

COPY

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

TRANSWESTERN PIPELINE	)	
COMPANY,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	NO. BC 026959
	)	
MONSANTO COMPANY AND	)	
DOES 1 THROUGH 200	)	
INCLUSIVE,	)	
	)	
DEFENDANTS.	)	

DEPOSITION OF JACK T. GARRETT
APRIL 1, 1992

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

TRANSWESTERN PIPELINE)
COMPANY,)

Plaintiff,)

vs.) NO. BC 026959

MONSANTO COMPANY AND)
DOES 1 THROUGH 200)
INCLUSIVE,)

Defendants.)

Deposition of JACK T. GARRETT, taken
on behalf of the Plaintiff, at the offices
of Bryan Cave, One Metropolitan Square, in
the City of St. Louis, State of Missouri,
on the 1st day of April, 1992 before Ronald
A. Gore, Registered Professional Reporter
and Notary Public.

1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFF:

4 Mr. James P. Tallon

5 Shearman & Sterling

6 725 South Figueroa Street

7 Los Angeles, California 90017

8 and

9 Ms. Christie A. Patrick

10 Senior Counsel

11 Enron

12 Interstate Pipeline Company

13 1400 Smith Street

14 Houston, Texas 77251

15 FOR THE DEFENDANT MONSANTO COMPANY:

16 Mr. Charles F. Preuss

17 Bronson, Bronson & McKinnon

18 505 Montgomery Street

19 San Francisco, California 94111

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1 JACK T. GARRETT,
2 of lawful age, having been first duly sworn
3 to testify the truth, the whole truth, and
4 nothing but the truth in the case
5 aforesaid, deposes and says in reply to
6 oral interrogatories propounded as follows,
7 to-wit:

8 EXAMINATION

9 QUESTIONS BY MR. TALLON:

10 Q. Would you state your full name for
11 the record, please?

12 A. Jack T. Garrett. G-a-r-r-e-t-t.

13 Q. Mr. Garrett, I'm Jim Tallon, I'm
14 an attorney representing Transwestern
15 Pipeline Company in a case that's pending
16 in Los Angeles, California against
17 Monsanto. Just before the deposition
18 started you met my colleague, Christie
19 Patrick.

20 A. Yes.

21 Q. Who is from Transwestern, and she
22 will be joining us in the room. For most
23 of today and perhaps into tomorrow I'm
24 going to be asking you some questions, and
25 I just wanted to lay a couple of ground

1 rules before we get started. If I ask you
2 a question and you respond, I will assume
3 from the response that means that you
4 understood what I was asking about, that
5 you understood the language I used in that
6 question. If that's not the case, then you
7 should feel free to stop and to say that
8 you didn't understand it.

9 A. All right.

10 Q. Therefore, we can deal with a
11 clean record.

12 A. Okay.

13 Q. Is 429 Geyer Forest Drive in St.
14 Louis, Missouri your home address?

15 A. That is correct.

16 Q. And are you currently a consultant
17 in industrial hygiene and occupational
18 health management?

19 A. Yes.

20 Q. Could you please, Mr. Garrett,
21 tell me whether or not you have ever given
22 testimony in a deposition such as this one
23 before today?

24 A. Yes.

25 Q. And can you tell me how many times

1 you gave testimony in a deposition such as
2 this one before today?

3 A. Ten or twelve times.

4 Q. In any of the ten or twelve times
5 where you gave deposition testimony was a
6 subject of deposition testimony
7 polychlorinated biphenyls, sometimes known
8 as PCBs?

9 A. As a major subject, no.

10 Q. Was it ever a subject, major or
11 minor, in any of those ten or twelve cases?

12 A. Minor, yes.

13 Q. Can you, if you know, tell me the
14 occasions on which you gave testimony that
15 related to PCBs?

16 A. No. I don't recall.

17 Q. Can you tell me when the most
18 recent of those depositions occurred?

19 A. I could bound it by saying within
20 the last three years.

21 Q. And can you tell me, if you're
22 able, what kind of time span those ten or
23 twelve depositions covered from the
24 earliest to the latest?

25 A. Probably 20 years.

1 Q. Were any of the ten or twelve
2 depositions that you believe you gave
3 connected with your work for Monsanto?

4 A. All of them were.

5 Q. And at those depositions do you
6 believe that you were represented by
7 counsel for Monsanto?

8 A. I was represented by counsel. How
9 the counsel got there and whose pay he was
10 in, I do not know.

11 Q. Did you retain personally any of
12 the attorneys who accompanied you to any of
13 those ten or twelve depositions?

14 A. No.

15 Q. To the best of your knowledge, was
16 the attorney supplied or provided for you
17 by Monsanto?

18 A. Or one of its law firms, I
19 presume.

20 Q. Following any of those ten or
21 twelve depositions did you review
22 deposition transcript where the questions
23 and answers were shown to you in typed
24 format?

25 A. Yes.

1 Q. And did you make corrections or
2 changes on any of those ten or twelve
3 deposition transcripts?

4 A. Yes.

5 Q. To the best of your knowledge,
6 were copies of those transcripts provided
7 to the attorneys who accompanied you to
8 those depositions?

9 A. I don't know.

10 Q. To the best of your knowledge,
11 were copies of the transcripts of those ten
12 or twelve depositions furnished to
13 Monsanto?

14 A. I assume so. But it's an
15 assumption.

16 Q. Have you ever testified at a trial
17 as distinct from a deposition?

18 A. Yes.

19 Q. And on how many occasions do you
20 believe that you testified at trials?

21 A. Once in a full trial.

22 Q. And did your testimony at that
23 trial relate to your work for Monsanto?

24 A. No.

25 Q. Was that testimony related to

1 something personal?

2 A. No.

3 Q. Was it related to work that you
4 did after you left Monsanto?

5 A. Yes.

6 Q. Was the subject of the trial
7 testimony -- did the subject of the trial
8 testimony in any part include testimony
9 with respect to PCBs?

10 A. No.

11 Q. As you sit here today, Mr.
12 Garrett, I just want to be sure, is there
13 anything at all you recollect about the
14 testimony you gave in the ten or twelve
15 depositions that you believe you testified
16 in as it related to testimony regarding
17 PCBs?

18 A. Testimony is the words of an
19 individual, and, no, I do not remember the
20 words exactly.

21 Q. Can you tell me -- understanding
22 that time has passed since you gave the
23 individual depositions, can you tell me
24 without specific reference to the precise
25 words used in the depositions what the

1 subjects of those depositions were as they
2 pertained to PCBs?

3 A. In all of those cases they were
4 not specifically for PCB, the subject of
5 the deposition was elsewhere.

6 Q. Understanding that the subject of
7 the deposition did not exclusively concern
8 PCBs, do you remember any aspect of the
9 deposition in terms of its subject matter
10 that touched on PCBs?

11 A. As a general subject of
12 toxicology.

13 Q. As you sit here today, and I do
14 not refer now to specific words, but do you
15 remember anything in addition to the fact
16 that the subject was the general subject of
17 toxicology?

18 A. It was secondary to the primary
19 purpose of the deposition, and so I really
20 don't know.

21 Q. So your memory today is that the
22 only thing you can say about those
23 depositions is that insofar as they touched
24 on PCBs the subject in general was
25 toxicology?

1 A. That is correct.

2 Q. And you remember nothing more than
3 that?

4 A. No.

5 Q. I just want to direct one comment
6 to Mr. Preuss. You're aware that we have a
7 request in for the deposition transcript of
8 all of the witnesses who will be testifying
9 in this case, and in many cases we have
10 received a deposition transcript, but none
11 for Mr. Garrett.

12 MR. PREUSS: The subject matter
13 didn't concern PCBs, as I understand it. I
14 wasn't involved in that, but --

15 MR. TALLON: Well, something in
16 the depositions did. In any event, we
17 would make a request for production of the
18 deposition transcripts in the possession,
19 custody or control of Monsanto of Mr.
20 Garrett. Let me have marked as the next
21 exhibit in our continuing series, which
22 will be Transwestern Number 110, a
23 deposition notice of Jack T. Garrett.

24 (Transwestern Deposition Exhibit Number
25 110 mark'd for identification).

1 MR. TALLON: Mr. Garrett, I'm
2 showing you now what the court reporter has
3 marked as Transwestern Exhibit Number 110,
4 a deposition notice of Jack T. Garrett in
5 the case of Transwestern Pipeline Company
6 versus Monsanto Company, and I'll ask you
7 if you've seen that deposition notice
8 before today?

9 A. No. I have seen similar ones.

10 Q. Mr. Garrett, before this
11 deposition today you met with counsel for
12 Monsanto?

13 MR. PREUSS: You can answer that
14 yes or no.

15 A. Yes.

16 MR. TALLON: Have you --

17 A. I think.

18 Q. And I take it the "I think" is
19 that you're not sure who Mr. Preuss is
20 representing?

21 A. No. No, I know who Mr. Preuss is
22 representing, but you talked about an
23 attorney from Monsanto.

24 Q. I'm sorry, I thought I said for
25 Monsanto.

1 A. Yes. I'm sorry. Then the answer
2 is yes.

3 Q. All right. I take it from that
4 answer that you met with Mr. Preuss?

5 A. Yes.

6 Q. Did you examine any files that you
7 may have at home or in your office, if you
8 have an office, to determine whether or not
9 you had documents that --

10 A. No. They were left when I
11 retired.

12 Q. Do you have a home office?

13 A. Yes.

14 Q. And do you keep certain files
15 there?

16 A. Yes. Files on my children, I
17 think, primarily.

18 Q. You don't have a correspondence
19 file dating from your years at Monsanto?

20 A. No.

21 Q. Do you have any materials at home
22 that relate to Monsanto?

23 A. Other than retirement documents,
24 no.

25 Q. You don't have any files off-site,

1 that is to say, not in your home but in
2 storage or the like that relate to
3 Monsanto?

4 A. No. Excuse me. I have books and
5 documents connected with written, published
6 items, and those may cover PCBs and a great
7 number of other materials. But they're
8 purchased books.

9 Q. Can you just tell me in general
10 what kind of books you're talking about?

11 A. Industrial hygiene books,
12 toxicology books, industrial safety books.

13 Q. Are any of the books or other
14 works that you referred to works or books
15 that were privately published by Monsanto?

16 A. No.

17 Q. Are you the author of any of the
18 books or other works that you have at home?

19 A. I authored a book, yes.

20 Q. What is the name of that book?

21 A. It's on the -- the name of it is
22 Industrial Hygiene Management.

23 Q. And what was the year of
24 publication of that work?

25 A. Oh, gosh. Eight years ago,

1 about. That would be my guess. It needs
2 to go into second edition, and we probably
3 will start on that in a few days -- in a
4 few weeks.

5 Q. Who is your publisher, Mr.
6 Garrett?

7 A. Wiley.

8 Q. Now, you are a high school
9 graduate, correct?

10 A. Yes.

11 Q. Could you please describe to me
12 your formal education following high
13 school?

14 A. Aside from my military education?

15 Q. Yes.

16 A. I think I went to school more
17 often in the Army than I did elsewhere. I
18 have a BS degree in chemistry from Oklahoma
19 State University at Stillwater, Oklahoma,
20 and an MS degree in inorganic physical
21 chemistry from the University of Tennessee,
22 Knoxville.

23 Q. In what year did you receive your
24 BS degree from Oklahoma State?

25 A. '56. No, '58, I beg your pardon.

1 '58, I'm sorry. Wait. '48. Hell, the war
2 was over in '46, I got out in March of
3 '46.

4 Q. Following your military service
5 you went to college on the G.I. bill?

6 A. Yes. I had enough time to get my
7 Master's as well.

8 Q. What year did you receive your
9 Master's?

10 A. 1949.

11 Q. Do you have any additional formal
12 education?

13 A. Depends on what you mean by
14 formal.

15 Q. Did you ever begin a Ph.D program?

16 A. I had one one set up at Tennessee,
17 but it went to pot. If you remember in
18 1949 --

19 MR. PREUSS: You answered the
20 question.

21 A. Okay.

22 MR. TALLON: In what way did it go
23 to pot? What happened?

24 A. Depression. The first post-war
25 depression, the money disappeared.

1 Q. Are you currently a member of any
2 technical or chemical society?

3 A. American Chemical Society,
4 commonly known as ACS. National Safety
5 Council. American Industrial Hygiene
6 Association. And the American Industrial
7 Hygiene Academy.

8 Q. Have you been in the past a member
9 of any other professional, technical or
10 chemical society which you are not
11 currently affiliated with?

12 A. I really don't remember. Possibly
13 representing Monsanto, but other than that,
14 I don't remember. There are so many
15 scientific groups that you are members of
16 temporarily and so forth. Like the
17 American Petroleum Institute, for example.
18 And depending on what I was asked to do and
19 what it entailed, I was members of certain
20 ones.

21 Q. Were you ever Monsanto's
22 representative to the American Petroleum
23 Institute?

24 A. Yes, in a substituted -- in a
25 committee application. I was a Monsanto

1 representative on a subcommittee of the
2 medical committee of the American Petroleum
3 Institute.

4 Q. When did you serve on that
5 subcommittee?

6 A. Oh, back in the '60's, early
7 '70's, perhaps.

8 Q. Do you recollect being Monsanto's
9 representative to any other professional,
10 technical, chemical society or the like?

11 A. I was a member of dozens of formal
12 organizational committees like those for
13 the Chemical Manufacturing Association, the
14 Ohio River Valley Water Sanitation
15 commission, the API, the American Petroleum
16 Institute. Oh, Lord. Oh, for three years
17 I was a member of the National Drinking
18 Water Council appointed by the secretary of
19 Health, Education and Welfare, twice,
20 reappointed once.

21 Q. Anything else that you recall
22 today?

23 A. No. But there are others I just
24 simply don't recall.

25 Q. Okay. Have you ever acted as an

1 officer of the American Chemical Society?

2 A. No.

3 Q. Have you ever participated in
4 drafting any reports issued by the American
5 Chemical Society?

6 A. I'm trying to remember back as a
7 student. No.

8 Q. Have you ever served as an officer
9 of the National Safety Council?

10 A. No.

11 Q. Have you ever participated in
12 drafting any reports or publications issued
13 by that council?

14 A. I was on a committee that studied
15 some of the documents at one point in time.

16 Q. What committee was that, sir?

17 A. It was a publication committee
18 that studied publications, the Safety
19 Council's publications for accuracy and
20 clarity.

21 Q. I take it from your description
22 that that committee was, in essence, an
23 editorial board or quality check board?

