Plasticizer personnel," and the date is
6 given as 12/20?

7 Do you recall what was done to notify
8 people that worked in the plasticizer division that
9 all products containing Aroclors were being
10 withdrawn?

11 A. I don't recall how that was done.

12 Q. The next entry says, "Notify
13 ex-plasticizer personnel."

14 Do you understand what that refers to?

15 A. No, I don't.

16 (Whereupon, Plaintiff's
17 Exhibit 606 was marked
18 for identification.)

19 MS. GRADY: Q. The next document is 606,
20 a one-paged document, Bates number TRAN 004048.
21 It's labeled a Call Report, salesman Bob Bevacqua,
22 B-e-v-a-c-q-u-a, date typed is 7/22/74.

23 Have you seen Exhibit 606 prior to today?

24 A. No, I haven't.

25 Q. Down on those initials in the bottom it

1 says, "JES."

2 Do you have any reason to believe that's
3 referring to you?

4 A. No, I don't. And I don't think that does
5 refer to me.

6 Q. Why is that?

7 A. I don't recall ever being directly
8 responsible for the functional fluid group of
9 products.

10 Q. So is it accurate to say that you don't
11 think you would have been provided information
12 about Turbinol in 1974?

13 A. No. July of 1974 I was attending
14 Stanford University. I was the general manager of
15 the phosphate and detergents division of Monsanto.
16 I don't think I had anything at all to do with this
17 subject in July of 1974.

18 (Whereupon, Plaintiff's
19 Exhibit 612 was marked
20 for identification.)

21 MS. GRADY: Q. The next exhibit is
22 Exhibit 612, a multi-paged document, Bates numbered
23 TRAN 086384 through 414. It's a handwritten note
24 on top of a group of outlines.

25 Do you recognize Exhibit 612?

1 A. No, I don't.

2 Q. I should mention for the record that on
3 the first page of the exhibit in handwriting it
4 says, "March 1971." I don't know what the date is,
5 but that's what it -- it states. Oh, actually I
6 guess it says --

7 MR. PREUSS: Well, it says that J. Mason
8 is to report to CMC in March '71.

9 MS. GRADY: Right. And I guess at the
10 top of numerous of these pages that follow it says,
11 "3/4/71."

12 Q. Do you recognize the form of any part of
13 Exhibit 612 as one you are familiar with in your
14 work at Monsanto?

15 A. Yes, I would say --

16 Q. What do you recognize this form to be?

17 A. The buck slip on the front, it says
18 Papageorge's name on it. It is a standard Monsanto
19 buck slip, pass-the-buck type of slip.

20 Q. What about the rest of this? Does any of
21 this -- any of the materials that follow refresh
22 your recollection about a presentation made to the
23 CMC in March 1971 concerning PCBs?

24 A. I don't really recall the presentation,
25 so I don't have a way to give you a firsthand

1 response to your question. I just don't, you
2 know --

3 Q. How would the process work? Would you
4 and Mr. Bergen meet with Mr. Mason prior to him
5 making his presentation to the CMC?

6 A. Uh-huh. He would -- yes, that would be
7 normal. He would tell us what he was presenting
8 and see if we had any major disagreements with what
9 he was doing. And we talked to him in his -- his
10 office was right next door to our offices and we
11 talked to him frequently. So we generally knew
12 what he was doing.

13 Q. Where would the materials that he -- that
14 he presented, where would they be prepared? In
15 other words, if he was talking about plasticizer
16 products, were those prepared by people that worked
17 for you?

18 A. The data was probably prepared by people
19 who worked for me and he put it into whatever
20 format he wanted to use for the presentation, but
21 there is data in here. They probably present -- my
22 people would present that to him.

23 Q. Okay. The next and last exhibit is
24 Exhibit 613, lucky No. 613, which for the record
25 has a Bates number that's kind of illegible, but it

1 looks like 61002988. There's also another number
2 under it that's completely illegible. None of
3 these numbers have TRAN. And it purports to be
4 Minutes of Meeting of the Corporate Management
5 Committee, May 11th, 1970.

6 (Whereupon, Plaintiff's
7 Exhibit 613 was marked
8 for identification.)

9 THE WITNESS: I have read it.

10 MS. GRADY: Q. Excuse me. Have you seen
11 Exhibit 613 prior to today?

12 A. I don't recall it.

13 Q. Do you recognize the form of 613 as one
14 used by Monsanto?

15 A. Yes, I do.

16 Q. And you used it in your work --

17 A. Correct.

18 Q. -- at Monsanto?

19 That's all the questions I have,
20 Mr. Springgate. Thanks very much.

21 MR. PREUSS: I have no questions at this
22 time.

23 MS. GRADY: Off the record.

24 (Discussion off the record.)

25 MR. PREUSS: The parties have agreed that

1 the original -- that the court reporter may be
2 relieved of her responsibilities under the code and
3 that she can send the original deposition to the
4 witness who will have 30 days to review and make
5 any corrections, at which time I will assume the
6 responsibility of getting the original to
7 Ms. Grady. And if for some reason the original
8 gets misplaced, that I will stipulate that a copy
9 of the deposition may be used as if it were the
10 original at the time of trial or for any other
11 purpose.

12 MS. GRADY: So stipulated.

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(Whereupon, the deposition was adjourned
at 4:30 p.m.)

--oOo--

I declare under penalty of perjury that
the foregoing is true and correct. Subscribed
at _____, California, this ____ day of _____,
1992.

Witness signature

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CERTIFICATE OF REPORTER

I, ROSE KIEHN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: August 31, 1992.

Rose Kiehn

ROSE KIEHN, CSR 3268