24 A. Yes. And it was set up by one of
25 the people to make sure they didn't step on

1 anyone's toes, like the medical side.
2 Industrial hygiene and safety are
3 different, but they're the same, and to
4 make sure that this was clear we had a --
5 for a time a publicity -- publication
6 thing that looked at some of their
7 documents to make sure they weren't
8 stepping on unnecessary toes.

9 Q. Did you ever serve as an officer
10 of the American Industrial Hygiene
11 Association?

12 A. Yes.

13 Q. And what office did you hold or
14 offices did you hold?

15 A. I was national chairman of
16 personnel. It was chairman of -- of
17 expanding the damn thing, getting new
18 members.

19 MR. PREUSS: Membership?

20 A. Membership. Thank you. I was
21 membership chairman for the national
22 organization. For the local organization
23 I've been every officer.

24 MR. TALLON: Local meaning --

25 A. The St. Louis section of the

1 American Industrial Hygiene Association.

2 Q. Did you ever participate in the
3 drafting of any publication issued by the
4 American Industrial Hygiene Association?

5 A. Goodness, yes. Many.

6 Q. To the best of your recollection,
7 did any of the publications in which you
8 participated in drafting touch on or
9 concern PCBs?

10 A. Yes.

11 Q. As you sit here today, do you
12 recollect the names of any of those
13 publications?

14 A. The first industrial hygiene guide
15 published on PCBs by the AIHA itself was
16 authored by myself and Elmer P. Wheeler.

17 Q. And to the best of your
18 recollection, when was that publication
19 published?

20 A. Probably in the late '50's.

21 Q. Do you have available to you at
22 home a copy of that publication?

23 A. No. It has been upgraded several
24 times that I did not participate in.

25 Q. You mentioned written by you and

1 Mr. Elmer Wheeler, can you identify Mr.
2 Elmer Wheeler for the record?

3 A. Mr. Elmer Wheeler was assistant
4 medical director of Monsanto and was my
5 immediate superior for a number of years.
6 Now deceased.

7 Q. Other than the first industrial
8 guide published by the American Industrial
9 Hygiene Association with respect to PCBs,
10 were you a drafter or did you participate
11 in the drafting of any other publications
12 issued by that group that touched on or
13 related to PCBs?

14 A. No.

15 Q. Have you ever served as an officer
16 of the American Industrial Hygiene Academy?

17 A. No. I have not.

18 Q. Have you ever participated in the
19 drafting of any publication issued by the
20 American Industrial Hygiene Academy?

21 A. Nothing concerning -- it would
22 have been personnel related, nothing
23 concerning toxicology or individual
24 materials or anything like that, no. They
25 don't publish that sort of stuff.

1 Q. When you say personnel, you mean,
2 again, membership?

3 A. Membership, who's qualified, when
4 do you hold certification, certification
5 tests. That is the organization that
6 issues the CIH. You see it on my card,
7 Certified Industrial Hygiene, that
8 organization.

9 Q. And what is the designation CSP on
10 your card?

11 A. Certified safety professional.

12 Q. What organization certifies you as
13 a safety professional?

14 A. The organization of ~~Organized~~ *Certified*
15 Safety Professionals, believe it or not.

16 Q. And when did you receive
17 certification as a CSP?

18 A. The first time they held tests, I
19 took the first test. Oh, CSP? No. That
20 was in the '70's. Probably mid '70's.

21 Q. And in your answer of a moment ago
22 you may have been referring to the CIH
23 certification, when did you get that
24 certification?

25 A. That was in the late '60's. As I

1 said, the first test they ^{held} ~~tk~~ they
2 grandfathered everybody in but me, and I
3 had to take the test.

4 Q. Okay. You indicated that you
5 served on a subcommittee of the medical
6 committee of the American Petroleum
7 Institute. Am I correct that that was as a
8 representative of Monsanto Company?

9 A. That's right.

10 Q. And was the business of that
11 subcommittee in any way related to PCBs?

12 A. Tangentially at best. It was
13 related to the toxicity of materials
14 handled in the refining and transportation
15 of petroleum products in a very broad
16 sense, and to the best of my knowledge, we
17 never discussed -- to the best of my
18 recollection, we never discussed PCBs. It
19 was largely the direct toxicity of
20 individual materials.

21 Q. Was one of the individual
22 materials discussed by that committee PCBs?

23 A. Not while I was on it, no.

24 Q. In what period did you serve on
25 that subcommittee?

1 A. It had to have been -- it would
2 be difficult to say. Sometime in the early
3 '70's or late '60's, that's when I went on
4 it. The committee kind of phased out. You
5 know, like many committees, it disappeared.

6 Q. Did that subcommittee issue any
7 reports, publications in which you
8 participated in the drafting?

9 A. No. That subcommittee was an
10 industrial hygiene group that was advisory
11 to the main members of the committee of the
12 medical committee of the API who were
13 primarily concerned with medical doctors.
14 And since they used most of their API time
15 to play golf, somebody had to do the
16 technical work, and that's exactly why that
17 committee was organized. I'm sorry, put it
18 any way you want to, but that's the truth.

19 Q. That doesn't trouble me at all.
20 Now, let me just refer back for a moment to
21 your membership in all of these groups.
22 Did you need to, or did you seek approval
23 of your immediate superior or anyone in the
24 chain of command at Monsanto in order to
25 participate in these groups?

1 A. In many respects -- let's put it
2 this way, in some respects it was my
3 doing. I pushed it. In other respects
4 others pushed it. I got put on many of the
5 committees by the company, either my boss
6 or the director or someone over in staff,
7 over in the board.

8 Q. Were you encouraged by Monsanto to
9 be active in professional societies?

10 A. To be professionally active, yes,
11 encouraged, and the company paid the bills
12 for me and so forth.

13 Q. With respect to the publication by
14 the American Industrial Hygiene
15 Association, the first industrial guide to
16 industrial safety relating to PCBs, you
17 indicated that that first guide was later
18 updated, is that correct?

19 A. A moment to discuss guides.
20 American industrial Hygiene Association
21 publishes guides, they're very brief
22 subjects to give people of foreman class or
23 junior management class, people in industry
24 a brief look at what he needed to do to
25 protect people in handling these products.

1 That's what it was for. And it was very
2 brief. They were generally one page. And
3 they were done that way purposely. And we
4 did a whole mob of them. We, on our
5 products, to the degree that our products
6 came up from the committee that chose --
7 and I had nothing to do with the committee
8 that chose the subjects, we just did the
9 writing and briefing. And it's difficult
10 to brief these things down to keep them on
11 one page. They were printed on a semi-
12 cardboard that you could tack on a bulletin
13 board. They were called Industrial Hygiene
14 Guides.

15 Q. So, to your recollection, what was
16 the length of the first industrial guide
17 that you and Mr. Wheeler worked on?

18 A. Half a page.

19 Q. And did you participate at all in
20 determining its distribution by the
21 American industrial hygiene association?

22 A. No.

23 MR. PREUSS: You mean the guide as
24 opposed to the half page?

25 A. The guide itself?

1 MR. TALLON: Yes. Well, strike
2 that. Let me just be clear. Are you
3 drawing a distinction between the guide and
4 the half page?
5 A. The guide was the half page.
6 Q. Okay. Was there anything else?
7 A. No.
8 Q. Okay.
9 A. And it was limited to one page.
10 Q. Right. Now, did you have anything
11 to do with the distribution of that one
12 page guide?
13 A. No.
14 Q. Do you have any knowledge of the
15 distribution by the American Industrial
16 Hygiene Association?
17 A. It was available to all members of
18 the industrial hygiene association from the
19 offices in Akron, Ohio. It was published
20 in their journal, that you sent in so many
21 dollars for certain of them and they
22 published the list of the ones they had.
23 At one point in time you could buy the
24 whole set if you wished. It began to
25 disappear. The AIHA, in essence, over the

1 years backed out of it because it was a
2 difficult task and a very controversial one
3 to try to jam into one page -- can you
4 imagine doing this for benzene, toluene,
5 things like that? It would be difficult.
6 And it was difficult. And I helped on some
7 of those, too.

8 Q. Why difficult?

9 A. Because of the problems connected
10 with chronic toxicology that you could not
11 really cover in one page. You're already
12 putting on there the name, all the other
13 names, the symbols, its chemical structure
14 and any of the ^{analytical} ~~structural~~ methods, all of
15 its physical and chemical properties.
16 You're still stuck to one page, so your
17 toxicology industrial hygiene paragraph is
18 about that big. So it became cumbersome to
19 do this with materials of a very far
20 reaching toxicology.

21 Q. I take it from your response that
22 there was insufficient space on the one
23 page to fully describe the important or
24 salient points?

25 MR. PREUSS: Well, I'm going to

1 object; over-broad, non-specific.

2 MR. TALLON: You can answer.

3 A. It really was an evolutionary
4 process. In safety and health the amount
5 of material needed has grown through the
6 years and this -- they outgrew the need
7 for the industrial hygiene guides, because
8 other organizations were publishing formal
9 documents or little booklets on them. The
10 API published them, the MCA published
11 them. I participated in writing a great
12 many of them, just participated with a
13 group, a cluster of people that handled
14 these materials that knew something about
15 them. And the API had a whole mob of them,
16 and the Chemical Manufacturers Association
17 did, likewise. None of them do it any
18 more. It's too complex to be able to snub
19 this stuff down into small enough form to
20 make it available and understandable to
21 foreman class people. Okay? I'm not
22 trying to be class conscious, I'm telling
23 you that the average foreman couldn't
24 understand, when you start getting out into
25 extraneous toxicology issues. So, to keep

1 from -- I was participating when they
2 disappeared, one set stopped, the ACA set
3 stopped. It got to the point where you
4 couldn't do it in a decent short enough
5 length to justify that type of
6 publication. If you're going to make a 20
7 page document, it doesn't fit a pamphlet
8 form. I mean, ~~so~~ they just ^{petered} ~~feathered~~ out,
9 and they did -- all of the makers of these
10 ~~things feathered out.~~ ^{guides ceased publication.} In other words, the
11 industrial hygiene guides, the MCA safety
12 data sheets, the API's data sheet just
13 disappeared for lack of need for that kind
14 of information any more.

15 Q. In connection with that first
16 industrial guide that you and Mr. Wheeler
17 worked on, was that replaced by another one
18 page guide at a later date or did it simply
19 phase out of existence?

20 A. I really don't know.

21 Q. Okay. Now, I've asked you
22 questions about whether you participated in
23 drafting publications for any of the five
24 organizations that we touched on thus far.
25 Did you review publications proposed to be

1 published by any of the five organizations
2 that we've discussed, including the
3 American Chemical Society, the National
4 Safety Council, the American Industrial
5 Hygiene Association, the American
6 Industrial Hygiene Academy, or the American
7 Petroleum Institute where the subject of
8 that publication was PCBs?

9 MR. PREUSS: Let me clarify. Are
10 you talking about reviewed in an editorial
11 sense or just glanced at them or read
12 them?

13 MR. TALLON: I'm talking about
14 reviewed in an editorial sense.

15 A. PCBs, no.

16 Q. Now, you testified a moment ago
17 that you participated in drafting
18 publications for other organizations. Did
19 you participate in drafting publications
20 for the Chemical Manufacturers Association?

21 A. Yes.

22 Q. Did any of the publications in
23 which you participated in drafting touch on
24 or concern PCBs?

25 A. No.

1 Q. Did you participate in preparing
2 publications, that is to say, drafting
3 publications for the National Drinking
4 Water Council where the topic or subject of
5 that publication was PCBs?

6 A. No. The National Drinking Water
7 Council was an advisory council to the
8 director of the agency itself, and to the
9 Congress.

10 Q. Which agency are you referring
11 to? OSHA?

12 A. No. The pollution agency. Damn
13 it, what the hell --

14 Q. The EPA?

15 A. Yes, EPA.

16 Q. When were you appointed to the
17 National Drinking Water Council for the
18 first time?

19 A. Oh, gosh. '71, '72. And I served
20 for one year. I was one of the originals
21 and I had the one year term and they
22 reappointed me for three additional years.

23 Q. By whom were you appointed?

24 A. The secretary of EPA, the
25 director, who was the assistant secretary

1 of then Health, Education and Welfare.

2 Q. At any time during your service on
3 the National Drinking Water Council did the
4 business of that council touch on or
5 concern PCBs?

6 A. Only in an ancillary sense, if at
7 all. I don't recall any direct discussions
8 concerning PCBs.

9 Q. Do you have an understanding as to
10 how you were selected for nomination to
11 that council?

12 A. Two of the organizations I was
13 members of put my name on there. The
14 secretary, assistant secretary, director
15 picked me out of the list.

16 Q. Just let me do one cleanup
17 question. Mr. Garrett, do you have any
18 recollection of participating in the
19 drafting of any publication by any
20 organization where that publication touched
21 on or related to PCBs?

22 MR. PREUSS: Other than the
23 Industrial Hygiene Society?

24 MR. TALLON: Other than what we
25 have discussed thus far.

1 A. I've worked with groups that did
2 documentation for agencies that did -- the
3 agency itself may have published on PCBs.
4 I did not participate in it, except for
5 one.

6 Q. When you say you worked with
7 groups, which groups are you referring to?

8 A. We've been discussing it. The MCA
9 then, now CMA -- I don't know why they
10 reversed it, MCA had such a rotten
11 reputation, I guess -- published all of
12 these MCA guides and we helped in that.
13 Also helped publish, write things that went
14 from the MCA in their efforts to discuss
15 with Congress. These are all lobbying
16 operations, you know this. And in the
17 technical groups, ~~including the~~
18 including the ^{A/HA,} ~~AIS,~~ the academy, the safety
19 council, I've worked on publications for
20 them that are purely a technical base for
21 -- that would not necessarily be for
22 lobbying or anything else, it would be for
23 publications they published one place or
24 another for the help of safety and health
25 professionals. And the book on management

1 the same way, it was published at the
2 request of a number of people from the AIHA
3 that needed to be done and we did it.

4 Q. Just referring to the Chemical
5 Manufacturers Association for just a
6 moment, I take it that that organization
7 from time to time discussed pending
8 legislation with representatives of the
9 Congress?

10 MR. PREUSS: Are you asking does
11 he have personal knowledge of that?

12 MR. TALLON: I'm asking.

13 A. Yes, I do.

14 Q. And, in fact, in your answer of a
15 moment ago I think you referred to it as
16 lobbying, correct?

17 A. Yes.

18 Q. Did you ever directly participate
19 in any lobbying activities in connection
20 with the Chemical Manufacturers
21 Association?

22 A. With agency people, not with
23 elected officials. So it's kind of
24 secondary lobbying, if you know what I
25 mean.

1 Q. When you refer to agency people,
2 are you referring to representatives of the
3 Environmental Protection Agency?

4 A. API -- I mean, EPA, OSHA, NIOSH.
5 Oddly enough, I did participate with the
6 pollution, national pollution organization
7 in direct lobbying with some people for
8 some pollution laws.

9 Q. Did any of your direct experience
10 in discussing legislation or proposed
11 regulations with the EPA touch on or
12 concern PCBs?

13 A. Not in a direct sense.

14 Q. Did it do so in an indirect sense?

15 A. Pollution, water pollutants. What
16 is a water pollutant. It means anything
17 that could get in the water.

18 Q. And did you discuss those lobbying
19 efforts with any of your colleagues at
20 Monsanto?

21 A. Yes, if they wished to know. And
22 those that needed to know I discussed it
23 with, yes.

24 Q. Just to be clear, was the effort
25 that you were engaged in an effort in

1 concert with the Chemical Manufacturers
2 Association?

3 MR. PREUSS: I object to the form
4 of the question, as to what you mean by in
5 concert.

6 A. It was a subcommittee of a
7 committee of that organization that did the
8 work and presented the technical data
9 obtained.

10 MR. TALLON: What was the
11 subcommittee?

12 A. It would have been an ad hoc
13 subcommittee, many times appointed from the
14 major committee, which is the chemical
15 advisory committee to that organization.

16 Q. What was the purpose for which you
17 were so engaged in discussions with the
18 EPA?

19 A. From the day I joined Monsanto's
20 health department to today, these
21 organizations that built the technical
22 backing for all the pollution laws and
23 health related laws, largely, that are on
24 the books in any agency of the Federal
25 Government, because when we started there

1 were virtually no legislation connected
2 with specifics.

3 MR. PREUSS: You've answered the
4 question, sir.

5 MR. TALLON: I think you may have
6 interrupted him. May I have the answer
7 back?

8 (The requested portion of the
9 record read by the reporter).

10 MR. TALLON: Let me just be clear,
11 Mr. Garrett. What was the purpose of your
12 effort? What were you attempting to do?

13 A. You may not believe this, but I
14 was attempting to write decent -- get the
15 background for decent pollution laws and
16 decent health related laws in this
17 country. All people in my business in
18 every company, regardless of what they
19 made, were trying to do the same thing.

20 Q. And for the record, what do you
21 mean when you use the word decent in that
22 context?

23 A. When I got in the Water Pollution
24 Control Federation, the federal pollution
25 law said it was against the law to pollute,

1 and that's all.

2 Q. And --

3 A. And in the next 50 years we have
4 been defining pollute. And the direction
5 some of these things were taking was
6 alarming in the sense that well, we're not
7 going to have any chemicals put in the
8 rivers. You know, I mean, let's be
9 perfectly frank with ourselves, the average
10 American Congressman, distressingly so, is
11 probably an attorney that has very little
12 technical backing and information
13 concerning pollution control, pollution
14 treatment, chemicals or anything else, so
15 it was our job, and encouraged by these
16 organizations, to try to get this job done
17 with some responsibility.

18 Q. Did you ever personally
19 participate in discussions with
20 representatives of a government agency
21 where the subject of the discussions was
22 PCBs?

23 A. Specifically, I don't recall.

24 Q. Were you ever part of a working
25 group or organization that was dealing

1 directly with a federal or state agency
2 where the specific topic to be discussed
3 was PCBs?

4 A. No.

5 Q. Were you ever part of a group that
6 discussed the issue of PCBs with federal
7 legislators, Senators or Congressmen?

8 A. I don't recall. I really don't
9 recall.

10 Q. Mr. Garrett, you indicated that
11 you received your Master's Degree in 1949?

12 A. Yes.

13 Q. Did you, after receiving your
14 Master's Degree, begin work in your present
15 field?

16 A. No.

17 Q. What did you do after you received
18 your Master's Degree for employment?

19 A. I became a chemist. Which I was a
20 chemist, an inorganic physical chemist
21 looking for a job, had a wife and two kids,
22 all of which were hungry after four years
23 of college, I went on the G.I. Bill, and I
24 walked to the gate at Monsanto's plant in
25 Texas City, Texas and they hired me as a

1 research chemist.

2 Q. What year was that?

3 A. 1950. January 12, 1950, my
4 birthday.

5 Q. Starting with your position as a
6 chemist in Texas City, Texas, could you
7 please take me through your employment with
8 Monsanto from January 12, 1950 until you
9 retired? And when I say take me through, I
10 mean could you please tell me what
11 positions you held and for what periods of
12 time you held them, as best you can?

13 A. Roughly. I was a research
14 chemist, and that was my title. And I
15 think I was Research Chemist 3 by their
16 salary schedules, that's all I know. It's
17 strange about things, how they've evolved.
18 More people are interested in their salary
19 levels and so forth today than we were in
20 those days after the war. All we needed
21 was a job. I think a lot of people are in
22 the same boat today. And as you can easily
23 imagine, my field was radiation chemistry,
24 and I was going into a laboratory that's
25 field was polymeric monomers, an organic

1 chemistry field. So I, to a certain
2 degree, represented an odd sort of
3 individual in this lab. So I inherited all
4 the odd jobs. And one of them had to do
5 with determining what treatment we would
6 apply to an acrylonitrile process that was
7 planned for the Texas City plant, the old
8 Texas division of Monsanto's plant. And I
9 did -- I got mixed up in how do you do
10 this. I went to the state.

11 MR. PREUSS: Mr. Garrett, I think
12 he wants to know how long you were research
13 chemist, from what year to what year, what
14 you did, your job position from what year
15 to what year.

16 A. I got pretty proficient in
17 pollution, and the medical department in
18 St. Louis found it out, and when they were
19 ordered to take over this job of keeping
20 the plants advised in connection with
21 pollution control, they came down to Texas
22 City and offered me a chance to make more
23 money, so I came to St. Louis as an
24 industrial hygienist. I never had seen
25 that term before, I did not know what it

1 was.

2 Q. And what year did you go to St.
3 Louis as an industrial hygienist?

4 A. '54.

5 MR. PREUSS: Do you want to take
6 it on up?

7 MR. TALLON: Yes, please.

8 A. I became manager in about '58 of
9 water pollution control in that section,
10 and then manager of industrial hygiene and
11 water pollution control, and then manager
12 of industrial hygiene, then director of
13 industrial hygiene. These are grade level
14 changes, as you can imagine.

15 Q. Can you relate when you became the
16 manager of industrial hygiene and water
17 pollution control?

18 A. What time, you mean what date?

19 Q. Yes. What year?

20 A. Oh, gosh. '62, I think, something
21 like that.

22 Q. Do you remember the year in which
23 you became the manager of industrial
24 hygiene?

25 A. I really don't.

1 Q. Do you remember the year in which
2 you became the director of industrial
3 hygiene?

4 A. That was probably '80.

5 Q. Was director of industrial hygiene
6 the last position you held at Monsanto?

7 A. Yes.

8 Q. And what year did you retire from
9 active duty at Monsanto?

10 A. November 1985.

11 Q. And since 1985 have you been a
12 consultant in private practice?

13 A. Yes.

14 Q. Since 1985 has any of the
15 consulting work that you have done been for
16 Monsanto?

17 A. Yes.

18 Q. Are you currently working for
19 Monsanto as a consultant?

20 A. Yes, I presume so.

21 Q. And I take it that if you act as a
22 consultant for Monsanto, Monsanto pays you
23 some salary or fee based on your hours?

24 A. Yes.

25 Q. Can you estimate, or better yet,

1 tell me how many projects you've worked on
2 for Monsanto since leaving Monsanto,
3 retiring from Monsanto in 1985?

4 A. Six or seven.

5 Q. And do you plan to be able to
6 consult for Monsanto in the future, if that
7 is possible?

8 A. Consult with anybody who wants me,
9 yes.

10 Q. When you first went to St. Louis
11 in 1954 from Texas City, Texas, what
12 department were you in, if that is the
13 correct terminology?

14 A. Medical.

15 Q. To whom did you report in 1954?

16 A. To Elmer P. Wheeler.

17 Q. What was his title?

18 A. Assistant director.

19 Q. Assistant director, medical?

20 A. Assistant director of the medical
21 department. He was not assistant medical
22 director, no. Assistant director of the
23 medical department.

24 Q. And at that time who was the
25 director of the medical department?

1 A. Dr. R.E. Kelly.

2 Q. Did you have anyone reporting to
3 you when you came to St. Louis?

4 A. No.

5 Q. When you became the manager of
6 water pollution control in approximately
7 1958, what department did you work with or
8 for?

9 A. Medical department.

10 Q. Was your position always within
11 the medical department through your
12 retirement?

13 A. Through the medical department and
14 its subsequent names. But the same thing,
15 same idea, same place, really.

16 Q. And did the name of the medical
17 department change from 1954 to 1985?

18 A. Yes.

19 Q. What was it called at various
20 points?

21 A. When I left it was called the
22 department of medicine and environmental
23 health.

24 Q. In 1954 did Mr. Wheeler have
25 others reporting to him as assistant

1 director of the medical department?

2 A. No.

3 Q. You were his only report?

4 A. I was his.

5 Q. Okay. And did Mr. Wheeler report
6 to Mr. Kelly?

7 A. Yes.

8 Q. Did Dr. Kelly have other reports
9 at that time, so far as you recall?

10 A. Yes. He had a half time physician
11 and a medical technician and, of course, we
12 had two secretaries.

13 Q. Were the offices of your -- was
14 your office and the office of Mr. Wheeler
15 and the office of Dr. Kelly in the same
16 general area?

17 A. Yes.

18 Q. And what building or office
19 address was that?

20 A. The office building downtown at
21 the Queeny plant. There is an eight story
22 building there that Monsanto had as its
23 original company office.

24 Q. Did the location of your offices
25 change between 1954 and 1985?

1 A. We moved from there to the new
2 office structure in St. Louis County.

3 Q. When was that?

4 A. In A Building of that new
5 structure, which was a multitude of
6 buildings. That was in 1957. No. Yes, it
7 was 1957, that's right.

8 Q. And was your office in that same
9 location in St. Louis County for the
10 balance of your career at Monsanto?

11 A. No. We moved -- they separated
12 - they separated the department and moved
13 most of the people to another building
14 temporarily and then they moved them back.
15 After I left they moved it back.

16 Q. How was the department separated?

17 A. The director and -- who was a
18 physician, stayed in one area. It was a
19 matter of just because of room and space
20 problems. And it's back together where it
21 belongs now.

22 Q. The director was in one area and
23 staff was in another?

24 A. Yes.

25 Q. Was your office near the office of

1 the director during that time?

2 A. No, it was in the other place. In
3 other words, they moved us over to another
4 building.

5 Q. During the time period when the
6 department was separated, was the director
7 alone and all of the staff elsewhere?

8 A. To a degree. And then he moved
9 over with us and then the whole thing moved
10 back after I retired.

11 Q. I take it from your description
12 that between 1954 and 1985 the medical
13 department grew in terms of the number of
14 people assigned to it?

15 A. Oh, my, yes.

16 Q. When you became manager of water
17 pollution control in 1958, to whom did you
18 report?

19 A. Elmer Wheeler.

20 Q. And to whom did Mr. Wheeler
21 report, if you recall?

22 A. Dr. Kelly.

23 Q. When you became manager of water
24 pollution control in 1958, did Mr. Wheeler
25 have other reports to him?

1 A. Yes. He had a toxicology man.
2 Q. I'm sorry?
3 A. He had a toxicologist report to
4 him.
5 Q. Who was that?
6 A. A deceased gentleman named Hunt.
7 Dr. Hunt William Hunt.
8 Q. And do you recall when Dr. Hunt
9 began work as a toxicologist reporting to
10 Mr. Wheeler?
11 A. That had to have been sometime in
12 the late '60's, I would say. Mid to late
13 '60's.
14 Q. I think the question arose, what
15 reports did Mr. Wheeler have in 1958 when
16 you became director of water pollution
17 control. And just to clarify, was Dr. Hunt
18 working for -- or, rather, reporting to
19 Mr. Wheeler in 1958 or did he not arrive
20 until the late '60's?
21 A. I can't remember what time it
22 was. Whether he was there at that time, I
23 don't remember. But I reported to him and
24 I had one man reporting to me.
25 Q. And who was reporting to you?

1 A. A pollution engineer.
2 Q. Who was that?
3 A. Bruce W. Eley.
4 Q. Is that E-l-y?
5 A. I think E-l-e-y, I think.
6 Q. Is Mr. Eley still living?
7 A. Yes.
8 Q. Is he still employed by Monsanto?
9 A. To the best of my knowledge.
10 Q. When did Mr. Eley start working at
11 Monsanto for you, as best you recall?
12 A. Not exactly, no.
13 Q. When you became the manager of
14 industrial hygiene and water pollution
15 control in approximately 1962, to whom did
16 you report?
17 A. Elmer Wheeler, still.
18 Q. And did Mr. Wheeler then still
19 report to Dr. Kelly?
20 A. Yes.
21 Q. At that time did Mr. Wheeler have
22 any other reports that you recall?
23 A. Toxicologist and myself.
24 Q. And when you became the director
25 -- excuse me, the manager of industrial

1 hygiene and water pollution control, did
2 you have anyone reporting to you?

3 A. Later on, yes.

4 Q. Who?

5 A. I had -- it would be better when
6 I became director. I had -- at that time
7 we hired some new ones. We had four
8 industrial hygienists and an assistant, who
9 was Mr. Eley.

10 Q. Are you referring to the time in
11 1980 when you became the director of
12 industrial hygiene?

13 A. No. During the period between
14 that time and the time I was manager of
15 industrial hygiene the staff grew to four
16 hygienists and an assistant, which was Mr.
17 Eley, and three chemists in an industrial
18 hygiene laboratory.

19 Q. And did the four industrial
20 hygienists and the three chemists report to
21 you?

22 A. Yes.

23 Q. Do you remember the names of the
24 industrial hygienists?

25 A. Not -- I can tell you some of

1 them, that's all.

2 Q. Can you please tell me those that
3 you recall?

4 A. John Pinshaw, who is currently
5 operating that section. At the same time I
6 inherited the health records section, which
7 contained -- which was the computer
8 operation for health records, and I had a
9 manager managing each of ^{the}~~those~~ two ^{parts} of
10 that section, the hygiene ^{part}~~section~~ and the
11 hygiene chemistry ^{part}~~section~~. Currently that
12 is not so, that is not the arrangement, and
13 currently I don't know the arrangement,
14 you'd have to ask somebody else.

15 Q. Who was the manager of the
16 chemists section?

17 A. Bob Peck, P-e-c-k.

18 Q. And do you remember during what
19 time period Mr. Peck served as manager of
20 that section?

21 A. He was there when I left, so I
22 don't know since then.

23 Q. But do you remember when he came
24 on board?

25 A. No, not directly. I don't -- I

1 don't remember. We brought him in from
2 Dayton, and I don't know when it was.

3 Q. And do you remember when Mr.
4 Hinshaw began work at Monsanto?

5 A. To be perfectly honest, no, I
6 don't. I can't remember exactly. Probably
7 late in '70, but I can't tell you any
8 better than that.

9 Q. Did the organization of your group
10 change at all from the time you became
11 manager of industrial hygiene through your
12 retirement as director of industrial
13 hygiene?

14 A. Became a little larger. We got
15 another chemist and a couple of additional
16 industrial hygienists, and I was spending a
17 lot of time with the health records group.

18 Q. Did you continue to report to Mr.
19 Wheeler until the time you retired?

20 A. Until the time he retired, yes.

21 Q. When was that?

22 A. Oh, gosh, '72, '3, '4, something
23 like that. Early to mid '70's, that's the
24 best I can do. You'd have to ask his wife,
25 I guess.

1 Q. And to whom did you report after
2 Mr. Wheeler retired?

3 A. The medical director.

4 Q. Directly to the medical director?

5 A. Directly to the medical director.

6 Q. Who was that?

7 A. That was Dr. George Roush.

8 R-o-u-s-h, I believe is the way he spells
9 it.

10 Q. Did Dr. Roush replace Dr. Kelly as
11 medical director?

12 A. Yes.

13 Q. And do you recollect when Dr.
14 Kelly retired?

15 A. I hate to say the late '70's, but
16 I'm going to do it again, because I don't
17 know. No, I don't know.

18 Q. Have you seen Dr. Kelly since his
19 retirement or yours?

20 A. Many times.

21 Q. When was the last time you saw
22 him?

23 A. A funeral about three or four
24 months ago.

25 Q. Other than Mr. Wheeler, did you

1 ever have any reporting obligation to
2 anyone else?

3 A. Yes.

4 Q. To whom?

5 A. Mr. Tom Evans.

6 Q. And what was Mr. Evans' position
7 during the period you reported to him?

8 A. During the period that we reported
9 that Dr. Roush headed the thing, the
10 company interjected an additional
11 management layer, and Mr. Evans turned out
12 to be my boss.

13 Q. Approximately when did you begin
14 reporting to Mr. Evans?

15 A. Probably in the early '80's or
16 late '70's. Very late '70's, probably '78,
17 '79, '80, '81.

18 Q. In the 1960's did you have any
19 reporting obligations to a person other
20 than Mr. Wheeler?

21 A. It was a very small department
22 and, yes, my official boss was Mr.
23 Wheeler. The department had four men in
24 it, all of which were largely different
25 technical people. It was kind of operated

1 in a rather laissez-faire way. But as it
2 grew larger it had to have defined lines of
3 communication, so forth, and when I finally
4 retired there were so many people in the
5 medical system itself at Monsanto in
6 varying specialties that industrial hygiene
7 and computer records setup was a different
8 organization, and we were so big that these
9 people probably didn't know the people in
10 the toxicology section, for example. We
11 went from a room to a floor in 30 years.

12 Q. In referring to the health records
13 section, are you referring to health
14 records of Monsanto workers or health
15 records of others or both?

16 A. Monsanto workers.

17 Q. Did you ever have anyone working
18 for you who had as their principal
19 responsibility addressing concerns related
20 to PCBs?

21 A. No.

22 Q. Was there ever during your service
23 with Monsanto a person in the medical
24 department whose principal responsibility
25 was to deal with health issues or

1 environmental issues relating to PCBs?

2 A. No.

3 Q. During your service in the medical
4 department at Monsanto was there a person
5 who had as a portion of their
6 responsibility dealing with issues relating
7 to PCBs?

8 A. The hygienist assigned to the
9 organic chemicals company back when it was
10 a division or company, yes. It was one of
11 his many jobs.

12 Q. Do you remember the name of the
13 hygienist assigned to the organic chemicals
14 division?

15 A. They were at one time or another
16 assigned to them. We moved them around.
17 They moved up, some of them left, we got
18 new ones and so forth. No, I don't.

19 Q. Did there come a time when, let's
20 say, legislative attention focused on
21 PCBs?

22 MR. PREUSS: I'm going to object
23 to the vagueness.

24 A. There was a time when legislative
25 attention focused on organic chemicals, and

1 I think that part of that was PCBs.

2 MR. TALLON: At or before that
3 time was it the responsibility of anyone in
4 the -- of any particular individual in the
5 medical group to deal with questions
6 relating to PCBs?

7 A. The hygienist assigned to the
8 organic division initially, and to the
9 chemical company ultimately. These are
10 organizational changes in Monsanto itself.
11 And the section that included the organic
12 manufacturing that the hygienist was
13 assigned, and it varied depending on who
14 was assigned to, the organic division.

15 Q. What was the formal name of the
16 division or department that had
17 responsibility for organic chemicals during
18 the period that you worked for the medical
19 group?

20 A. Originally the organic division.
21 Later a series of names which is currently
22 the chemical -- the Monsanto Chemical
23 Company.

24 Q. Was there a separate management
25 structure for the organic division during

1 the time that you served in the medical
2 group?

3 A. Yes.

4 Q. And can you describe for me how
5 that division was managed? Was there a
6 president or vice-president, so forth?

7 A. There was a Corporate
8 Vice-President who was in charge of that
9 division. And I believe he was one of
10 four.

11 Q. One of four corporate
12 vice-presidents company-wide or one of four
13 in charge of the organic division?

14 A. Company-wide.

15 Q. And who was the Corporate
16 Vice-President in charge of the organic
17 division?

18 A. Oh, my stars, I have no idea,
19 there were so many different ones.

20 Q. Do you remember any of them?

21 A. Their names escape me. The only
22 thing I know is the current president of
23 the whole damn mess and chairman of the
24 board of the mess was at one time the
25 vice-president of the plastics division.

1 Q. Are you talking about today?

2 A. Today. Was at one time one of
3 those vice-presidents. It was a procedure
4 where they were board members. By the way,
5 when I first came to Monsanto, the division
6 vice-presidents were board members, they
7 are not now.

8 Q. When you say board members, you
9 mean members of the board of directors of
10 the parent company?

11 A. That's right. Voting members of
12 the board of directors.

13 Q. Okay. Now, you've taken me
14 through the positions you held in your
15 service in the medical department from 1954
16 through your retirement. Can you please
17 tell me what your duties were when you
18 first came to St. Louis as an industrial
19 hygienist in 1954?

20 A. To take over the visitation to the
21 plants that required it, which were
22 primarily organic producing plants, and to
23 continue doing the work on pollution
24 control for the corporation, as the -- I
25 don't know how you put it, the town crier

1 on pollution control.

2 Q. What was the function of the town
3 crier on pollution control?

4 A. Trying to determine and bring to
5 the attention of the division people, their
6 staff, what they were looking at in
7 connection with treatment problems and
8 methods.

9 Q. Did you have responsibilities
10 other than plant visitation?

11 A. You know, with a small department,
12 I didn't do any physical exams, because I
13 wasn't a qualified physician, but I was
14 accused many times of having -- of having
15 Dr. Kelly take my license away from me. So
16 it was a small department at first, and I
17 answered Elmer's phone, he answered mine
18 and sometimes I even answered -- I even
19 answered Kelly's phone.

20 Q. You've indicated a couple of times
21 that the medical group was a small
22 department when you joined in 1954. Was it
23 small enough that you had direct contact
24 with Dr. Kelly?

25 A. Sure. His office was next to mine

1 and Elmer's was on the other side.

2 Q. And did that direct contact
3 continue throughout the '60's and '70's?

4 A. Throughout the time he was boss of
5 the medical department, whatever it was
6 called. And it had changed names from time
7 to time becaues other people wanted it to
8 be called the occupational medical
9 department and everything else. Dr. Kelly,
10 as the boss, kept very close and tight
11 liaison with his people, and because of the
12 transfer of information back and forth it
13 had to be that way. It still is that way,
14 except now by boxes. Industrial hygiene is
15 separate and industrial hygiene chemistry
16 and toxicology and all, they're all
17 separate groups, and the department is very
18 large now.

19 Q. In your answer when you referred
20 to boxes, you mean boxes on an
21 organizational chart?

22 A. Yes.

23 Q. During the time that Dr. Kelly was
24 the head of the department, did you have
25 any access to him directly? You didn't

1 have to go through Mr. Wheeler, right?

2 A. No. I had access to him
3 directly. Now, officially, I went through
4 Elmer, but by agreement with Elmer -- I had
5 never seen this kind of organization
6 before, I came out of the Army where the
7 Corporal spoke to the Sergeant in quiet
8 tones. I found with some work there that
9 it was necessary to do that. The liaison
10 was direct, the actual official line of
11 communication was well established, me to
12 Elmer to -- we traveled so frequently and
13 so much that it was almost -- it was lucky
14 if one person was there, much less two.
15 And it worked fine, the three of us worked
16 fine.

17 Q. You indicated in an answer a
18 moment ago that your plant visitation was
19 primarily to organic producing plants. Can
20 you state the reason or reasons why it was
21 primarily to organic producing plants?

22 A. Most of the problems of the other
23 plants were mechanical. Making fiber is a
24 mechanical problem. Making inorganic
25 chemicals is the rock and gravel business.

1 Organic chemicals are a chemical business,
2 and they required the most attention. They
3 still do today.

4 Q. And what is the reason for that
5 degree of attention required?

6 A. They produce the vast number of
7 materials. They produce probably -- today,
8 probably 95 percent of Monsanto's products
9 are produced by the chemical company, in
10 actual differential products. The fiber
11 people make one thing, they make nylon
12 thread, and, you know, that process is a
13 fixed process. The old Monsanto inorganic
14 division made phosphate from ground rock in
15 furnaces. That's the old story, if you've
16 seen one phosphate furnace you've seen them
17 all. We went there and we maintained
18 liaison with them and knew the people and
19 raised cane with them if the need be. But
20 our main business was with organic
21 production, and it still is today.

22 Q. All right. After you became the
23 manager of water pollution control, did
24 your responsibilities change in any
25 fashion?

1 A. No.

2 Q. They remained the same?

3 A. That's right.

4 Q. Did you take on responsibility for
5 water pollution control or did you already
6 have it?

7 A. I already had it.

8 Q. What did you do in connection with
9 discharging your responsibilities in
10 connection with water pollution control?

11 A. Well, you saw the organization
12 that I was with, I kept track of where the
13 chemical industry itself was in respect to
14 this, and kept track of some of the river
15 basins that we were working on, because
16 these were the ones into which we
17 ultimately were going to discharge whatever
18 pollution we did or didn't do. The Ohio
19 river, the Mississippi River and some of
20 the coastal areas, Galveston Bay. I know
21 more about Galveston Bay than I need to
22 know. But I did it because we needed to.

23 Q. When you say kept track of river
24 basins, are you referring to studies of
25 pollutants?

1 A. We sampled, tested fish, tested
2 residue, the bottom mud. And believe me,
3 Galveston Bay has an interesting layer of
4 bottom mud. Very, very, very thick mud,
5 very deep mud, it's been there a long time,
6 and the soil from the Trinity Basin has
7 bled off into it very much. And we need to
8 know what was going on in that aquatic
9 environment and what affect we were having
10 on it, if any.

11 Q. For what purpose did you want to
12 have that information?

13 A. Because we had to have it.

14 Q. What was the reason you had to
15 have it?

16 A. Because it was good management
17 practice. And Monsanto produced -- did it
18 before they were forced to. But they
19 didn't do it because they were forced to,
20 they did it because they wanted to do it.

21 Q. Did what, keeping track?

22 A. Kept track and treated their
23 wastes. We treated the waste at Texas City
24 when I was there.

25 Q. And, just briefly, what are you

1 referring to by treating waste at Texas
2 City?

3 A. We treated the materials, did he
4 we didn't discharge them to the bay.

5 Q. What treatment was effectuated
6 then?

7 A. We burned them, incinerated them,
8 recycled them to the degree that -- and
9 sent our -- the plant wastes themselves,
10 this is the laboratory waste, to the city
11 waste treatment plant. We built a pipeline
12 to them, paid them to treat our sewerage.
13 Now, I'm pretty proud of Monsanto, so don't
14 jab me about that. We do what we think is
15 proper and necessary to maintain proper
16 management, and we did it then and we do it
17 now.

18 Q. Did your position, or, rather,
19 your responsibilities change when you
20 changed position to manager of industrial
21 hygiene and water pollution control?

22 A. Yes. Because now we're beginning
23 to get people. I got --

24 Q. Staff?

25 A. I got a people.

1 Q. Okay.

2 A. And I worked the hell out of him,
3 I hate to say. And he became -- he came
4 in -- he was a graduate with a Master's
5 Degree in environmental engineering, and I
6 turned him into an industrial hygienist.
7 But -- to a degree. But he still was a
8 first class pollution engineer as well.
9 And he helped. And because of our
10 multiplicity in hats he became a hygienist
11 and still retained his -- some
12 responsibility for pollution control.

13 Q. Are you referring to Mr. Eley?

14 A. I am.

15 Q. In addition to having supervisory
16 responsibilities over Mr. Eley, did your
17 own function or responsibilities change
18 when you became manager of industrial
19 hygiene and water pollution control?

20 A. Other than managing Mr. Eley and
21 separating the work that was needed, no.

22 Q. Did your responsibilities or
23 function change when you became manager of
24 industrial hygiene?

25 A. By this time I had a couple of

1 additional hygienists, and it looked like
2 - let me -- we were working two sides of
3 the street in a way. And it came to the
4 point, and I knew it was coming, that it
5 had to separate, and it separated. And I
6 became industrial hygiene only and
7 pollution control went to the engineering
8 department, where it belonged, originally,
9 actually.

10 Q. When was that? When did that
11 split occur?

12 A. It had to be sometime in the
13 '70's. And I couldn't tell you. Actually,
14 I was given a choice by the vice-president,
15 do you want one or do you want the other.

16 Q. Which vice-president are you
17 referring to?

18 A. That would be at the time -- oh,
19 gosh, I can't remember. Oh, it was
20 probably Throdahl. Monte Throdahl.

21 Q. How do you spell Mr. --

22 A. M-o-n-t-i, I think, or M-o-n-t-e.
23 And he said to me do you want pollution
24 control or do you want industrial hygiene,
25 we got to separate it, it's getting to be

1 too big a job, and I chose industrial
2 hygiene because that was the biggest
3 challenge.

4 Q. Just one thing, Mr. Garrett, I
5 didn't get the spelling of Monte's last
6 name.

7 A. T-h-r-o-d-a-h-l, I think.

8 Q. Was Mr. Throdahl responsible for
9 your department or for you?

10 A. Yes. He was responsible for the
11 medical department and all of its many
12 environs at the time.

13 Q. What time was that? You said that
14 was in the '70's?

15 A. Yes.

16 Q. When you started at Monsanto in
17 1954, do you know to whom Dr. Kelly
18 reported?

19 A. There was no operational chart
20 that showed where he reported. But he
21 reported to the old man, he reported to Mr.
22 Queeny, actually, if you want to know the
23 truth.

24 Q. You're referring to the Chief
25 Executive of Monsanto?

1 A. Yes. The owner's son.

2 Q. And did Dr. Kelly continue that
3 relationship?

4 A. No. There was an official
5 organization put in and there was a
6 vice-president in charge of portions of the
7 staff, and Dr. Kelly reported to that
8 vice-president. And there were a number of
9 those through the years. Mr. Throdahl, by
10 the way, was one of them at one time.

11 Q. When did the organizational
12 structure change such that Dr. Kelly was
13 reporting to a vice-president?

14 A. When Mr. Queeny quit and retired
15 from the company, active participation in
16 the company.

17 Q. Approximately when was that?

18 A. Oh, gosh, I don't know. It had to
19 be in the '70's sometime.

20 Q. Do you remember who was the first
21 vice-president to whom Dr. Kelly had
22 reporting responsibility?

23 A. No, I don't remember. And there
24 was a whole string of them, so --

25 Q. Did you ever work with a gentleman

1 by the name of Keller?

2 A. Bob Keller?

3 Q. Yes.

4 A. Yes.

5 Q. And what was Mr. Keller's title

6 when you worked with him?

7 A. Research chemist, senior research

8 chemist and then section leader, I believe,

9 in the research department when I knew him.

10 Q. And you interacted with Mr. Keller

11 in some way in your job?

12 A. And many other people.

13 Q. And many other people?

14 A. Many other people.

15 Q. Sure. How did you interact with

16 Mr. Keller?

17 A. He was a research chemist in

18 charge of certain materials, research on a

19 certain line of organic materials, and we

20 interfaced with him and half a dozen others

21 for the same reason.

22 Q. Did Mr. -- I'm sorry.

23 A. I can't recall their names. Once

24 in a while I will.

25 Q. Did Mr. Keller have any

1 responsibility for research relating to
2 PCBs?

3 A. Fluids, I think, yes.

4 Q. Did you ever interact with Mr.
5 Keller as related to research into PCBs in
6 fluids?

7 A. Probably many times.
8 Specifically, I related to so many, I don't
9 know whether I related to him any more than
10 anybody else. By the way, it's Dr. Keller.

11 Q. Is it Dr. Keller?

12 A. Yes, indeed.

13 Q. You reminded me of something. Dr.
14 Kelly is a medical doctor?

15 A. Yes.

16 Q. And Dr. Keller -

17 A. Is a Ph.D chemist.

18 Q. I take it Dr. Keller did not
19 report to you?

20 A. No.

21 Q. Do you know to whom he did report?

22 A. Somebody in the -- in that
23 division's research group. And, frankly, I
24 do not know.

25 Q. Was Dr. Keller an employee of or

1 associated with the organic chemicals
2 division?

3 A. Their research department, yes.

4 Q. Understanding that you interacted
5 with a lot of people in your career, do you
6 have any particular recollection of
7 interacting with Dr. Keller on an issue
8 related to PCBs in fluids?

9 A. Probably any number of times, but
10 I don't recall the subjects specifically.
11 Probably on fluids, but -- because I think
12 that was his ball park. But not
13 specifically, no.

14 Q. Did you ever work with Dr.
15 Richard?

16 A. Yes.

17 Q. And --

18 A. Bill Richard. William Richard,
19 yes.

20 Q. During the period that you worked
21 with Dr. Richard, what was his position?

22 A. He was a section leader, I
23 believe. Now, you have got to go back and
24 find out from those research coo-coos what
25 kind of command structure they had. They

1 changed it quite frequently and I don't
2 know.

3 MR. PREUSS: Just answer his
4 question.

5 A. But Bill Richard was a research
6 chemist with the organic division when I
7 knew him.

8 MR. TALLON: Was Dr. Richard a
9 contemporary of Dr. Keller?

10 A. Pretty much. Pretty much.

11 Q. Did they hold the same position at
12 -- were they in the same group?

13 A. Structurally, I think so.

14 MR. PREUSS: You mean parallel
15 positions?

16 MR. TALLON: Yes.

17 A. Parallel, structurally, I think
18 so.

19 Q. How did Dr. Richard's position
20 differ from Dr. Keller's position?

21 A. Bill had -- I think he had a
22 certain part of the organic chemicals
23 processing setup with him, and we dealt
24 with him because he did. He was the one
25 doing the research in organic chemicals.

1 Q. How does that differ from Dr.
2 Keller's responsibility?

3 A. No difference at all, other than
4 Keller did the same thing and both of them
5 had groups that specialized in specific
6 organic chemicals. And I can't tell you
7 which ones did which.

8 Q. Did you ever interact with Dr.
9 Richard on the subject of PCBs?

10 A. Probably. But I cannot recall it
11 now.

12 Q. Do you know whether Dr. Richard
13 had any role in connection with researching
14 or analyzing PCBs?

15 A. No. I don't know specifically,
16 no. It would be wrong to say anything, I
17 don't know specifically.

18 Q. Are you aware of work that Dr.
19 Richard did that related to PCBs?

20 A. Probably. I don't remember
21 specifically, again. But I dealt with
22 him. But I dealt with a dozen others.

23 Q. During your career at Monsanto did
24 you ever work with a Mr. Tucker?

25 A. Tucker? I don't recall.

1 Q. During your career at Monsanto,
2 Mr. Garrett, did you ever have occasion to
3 study or consider the toxicity of PCBs?

4 A. Yes.

5 Q. And when, to the best of your
6 recollection, was the first occasion that
7 you had occasion to consider PCB toxicity?

8 A. Probably the first day I arrived
9 in St. Louis, because it was one of the
10 organic chemical sections.

11 Q. Were you aware when you were
12 working in Texas City that Monsanto
13 manufactured and sold products that
14 included PCBs as a constituent element?

15 A. No.

16 Q. Did you become aware of that fact
17 when you moved to St. Louis?

18 A. Yes.

19 Q. And how did you become aware of
20 that fact, as best you recall today?

21 A. Elmer Wheeler took me over to the
22 research department, which was in the old
23 building downtown, and introduced me to a
24 whole host of research people in charge of
25 different parts of the organic chemicals

1 group. And one of them was the fluids
2 group. They were for everything -- you can
3 imagine, we manufactured organic chemicals
4 of 50 different varieties. And those
5 people managed research sections covering
6 those 50 or more sections in organic
7 chemical processing.

8 Q. Was there a specific fluids group
9 when you arrived in St. Louis in 1958?

10 A. I think so. I think it was --
11 they called it the fluids group. Now, it
12 may have had two people in it. And at one
13 time it may have had one person in it, I
14 don't know. But it was known as the fluid
15 group.

16 Q. Did that group continue in
17 existence during the entire course of your
18 career at Monsanto?

19 A. I don't know.

20 Q. Did that group continue in
21 existence at least through the '70's?

22 A. To the best of my knowledge, it
23 did. I'm not aware of exactly when it
24 appeared or disappeared, if it did either.

25 Q. Do you recall the names of anyone

1 who worked in the fluids group during the
2 time that you were with Monsanto?

3 A. There was a Ph.D chemist that died
4 that had some of the original patents, and
5 I knew him briefly. And I don't think he
6 headed that group. I don't think he wanted
7 to head anything, I think he -- I don't
8 think he wanted to head anything. He was a
9 chemist that wanted to work in the lab.
10 And he died early in my career at St.
11 Louis.

12 Q. Are you able, as you sit here
13 today, to recollect the names of anyone who
14 was in that group during the course of your
15 career at Monsanto?

16 A. No. I would be -- I knew so many
17 of those organic chemical research people
18 and they changed around a lot, and it would
19 be impossible to do that. It would be
20 impossible to trace it. If you asked
21 somebody else how to trace my career, how
22 you'd ever find it all out, I don't know.
23 No, I do not know.

24 Q. Fair enough. I'm just wondering
25 if, as you sit here today, you remember the

1 name of anyone whom you identified with
2 that group?

3 A. No.

4 Q. I asked you, to start this line of
5 questioning, whether you had ever had
6 occasion to consider or study the toxicity
7 of PCBs, and you indicated that probably
8 you did on the first day you arrived in St.
9 Louis. Are you referring to a general
10 responsibility or a specific focus on PCBs?

11 A. I met a contract -- we had a
12 small lab that did work for us, and I met
13 that gentleman. I can't remember his
14 name. He, by the way, is also dead. And
15 he -- I was introduced to him on the
16 premise that that was where they did the
17 screening, toxicology screening tests, the
18 early acute screening tests. And we -- at
19 some times we tested materials that were to
20 be added to fluids in the fluid group.

21 Q. Do you remember the name of the
22 lab?

23 A. No.

24 Q. Was it Industrial Biotest?

25 A. Initially, no. But, ultimately,

1 that was the name of it.

2 Q. Was the small lab that you did
3 work with when you first started a
4 predecessor to Industrial Biotest?

5 MR. PREUSS: I'm going to object
6 to the form of the question.

7 A. I don't know.

8 MR. TALLON: The reason I asked
9 you that question, Mr. Garrett, was that
10 you said in your answer eventually it
11 became Industrial Biotest, and I'm
12 wondering whether --

13 A. Our dealings became with
14 Industrial Biotest.

15 Q. I see. And approximately when did
16 that contact initiate, as best you recall?

17 A. Sometime in the early '70's or
18 late '60's, I would assume. But I can't
19 say. That really is a guess, and I hate to
20 guess.

21 Q. Okay. In what way did the --
22 your introduction to this small lab that
23 did the work on toxicology tests relate to
24 the toxicology of PCBs?

25 A. If any basic tox screening was

1 done on fluid materials, they would have
2 done it in that period of time.

3 Q. I want to focus on that time
4 period when you first came to St. Louis
5 from Texas City. When you first came to
6 Texas City were you aware, as a chemist,
7 that there was such a thing as a
8 polychlorinated biphenyl?

9 A. Probably not. Chemically,
10 probably not.

11 Q. In your position as an industrial
12 hygienist when first you came to St. Louis,
13 did you discuss issues related to
14 toxicology of PCBs with Dr. Kelly?

15 A. It would have been more likely the
16 other way around.

17 Q. Meaning that he would have
18 commented to you?

19 A. Yes. On most of the materials
20 that we handled in the plant I was briefed
21 by Kelly or Wheeler or both connected with
22 those materials that we felt had been
23 tested and we had some standards on, and
24 those that we felt were hazardous. That
25 was my job, industrial hygiene.

1 Q. In your answer of a moment ago you
2 said that you were briefed on chemicals
3 that we had, I'm using your term, I think,
4 we had some standards on and some that were
5 hazardous. Does that describe two
6 different groups, one group with standards
7 and one group that was hazardous?

8 A. Not necessarily. I was ^{hired} ~~brought up~~
9 ^{at} ~~to~~ Texas City, I was an inorganic physical
10 chemist in an organic lab in Texas City, I
11 had done some lab ^{work} on pollution control and
12 fish toxicity for the production facilities
13 for acrylonitrile, and that was the old
14 ^{plant} ~~shop~~ production facilities. I didn't know
15 anything about what Monsanto made, and I
16 was briefed by Elmer and/or Kelly in
17 ^{this} ~~connection.~~ ~~and~~ ^{then} they sent me out to the
18 plants to look at the exposures of our
19 workers to those materials, and to make
20 comments to the plant and to write a report
21 to Dr. Kelly. And that was where I learned
22 about what was made where. And pieces and
23 bits of those fluids were made in different
24 plants. ~~And~~ ^{that's} ~~where~~ ^{what} I was told.

25 Q. When first you came to St. Louis

1 from Texas City in 1958, were there any
2 Monsanto products including PCBs for which
3 you had standards, to use your term?

4 A. There were in the limited, limited
5 industrial hygiene toxicology literature at
6 the time some recommendations to be made,
7 and there were a set of recommendations for
8 a number of chemicals that had been made by
9 a University of Michigan professor that was
10 published by them, and we had copies of
11 these ^{recommendations}. There also were some materials from
12 the API on chemicals involved in a
13 petroleum refining business that were
14 available in API data sheets. And that's
15 what we used as our beginning point. And
16 we manufactured many materials that fitted
17 those individual standards.

18 Q. When you're using the term
19 standards, for the sake of clarity, how are
20 you using that term?

21 A. If the material used benzene in
22 its production, and Monsanto is a great
23 user of benzene, we knew approximately
24 about the acute toxicity and a good deal
25 about the chronic toxicity of benzene. And

manufacturers Association,
1 ~~the~~ chemical [^] - the MCA, the
2 ~~the~~ CMA and the API had data
3 sheets on benzene. And there were methods
4 to test for it. Some pretty cumbersome.
5 But we did tests for it to make sure our
6 people were not being exposed to excessive
7 amounts of benzene. For example, toluene,
8 there were some standards on that. Now,
9 you get into some of the fancy babies, and,
10 no, there were not. There are now, but
11 there weren't then.

12 Q. When you're referring to
13 standards, then is it fair to say that
14 you're referring to a degree of exposure or
15 contact beyond which exposure or contact is
16 not recommended?

17 A. That is correct.

18 Q. And when you're referring to acute
19 toxicity, are you referring to toxicity
20 with an immediate effect if the exposure is
21 above a certain level?

22 A. That's what acute means. Now, the
23 material toxicity we had was large largely
24 acute. There was, however, a lot of
25 chronic work that had been done on some

1 materials such as benzene and lead and
2 mercury and ~~these things~~ ^{some other's}, We knew these ^{recommended}
3 and they were ~~standard~~ ^{regular} standards, ~~regular~~
4 ~~standards~~. ^{levels}

5 Q. And it's fair to say that when you
6 refer to chronic toxicity in your answer
7 you're referring to toxicity as a result of
8 exposure over a period of time?

9 A. Long term, that's right. And
10 these also met certain toxicological
11 parameters of the day. Chronic toxicity to
12 them meant certain types of toxic studies.

13 Q. And in the day, what was the
14 accepted definition for chronic toxicity in
15 terms of length of time?

16 A. It was -- the whole system was
17 built on life-time, preferably, and you
18 would probably assume life-time as 30
19 working years of a man's life. And on the
20 premises of that base, most chronic
21 toxicity was done to determine how much
22 would create difficulties in animal
23 species, primarily multiple animal species,
24 or preferably in multiple animal species
25 over long periods of time. And the primary

1 period was two years.

2 Q. Primary period for chronic --

3 A. For chronic studies was two years.

4 Q. At the time that you joined the
5 medical group in St. Louis in 1958 --

6 A. '54.

7 Q. '54?

8 A. Yes.

9 Q. At the time you joined the medical
10 group in St. Louis in 1954, were there
11 standards applicable to Monsanto products,
12 including PCBs?

13 A. We knew the chronics. I don't
14 recall. If there were, I don't recall
15 them, no. There was not very many
16 anywhere.

17 Q. You indicated in your answer that
18 we knew the chronics, what did you mean by
19 that?

20 A. We knew the chronics on some
21 materials we made, we handled, because they
22 had been handled so many years. You can
23 start with a list of many of them; lead,
24 mercury, benzene, that sort of stuff.

25 Q. But in your answer when you said

1 that you knew the chronics, were you
2 referring to chronics with respect to
3 Monsanto products where a constituent
4 element was PCB?

5 A. No. I was referring to individual
6 materials that we manufactured and moved
7 out of the process in the way of the
8 workers. I mean, let's be honest, that's
9 what an industrial hygienist is supposed to
10 do, is to make sure that if that process is
11 possible to get in the way of the worker
12 and expose him, then you must do something
13 either to the worker or to the process, and
14 we did both. But as far as who did -- we
15 did a lot of chronic toxicity work on the
16 PCBs prior to my coming there and after I
17 came there, and this was handled by Dr.
18 Kelly at the Kettering Institute in
19 Cincinnati.

20 Q. When you said in your answer that
21 we did a lot of chronic toxicity work,
22 could you describe for me what you're
23 referring to?

24 A. If we had the material we would
25 start two year studies with rats, and that

1 would be with Industrial Biotech or its
2 predecessor. Okay? And there were
3 consulting laboratories that could and
4 would do it, do chronic studies. You give
5 them a bucket of your stuff and they'd tell
6 you what the two year multiple beast study
7 showed.

8 Q. When you joined the medical group
9 in St. Louis in 1954 were you aware of the
10 results of chronic toxicity studies related
11 to PCBs that had been -- where those
12 studies had been performed as of that date?

13 A. No.

14 Q. Are you aware of whether or not
15 there were such studies at that point in
16 time?

17 A. Yes, there were such studies done,
18 and we did most of them. On the bare rat
19 studies, we had them done prior to the time
20 I came there. I don't know -- and the
21 studies of degradation and so forth were
22 done at Kettering later under Dr. Kelly's
23 supervision, and that was factored into our
24 information that we gave customers on PCBs.

25 Q. When you refer in your answer to

1 degradation, are you referring to
2 degradation of chemical components in its
3 environment?

4 A. I'm referring to, in this case,
5 pyrolytic degradation under laboratory
6 conditions, because that's the only place
7 they could do it.

8 Q. Are you referring to decomposition
9 under fire?

10 A. That's right.

11 Q. And when you refer to bare rat
12 studies, are you referring to bare as a
13 condition, b-a-r-e, or the name of a
14 person, Bare?

15 A. No. Just stuff it in their gut
16 and see what happens. At varying levels.
17 And this is an acute toxicity result.

18 Q. Were there acute toxicity analyses
19 with respect to PCBs when you joined the
20 medical group in St. Louis in 1954?

21 A. I don't know.

22 Q. Did you subsequently become aware
23 that such studies existed?

24 A. Well, I subsequently became aware
25 of what we used as standards at that

1 particular time. And we -- I had no
2 problem with the fluids in the first
3 place. In the manufacturing process there
4 were some problems, industrial hygiene
5 problems, but it had nothing to do with the
6 fluid product themselves. It had to do
7 with the precursors and so forth.

8 Q. What were the standards used by
9 Monsanto when you joined the medical group?

10 A. We used the benzene standard.

11 MR. PREUSS: Are you talking about
12 acute, now, or what?

13 MR. TALLON: Well, in Mr.
14 Garrett's answer --

15 A. What we used to protect our
16 employees?

17 Q. Yes.

18 A. We used the benzene standard of
19 the time, because it was the raw material
20 that started it.

21 Q. That started it. What's the "it"
22 in that sentence?

23 A. The chlorobiphenyls and what were
24 the problems in the manufacturing process
25 related to the precursors. Benzene.

1 (Discussion off the record).

2 MR. TALLON: After you joined the
3 medical group in St. Louis in 1954, Mr.
4 Garrett, did you become aware that there
5 were indications that Monsanto products,
6 including PCBs, had an effect on human
7 skin?

8 A. As a chemist --

9 MR. PREUSS: Let me just object to
10 the form of the question as no foundation,
11 assuming facts not in evidence. You can go
12 ahead.

13 A. As a chemist, I already knew that.

14 MR. TALLON: As a chemist, from
15 your work in Texas City or --

16 A. From work in the university.

17 Q. Okay.

18 A. Believe it or not, universities
19 also practice safety.

20 Q. When you joined the medical group
21 in St. Louis did you have any discussions
22 with Dr. Kelly about the effects of
23 application of PCBs to human skin?

24 A. Yes. We discussed it in the sense
25 of what do we do, and he said we prevent it

1 from being exposed to the skin as best we
2 can.

3 Q. After you joined -- by the way,
4 do you remember the approximate date or
5 dates of your communications with Dr. Kelly
6 on the subject of skin contact with PCBs?

7 A. No. I probably couldn't even get
8 close.

9 Q. Do you remember if it was in the
10 '50's?

11 A. Probably.

12 Q. Do you recollect any discussions
13 with Mr. Wheeler on the subject of skin
14 contact with PCBs in the '50's?

15 A. Of course, because he was my boss,
16 and he sent me out to look at these units,
17 and he briefed me before I went, and after
18 that it was pretty much I briefed him on
19 what I found, and that was about it.

20 Q. Did you ever report to Mr. Wheeler
21 on your observations? Well, not ever.
22 During the 1950's did you report to Mr.
23 Wheeler on any observations that you made
24 concerning the effect of skin contact with
25 PCBs?

1 A. In all of the years I worked at
2 Monsanto and the many thousand times I was
3 in those units I never saw an individual
4 problem at all with any skin or any
5 inhalation or in anybody's eyes or anywhere
6 else.

7 Q. Any individual problem meaning an
8 individual worker with --

9 A. Any individual worker in any of
10 the processes, and any workers that used it
11 that we had contact with enough to see.
12 Some customers, we went and talked to
13 them. In all those days I never saw a
14 single solitary case in any of our
15 dispenseries or ever saw it on their skin
16 or anything else.

17 Q. Do you agree that skin contact
18 with PCBs causes, or has an effect on skin?

19 MR. PREUSS: I'm just going to
20 object, it's vague. You're not describing
21 the type of PCB, where the contact is, how
22 long the contact is, what the dosage is.

23 A. I repeat, I have never seen any
24 skin manifestation, any inhalation
25 manifestation or any contact manifestation

1 with any PCB in any worker or customer in
2 all the years I worked with it.

3 MR. TALLON: Did you ever
4 participate in an analysis of inhalation
5 irritation of certain workers in England as
6 a result of breathing PCB vapors?

7 A. No, not that I know of. And it
8 would have to depend on who did it in
9 England for me to believe anything about
10 it, anyway.

11 Q. During the 1950's, did you discuss
12 with Dr. Kelly whether exposure to PCBs
13 resulted in liver damage or kidney damage?

14 MR. PREUSS: Could result, you
15 mean?

16 A. Could result? We did liver
17 function studies on our workers for years
18 and nothing showed up. Now, let's look at
19 it from this point of view, we had
20 thousands of chemical materials as raw
21 materials in individual processes and
22 products, our responsibility was to cover
23 all of them, and any untoward effect on any
24 of our workers and any information that we
25 must pass on to our customer's workers.

1 PCBs were so innocuous, innocuous in our
2 records, both health and otherwise, that
3 they got the usual look to see if anything
4 had changed. Now, because they were
5 chlorinated aromatic hydrocarbons we did a
6 vast amount of work on them to make sure
7 this was not true.

8 MR. PREUSS: Was true, you mean?

9 A. That this was not true. It was
10 true that these things were not harmful.
11 At what we considered operational
12 temperatures of the operations, I saw they
13 were not harmful. And I saw them making
14 floor tile out of the damn stuff. Which we
15 stopped, by the way.

16 MR. TALLON: My question, though,
17 is, did you ever talk with Dr. Kelly about
18 whether exposure to PCBs resulted in liver
19 damage?

20 A. We talked to him about PCBs a
21 great deal, because PCBs became a popular
22 subject. And, again, in our own experience
23 as the only manufacturer in the whole
24 hemisphere for all these years, our people
25 had been studied and studied and studied,

1 and we studied the materials, we studied
2 the toxicology, we took them apart, we
3 burned them, we did everything we could
4 do. My honest opinion is, in our use in
5 the manufacture and the use of the
6 materials that I saw, and I saw the uses in
7 everything from food processing to
8 transformers and so forth, was there ever a
9 single -- thermal burns, I could take you
10 to Union Electric, the only thing they ever
11 got with the PCB transformer fluids they
12 used were thermal burns.

13 Q. Did Dr. Kelly ever express to you
14 an opinion that PCBs were related to liver
15 damage or kidney damage?

16 A. Dr. Kelly told me, and I already
17 knew, that chlorinated hydrocarbons, if you
18 were going to judge a class of materials
19 that were hepatorenal toxins, you would
20 probably say they were chlorinated
21 hydrocarbons. Okay? However, in the case
22 of PCBs we never saw it ever in a customer
23 or anybody else. We have never seen a
24 justified case of toxicity in a worker in
25 all the years we made it, in both Europe

1 and the United States, period. Let's be
2 honest.

3 MR. PREUSS: You've answered.

4 A. He asked me, and that's my
5 professional opinion, and that's my
6 professional judgment from millions of
7 looks at people and watching everything
8 from phone manufacturing using it as a
9 hydraulic fluid to the stuff laying in the
10 Goddamn ditches of a processing plant that
11 was a hell of a crappy plant. Nobody got
12 hurt, nobody.

13 MR. TALLON: Did you ever
14 prescribe standards for workers at Monsanto
15 who did work with PCB materials?

16 A. Yes.

17 Q. What standards did you promulgate?

18 A. I don't remember.

19 Q. Do you remember in general what
20 the standard involved?

21 A. There were mist standards and
22 there were X amounts. We never did see
23 anything near that standard in the air.

24 Q. Were there --

25 MR. PREUSS: You've answered it.

1 A. It's like throwing rocks in the
2 air, we didn't do it. It wouldn't do
3 anything.

4 MR. TALLON: Were there standards
5 other than mist standards?

6 A. Well, we're not saying mist
7 standards, we are talking about exposure
8 standards. We would talk about how can you
9 get biphenyls in a human system and cause
10 difficulty. We never saw it. But we still
11 tested for it, because it did belong to the
12 family of materials that under certain
13 circumstances, and many of that particular
14 family of materials caused trouble. They
15 were commonly known as hepatorenal toxins.
16 But we never saw it, ever. And believe me,
17 we had people work their entire life, many
18 hundreds of them, with that stuff.

19 Q. Did you promulgate cautions or
20 directives on how to deal with these
21 materials or how to avoid exposure --

22 A. Yes, we did.

23 Q. -- to Monsanto's workers?

24 A. We used our own standards with our
25 workers.

1 Q. And what were those standards?

2 A. Wear gloves, keep everything
3 buttoned up. And it was, anyway, really,
4 because this was a reactor of some size and
5 complexity. Do not allow this material to
6 get on your shoes. If so, you change
7 shoes. And all of the workers were given
8 clothing and shoes, gloves and respirators,
9 which we demonstrated there was no need for
10 at all.

11 Q. And can you describe how you
12 demonstrated there was no need for the
13 respirators or other equipment?

14 A. We never saw a case. We never saw
15 a human being that had an out-of-standard
16 liver function. We never saw a sick man in
17 all the years we made it. And all the
18 plants that had -- that all had
19 dispenseries did we ever have anything. We
20 had -- more than anything else, we had
21 complaints that you guys are crazy, you
22 come in here and tell us we have got to put
23 these people in moon suits and put
24 respirators on them and there is nobody
25 ever got hurt with the damn stuff. And we

1 said yes, you do, because it is the
2 standard established by them, the OSHA
3 people. And we fought them hammer and
4 ~~tongue~~, ^{And} and so did the other manufacturers
5 of any of these fluids, because we had
6 never seen anything with them. It takes an
7 enormous damn temperature to get them into
8 a gaseous state.

9 Q. When you say we got complaints,
10 what are you referring to?

11 A. I can remember going to a
12 processing plant where they used PCB as a
13 processing fluid --

14 Q. A Monsanto plant?

15 A. A Monsanto plant. And telling
16 them -- giving them the litany about
17 protection. And the nurse and the
18 hygienist there, the safety director,
19 actually, just ate my ass out for telling
20 them that. They've been make making it for
21 35 years and had never seen a damn thing by
22 anybody, and they said "We got problems,
23 that is not one of them".

24 Q. Okay. When you use the term keep
25 buttoned up, what does that mean to you?

1 A. Do you know -- really, this is
2 going to sound silly, the only hazard we
3 ever had was people slipping on it.

4 Q. Okay.

5 A. We did that -- in the ranks over
6 in the processing department we had to put
7 *slip-proof flooring* in the [^]-- We put in the *flooring* ~~stuff~~ that
8 has little steel tipples in it, and we gave
9 them shoes, Monsanto shoes, they had their
10 own shoes, had their names on them, and
11 they could walk there without slipping.
12 And we had problems with that, slipping.

13 MR. PREUSS: The question was what
14 does button up mean. The question he asked
15 you is what does button up mean.

16 A. What it means button up the system
17 so there isn't anything, including the
18 slop-out, that can create a mechanical
19 hazard of falling and breaking your neck.

20 MR. TALLON: Do you have a
21 recollection of when Monsanto workers were
22 asked to, or were made to wear gloves or
23 shoes or special clothing, respirators?

24 A. We had the people in the process,
25 and this is primarily the process at

1 Krummrich, East St. Louis plant that I know
2 more about than the old one that used to be
3 down at Anniston. That one disappeared in
4 my early days at Monsanto, so that's no
5 problem. You blended these materials to
6 various fluid characteristics. Okay? In
7 other words, people wanted the fluid for
8 its fluid characteristics. What's the pour
9 point, what's the boiling point, what's the
10 solidified point, how cold will it get
11 before it solidifies and so forth. These
12 are fluid characteristics that dictated its
13 use. By the way, we talked to the Swedes
14 about this thing, even, and they didn't
15 ever have any problems with it. ~~I'm sorry,~~

16 ~~I~~ —

17 Q. Are you referring to Swedes
18 associated with the studies done by --

19 A. I'm talking about Swedes where
20 ~~they transported~~ they used it in their
21 electrical transport system like we did.
22 And primarily in capacitors and
23 transformers.

24 Q. Okay. Just to jump back for a
25 moment, do you remember when Monsanto

1 employees were advised to or made to wear
2 respirators or gloves or other protective
3 clothing?

4 A. They were doing it when I came to
5 Monsanto. They were supposed to do it.
6 And the supervision then was not nearly as
7 good as it was later on in connection with
8 safety people in the individual plants.
9 When I left the company we had hygienists
10 in the plants, professional hygienists in
11 the plants. In the East St. Louis plant,
12 for the last 20 years we've had trained
13 professional safety people. These are
14 people with degrees in safety engineering
15 and trained professional hygienists in
16 those plants. But believe me, their
17 problems were not in the PCB department.

18 Q. When you referred to the concept
19 of keeping the PCBs buttoned up or the
20 process buttoned up to prevent spillage or
21 leakage, do you know when that directive
22 was in place?

23 A. Before I came. Before I came that
24 was the orders. I just reinforced those
25 orders. I found some of the stuff open at

1 times and raised cane with them. These
2 were storage -- largely storage
3 facilities.

4 (Noon Recess).

5 MR. TALLON: Why don't we have
6 marked as the next exhibit, that is,
7 Transwestern 111, a two page document
8 bearing production numbers Tran 058059
9 through 058060.

10 (Transwestern Deposition Exhibit Number
11 111 mark'd for identification).

12 MR. TALLON: Would you take a
13 moment and review that document, please,
14 Mr. Garrett? Have you looked at that
15 document?

16 A. Yes.

17 Q. Are you able to identify the
18 author of that document?

19 A. No. You don't have the last page,
20 I guess. No, I can't identify it.

21 Q. Do you have a recollection of
22 being asked to review a proposed response
23 to a reporter from the San Francisco
24 Chronicle?

25 A. Yes. I remember -- I don't

1 remember this one specifically, no. So,
2 maybe we should say on that, I don't
3 remember that one specifically, no.

4 Q. Do you have a recollection of
5 being asked on more than one occasion to
6 review responses to --

7 A. Through the years, yes.

8 MR. PREUSS: Wait a minute. To
9 somebody from the San Francisco Chronicle?

10 MR. TALLON: Yes.

11 A. No.

12 MR. PREUSS: Make sure he finishes
13 his question, otherwise you're answering
14 something different than what he might be
15 thinking about.

16 MR. TALLON: Do you have a
17 recollection of reviewing proposed
18 responses to reporters where the proposed
19 response was addressed to the subject of
20 PCBs?

21 A. No.

22 Q. Can you describe the purpose for
23 which you conducted the reviews that you
24 remember conducting?

25 MR. PREUSS: I'm not sure -- I

1 object to the form of the question as
2 mischaracterizing his prior testimony. He
3 said he didn't recall that.

4 MR. TALLON: Do you remember
5 participating in a review of proposed
6 responses of Monsanto Company to reporters?

7 A. No, not specifically to
8 reporters. No.

9 Q. Do you remember reviewing proposed
10 responses of Monsanto to outsiders other
11 than customers?

12 A. No.

13 Q. Did your job include any
14 responsibility for reviewing company
15 statements to persons or entities outside
16 Monsanto?

17 A. From time to time on specific
18 subjects, yes.

19 Q. For what purpose did you conduct
20 that review?

21 A. If we got questions in, we had --
22 we tried to answer them, and if anybody
23 else couldn't answer them in Monsanto, we
24 got them.

25 Q. And why, particularly, were you

1 involved in that exercise?

2 A. Just asked by Dr. Kelly to do it.

3 This was my turn in the barrel.

4 Q. Refer, if you will for a moment,
5 back to the exhibit, Mr. Garrett. You'll
6 see in the third paragraph in the last line
7 there is a reference to a Paul Benignus?

8 A. Benignus.

9 Q. Can you identify that gentleman?

10 A. Paul Benignus, yes.

11 Q. What was his responsibility?

12 A. He was the product supervisor for
13 the aroclors. I think Paul is probably
14 dead now, but he was the product supervisor
15 for the aroclors. What his title was, they
16 changed them so frequently, I don't know.
17 He was the product superintendent or
18 supervisor of that product line.

19 Q. For what period of time did he
20 have that responsibility, as you understand
21 it?

22 A. From the time I came to St. Louis
23 to probably into the '70's or so. And I
24 can't tell you exactly, I have no idea when
25 he actually left or went to some other

1 duties or whatever.

2 Q. Was he included within the organic
3 chemicals division that you described
4 earlier?

5 A. Yes, he was an organic chemicals
6 man.

7 Q. As you understood it -- or,
8 rather, as you used the phrase product
9 supervisor, what does that job entail in
10 the case of Mr. Benignus?

11 A. He was the primary liaison between
12 the corporation and its -- the things it
13 could do and the sales people in the field.

14 Q. What do you mean when you use the
15 phrase the corporation and the things that
16 it could do?

17 A. He was the man who knew the people
18 in the various corporate structures, in
19 this case the staff, and where he could get
20 information to pass it on to his people in
21 the field. And his people in the field
22 were the people that sold it.

23 Q. During your tenure at Monsanto,
24 and focusing particularly on the 1950's and
25 1960's, was there an office or department

1 responsible for communications with the
2 press?

3 A. We had a P.R. department, and it
4 had about three people in it. Everything
5 connected with the press was usually bumped
6 over to them.

7 Q. And at any point in the 1950's and
8 1960's can you identify the persons who
9 worked within the P.R. department?

10 A. No, I can't remember the names.

11 Q. There is a reference in Exhibit
12 111 to an R.W. Risebrough. Did you see
13 that name?

14 A. Yes.

15 Q. Do you know who R.W. Risebrough
16 is?

17 A. No.

18 Q. Did you -

19 A. You blanked me there.

20 Q. Do you know if R.W. Risebrough is
21 a professor at the University of
22 California?

23 A. The tone of the dispatch sounds
24 like somebody like that.

25 Q. But is it fair to say from your

1 answer that you did not have direct contact
2 with R.W. Risebrough, that you remember
3 today?

4 A. No.

5 Q. Are you familiar with a company
6 the name of which is Texas Eastern
7 Transmission Corporation?

8 A. My sister worked for them until
9 she was medically retired in Houston.

10 Q. In connection with your work at
11 Monsanto, did you have any interaction with
12 Texas Eastern?

13 A. I had some interaction with pipe
14 companies, but -- pipeline companies, but
15 I don't recognize Texas Eastern as one of
16 the people we dealt with directly.

17 Q. And who is the "we" in that
18 sentence?

19 A. My group.

20 Q. Can you identify other pipeline
21 companies with whom you dealt?

22 A. No. Monsanto had a pipeline --
23 piece, owned a part of a pipeline company
24 in the Lion Oil bundle, and the process --
25 the products of the -- the well products

1 from out in west Texas came through a
2 portion of that pipeline. But it was like
3 many pipelines, it was multi-owned.

4 Q. Did you ever interact with
5 customers of Monsanto who were in the
6 pipeline business?

7 A. I sent my people to inspect and
8 examine the hazards associated with
9 recycling oil from various oil fields that
10 Lion Oil operated or owned part of and
11 operated, and many of these recycling
12 plants were partially owned or jointly
13 owned with others and the pipeline
14 operations from those. I don't recall the
15 names, but my people -- not I, but my
16 people had contact with them, yes.

17 Q. Did you or anyone working for you
18 have direct contact with any customer of
19 Monsanto who was in the pipeline business
20 for the purpose of discussing PCBs?

21 A. Not to my recollection.

22 Q. Did you ever discuss with Dr.
23 Kelly whether he had direct contact with
24 any representative of Texas Eastern in
25 connection with Monsanto's PCB-containing

1 products.

2 A. I never did. I don't recall, that
3 I know. I can't recall it if I did.

4 Q. Do you recollect communications
5 with Mr. Wheeler where a subject of those
6 communications was Mr. Wheeler's
7 interaction with Monsanto's customers in
8 the pipeline business when such
9 communications related to PCBs?

10 A. No.

11 Q. Have you ever heard of
12 Transwestern Pipeline Company, other than
13 through our discussion this morning?

14 A. I heard about it yesterday. Yes,
15 I have heard about it before, as, being a
16 flanker to El Paso.

17 Q. I'm sorry being a what?

18 A. As being an also -- a westbound
19 gas pipe system alongside, north of -- in
20 the same general area as El Paso Pipe.

21 Q. And in what context did you hear
22 about that description?

23 A. I haven't the foggiest. In
24 messing with the west Texas crude setup we
25 dealt with many people, and I don't

1 remember.

2 Q. Have you ever heard of a Monsanto
3 product known as Turbinol or Turbinol 153?

4 A. Yes.

5 Q. In what context did you first hear
6 about Turbinol 153?

7 A. It was ~~a blend of one of the~~
8 one of the blends of one of the PCBs with
9 some other fluid materials.

10 Q. And under what circumstances do
11 you remember having an initial contact or
12 did you become aware of the existence of
13 Turbinol?

14 A. I knew it was made, I knew that it
15 was one of the end products of PCB and
16 other fluids in our blending system, which
17 we did a number of.

18 Q. And do you remember approximately
19 when you became aware that Turbinol was one
20 of your -- one of Monsanto's end products?

21 A. No. I would be just guessing.

22 Q. Did you ever acquire any knowledge
23 as to the use to which Turbinol was put by
24 its consumers?

25 A. What it was used for?

1 Q. Yes.

2 A. Yes.

3 Q. What do you know about what
4 Turbinol was used for?

5 A. It was turbine fluid.

6 Q. What do you mean by turbine fluid?

7 A. Because of its lubricity it was
8 used, and it's non-flammability or non-fire
9 problems -- it was called fire-resistant,
10 Monsanto never did like to use
11 non-flammable -- with fire-resistant
12 fluids, it made turbine fluids, had enough
13 lubricity with additives to be -- to lube
14 the joints while it was used as a turbine
15 fluid in high speed turbines.

16 Q. And do you know in what
17 applications the turbines were used where
18 Turbinol was used to lubricate the
19 turbines?

20 A. Gosh, yes. Primarily in the
21 electrical industry.

22 Q. I'm sorry, I can't hear you.

23 A. Primarily in the electrical
24 industry.

25 Q. Are you aware of any other

1 application or use of turbines where those
2 turbines were lubricated with Turbinol?

3 A. We were asked questions from time
4 to time about some applications of
5 Turbinol, or of Turbinol type, which was a
6 PCB-containing turbine fluid. That means
7 more than -- we were never privy to all
8 the additives unless we asked and unless we
9 had any reason to doubt them. So I've
10 looked at and studied, and my people have
11 checked on turbine fluids as a class used
12 in small and large turbines by a good many
13 Monsanto customers. Now, I could not tell
14 you even closely what the blends were that
15 went to who.

16 Q. Okay. Do you know, of the
17 applications in which the turbines were
18 used, where those turbines were lubricated
19 with Turbinol?

20 A. TVA. I went to TVA in Knoxville
21 -- I mean, in Chattanooga, their safety
22 people one time and spent a couple days
23 messing with them. And their interest was
24 in both water turbines and steam turbines.

25 Q. Did you or your people visit

1 locations other than the TVA location you
2 just referred to to observe the turbine
3 application?

4 A. I couldn't say. I really,
5 genuinely couldn't say. Some of my people
6 had -- I gave them as much latitude as
7 possible. If they got called to go
8 someplace that had something to do with
9 turbines, they would have determined what
10 the status was from the fluid people and
11 gone and made their best judgment to the
12 individual connected with their specialty,
13 which was health.

14 Q. Which was -- excuse me?

15 A. Health.

16 Q. Did you acquire an understanding
17 of how the TVA turbine was to be used or
18 was being used?

19 A. It was my general feeling that
20 they used a million turbines in varying
21 types of methods, and their interest was
22 not my specialty as much as it was a
23 specialty of corrosion people and people
24 who understood rubber and rubber materials
25 used as gaskets and so forth, so I sicked

1 them on our rubber chemical people.

2 Q. During your tenure at Monsanto was
3 there a group whose function it was to
4 become familiar with the application where
5 Monsanto products were being used?

6 A. Any of the product groups had
7 developed -- well, Benignus was an
8 example. All the product groups had an
9 individual or a group of individuals,
10 depending on the complexity of their group,
11 of saleable products that liaised between
12 Monsanto and its many technical ~~figureheads~~ ^{sales people}
13 one way or the other and their customer.
14 And in many cases we went to the customer
15 with them. We never went without them,
16 let's put it that way, to a customer
17 without the product man with us. And that
18 was the salesman out of the regional sales
19 office, or his superior.

20 Q. Did Mr. Benignus have
21 responsibility for acquiring knowledge
22 about the applications of the Monsanto
23 products for which he had responsibility?

24 A. I don't -- to tell you the truth,
25 I do not remember the extent of Benignus'

1 responsibilities, so I can't really answer
2 that question.

3 Q. Is it your understanding that a
4 person in his position in the organic
5 chemicals division would have that
6 responsibility?

7 A. Yes.

8 Q. I'd like to have marked as
9 Transwestern Exhibit 112 a single page
10 document bearing production number Tran
11 054452.

12 (Transwestern Deposition Exhibit Number
13 112 mark'd for identification).

14 MR. TALLON: Have you taken a
15 moment to review that document, Mr.
16 Garrett?

17 A. Yes.

18 Q. And could you describe for the
19 record what that document is?

20 A. It's a letter to the safety
21 director then of the W.G. Krummrich plant
22 of Monsanto concerning one of the stranded,
23 in this case isolated departments at that
24 plant.

25 Q. And what department was that?

1 A. It's the aroclor department. One
2 of the biggest abuse was eating in the
3 process areas. And when I first went into
4 the biggest of Monsanto's organic plants
5 they ate in the process areas. And I
6 finally got them out of there into the
7 eating room where they belonged.

8 Q. For the record, Mr. Garrett, could
9 you identify what you meant when you used
10 the term aroclors?

11 A. Aroclors were the Krummrich
12 produced chlorinated biphenyls.

13 Q. Were chlorinated biphenyls
14 produced at plants other than the Krummrich
15 plant?

16 A. When I first went to Monsanto they
17 were produced at Anniston, Alabama,
18 briefly.

19 Q. During your tenure at Monsanto
20 were polychlorinated biphenyls produced at
21 any other plants other than those two?

22 A. Just W.G. Krummrich Plant. And
23 the Anniston plant when that unit was in
24 operation.

25 Q. And is that your signature?

1 A. Yes.

2 Q. On the bottom of the document?

3 A. Yes.

4 Q. Are those your initials in the
5 lower left-hand corner of the document?

6 A. Yes.

7 Q. Followed by the initials SMB?

8 A. Yes.

9 Q. And was SMB a secretary in your
10 group at that time?

11 A. Yes. Lord, I never would have
12 remembered that far back in 1955.

13 Q. Did you prepare this document?

14 A. Yes.

15 Q. And was the document prepared in
16 the regular course of your business at
17 Monsanto?

18 A. Yes.

19 Q. And was it one of your functions
20 to prepare documents such as this document?

21 A. Yes.

22 Q. For what purpose was this one page
23 document prepared?

24 A. To stop eating in the process
25 areas. And the process area in this case

1 was Department 246.

2 Q. I want to refer you to the first
3 numbered paragraph of Exhibit 112. And I
4 refer you to the language which says, and I
5 quote, "Aroclor vapors and other process
6 vapors could contaminate the lunches unless
7 they were properly protected." What what
8 did you mean when you used the word
9 contaminate in that sentence?

10 A. Condensed aroclor vapor.

11 Q. And in what fashion could
12 condensed aroclor vapor contaminate
13 lunches?

14 A. It would condense on their lunch
15 bucket and/or their bag, whichever.

16 Q. And that was a reason why, in your
17 opinion, lunches should not be eaten in the
18 process department?

19 A. That is my opinion why lunches
20 should not be eaten in any processing
21 department, and specifically that one in
22 this memo.

23 Q. In the second numbered paragraph
24 of this document you refer to the chance of
25 contaminating hands and subsequently

1 contaminating the food. Are you referring
2 to the possibility of a worker getting an
3 aroclor on their hands?

4 A. Yes.

5 Q. And that, in your opinion, was a
6 basis for prohibiting eating lunches in
7 that department?

8 A. No. The reason for prohibiting
9 eating lunches in that department was it
10 was dangerous and foolish to eat lunches in
11 chemical processing departments of any
12 kind, and I cannot make that plant mind if
13 the individual units don't mind.

14 Q. It is correct, isn't it, that the
15 paragraph numbered 2 is identified as a
16 reason for prohibiting eating lunches in
17 that department, that is to say, Department
18 246?

19 A. I would say it was the primary
20 reason.

21 Q. The third numbered paragraph
22 states that "It has long been the opinion
23 of the medical department that eating in
24 process departments is a potentially
25 hazardous procedure." Did you write that?

1 A. I sure did.

2 Q. And in that sentence where you
3 referred to the fact that it had long been
4 the opinion of the medical department, what
5 period of time were you referring to?

6 A. My own boss' period of time, he
7 told me that himself. I came back from one
8 of the process -- it may not have been
9 this one, and he told me that he didn't
10 want eating in the process areas, either,
11 and if I could beat them on the head, beat
12 them on the head, and I did.

13 Q. And in that answer, by your boss
14 are you referring to Mr. Wheeler?

15 A. That's correct.

16 Q. In addition to the sentence I just
17 read you, the paragraph numbered 3 also
18 states that the early literature work
19 claimed that chlorinated biphenyls were
20 quite toxic materials by ingestion or
21 inhalation. Do you see that?

22 A. Yes.

23 Q. And can you explain to me or tell
24 me the early literature to which you were
25 referring?

1 A. Decomposition literature that I
2 saw that was from somewhere, I don't even
3 know. I don't remember. But if you'll
4 look above, you'll see "While the aroclors
5 are not particularly hazardous," which was
6 our opinion, actually, and still is my
7 opinion.

8 Q. Do you know the publications in
9 which the early literature to which you
10 referred appeared?

11 A. In the health business in industry
12 the formal appearance of formal literature
13 didn't come along until late in the
14 business. Now, I'm not saying my
15 appearance on the scene, I came before this
16 happened, but a lot of it was in documents,
17 pamphlets, letters from customers or
18 letters from suppliers saying this product
19 can do thus and so, and most of our made-up
20 opinions and reasons were mixed up in those
21 documents and not in formal documents. If
22 you understand what I'm saying.

23 Q. Yes. When you use the term "early
24 literature work" in Exhibit Number 112,
25 were you referring to customer letters?

1 A. Very likely to that or a pamphlet
2 of some kind.

3 Q. And do you have any recollection
4 of the customer letters to which you were
5 referring, if they were included within
6 early literature work?

7 A. No.

8 Q. Do you have any recollection of
9 the identity of the pamphlets or other
10 materials that were included within that
11 phrase "early literature work"?

12 A. No. It probably was connected
13 with --

14 MR. PREUSS: Do you know?

15 A. No.

16 MR. PREUSS: I don't want you to
17 guess.

18 A. I'd be guessing.

19 MR. TALLON: Do you have can
20 you give me your best estimate as to what
21 that phrase may have referred to?

22 MR. PREUSS: He said he would be
23 guessing, so if he's guessing, he can't
24 give --

25 MR. TALLON: You interrupted him.

1 I'd like to have his answer.

2 MR. PREUSS: If he can give you a
3 best estimate, he will. If he's
4 speculating or guessing, he won't.

5 A. It probably came from the work
6 done by Dr. Treon.

7 Q. I'm sorry, Doctor --

8 A. Dr. Treon.

9 Q. And could you spell that last
10 name, please?

11 A. What?

12 Q. Would you please spell that
13 gentleman's last name?

14 A. T-r-e-o-n.

15 Q. And who is or was Dr. Treon?

16 A. He was, he is dead. He was a
17 toxicologist with the University of
18 Cincinnati Kettering Laboratories.

19 Q. Had Dr. Treon published works or
20 literature by November 14, 1955 which
21 related to or touched on the issue of
22 toxicology of PCBs?

23 A. I don't know.

24 Q. Are you aware of whether by
25 November 14, 1955 Dr. Treon did any work

1 relating to toxicology of PCBs?

2 A. The dates are difficult to judge.
3 It was in that period of time that some
4 work was done.

5 Q. And what work was that, as best
6 you recall?

7 A. Decomposition work on aroclors.

8 Q. Could you define for the record
9 what you mean when you use the phrase
10 decomposition work?

11 A. Chemical disintegration of the
12 molecular species.

13 Q. And as best you recall it, what
14 was the conclusion or what were the
15 conclusions of the work which you have in
16 mind when you refer to decomposition work?

17 A. Depended on the temperature and
18 everything, of course.

19 Q. What depended on the temperature?

20 A. The decomposition state.

21 Q. And was that the only conclusion
22 of the studies which you have in mind, or
23 the literature work which you have in mind?

24 A. That's right. Now, you asked me
25 -- you approached this a different way. I

1 do not know if that's what I had in mind.
2 You asked me do you know of anything that
3 could have, and that could have triggered
4 that comment. I don't know, it's too long
5 ago.

6 Q. I understand. In the paragraph
7 numbered 3 you wrote, "In any case, where a
8 workman claimed physical harm from any
9 contaminated food, it would be extremely
10 difficult on the basis of past literature
11 reports to counter such claims." Did you
12 write that sentence?

13 A. Yes.

14 Q. And do you have any recollection
15 of the past literature reports to which you
16 referred in that sentence?

17 A. Well, any reports on any material
18 that a worker got involved in would be
19 difficult to trace. He says he got -- he
20 ate some aroclor. Who's going to prove he
21 did not? That's my problem. We had very,
22 very little of that in Monsanto, of the
23 accusation that he did this or did that or
24 did something else. But it's possible.
25 And that's what it was there for.

1 Q. Did you keep a file or did anyone
2 working in your group keep files relating
3 to literature on toxicology of chemicals
4 used by Monsanto?

5 A. Yes.

6 Q. And in 1955 do you recall whether
7 there was a file or there were files
8 relating to PCB toxicology?

9 A. I'm sure there were, but of my own
10 direct knowledge, that far ago, I don't
11 know.

12 Q. Did you maintain such files
13 personally?

14 A. We had central files for our
15 system, for the medical system. You
16 maintained your own correspondence files in
17 your own desk. The only file I had in my
18 office was in my desk.

19 Q. Which file was that?

20 A. The only file I had in my office
21 when I worked in Monsanto was a file in my
22 desk which contained largely personnel
23 records, salaries, salary set-ups, salary
24 schedules and that sort of thing. The rest
25 of the stuff went by process, by product or

1 by name into the regular file.

2 Q. Into the regular files of the
3 medical department?

4 A. That's right. So everybody could
5 use them, that's right.

6 Q. And was there one person whose job
7 it was to maintain those files?

8 A. A very overworked secretary.

9 Q. Who was that, do you remember?

10 A. Oh, my, that was many different
11 people.

12 MR. PREUSS: Are you talking about
13 in '55?

14 MR. TALLON: I'm still talking
15 circa '55.

16 A. No, I can't. That would be
17 downtown at the Queeny plant office
18 building.

19 Q. The files maintained in 1955 would
20 be in the Queeny office building?

21 A. No. No. They were moved out to
22 the main office. And much of them -- many
23 of them were destroyed because they were
24 out of date, far out of date, and the
25 amount of literature and records in

1 connection with health concerns with
2 chemicals have expanded so immensely that
3 it's difficult to keep files except quite
4 up-to-date files. And it changes so
5 rapidly, as well. So the files that exist,
6 if we do have them, may be somewhere and
7 they may be in -- they may be in storage,
8 they may be on computer records, they
9 probably have been disposed of.

10 Q. Would you mark as Exhibit 113,
11 please, a single page document bearing the
12 production number Tran 019567.

13 (Transwestern Deposition Exhibit Number
14 113 mark'd for identification).

15 MR. TALLON: Could you take a
16 moment and review that, please?

17 A. I'm through.

18 Q. Can you identify this document?

19 A. Yes.

20 Q. What is it?

21 A. I wrote it, it's in connection
22 with a question we were asked.

23 Q. I want to ask you a couple
24 questions about that format of the
25 document, Mr. Garrett. This is a carbon

1 copy, or it appears to be, right?

2 MR. PREUSS: This is a Xerox copy.

3 MR. TALLON: Right. But the
4 original document is a carbon copy or a
5 copy of another document. In 1961 did you
6 have a photocopying machine or did you use
7 carbon paper?

8 A. In 1961 we used carbon paper, or
9 we used a photocopying machine, the old
10 Kokak sloppies, they used a fluid material
11 in it.

12 Q. Printed out in purple ink?

13 A. Ours didn't get out in purple ink,
14 I don't think. It was a rather sloppy
15 process. We had a bunch of buttons back in
16 that little closet, we did it with a bunch
17 of pincher clothes pins to let them drip
18 dry. Better than having them recopied.

19 Q. Up in the upper right-hand corner
20 of the document there is a couple of
21 handwritten notations. Is one of those
22 your initial?

23 A. JTG, yes.

24 Q. What does the application of your
25 initial to the upper right-hand of the

1 document signify, if anything?

2 A. I don't know. I don't know why in
3 the hell I would copy -- put my initials
4 on my own document. I have no idea why
5 that's there.

6 Q. Was it to indicate inclusion of
7 this document in your file?

8 A. No. I would not have kept it in
9 my file. It would have been in the
10 correspondence file for aroclors.

11 Q. And there is another set of
12 marginalia in the upper right-hand corner,
13 looks like an M and a little smiley face,
14 do you see that?

15 A. 24 something. I don't know what
16 that is.

17 Q. You don't recognize the
18 handwriting?

19 A. It could be a doodle, I'm a
20 terrible doodler.

21 Q. Do you remember the circumstances
22 under which --

23 A. Excuse me. It looks like a
24 Monsanto telephone number, actually, a four
25 digit -- in the old days before we got all

1 the modern equipment our telephones were
2 four digit things.

3 Q. Do you know whose phone extension
4 that was?

5 A. Heavens, no.

6 Q. In 1961?

7 A. No.

8 Q. The format of the document, are
9 you able to tell from looking at this to
10 whom this document was addressed?

11 A. This one?

12 Q. Yes.

13 A. To A.T. Hinson. And he was likely
14 in the overseas division at that time.

15 Q. Are you drawing the conclusion
16 that Mr. Hinson was likely in the overseas
17 department because the text of the memo
18 refers to some experience in Germany?

19 A. Yes.

20 Q. And do you recollect the
21 circumstances under which you authored this
22 memorandum?

23 A. Except that it came over from
24 overseas, very likely. It probably went to
25 the local contact in Germany, went from

1 there to the office in Brussels and from
2 there to the office in St. Louis and from
3 there over here to me.

4 Q. The first paragraph of the memo
5 refers to a letter from a Mr. Hank or
6 Hanke, and the paragraph states, and I
7 quote, "It is our opinion that he has been
8 handling aroclors in a very incautious
9 manner." Do you remember the manner in
10 which --

11 A. No. I would assume Mr. Hanke is
12 German.

13 MR. PREUSS: Don't assume. Do you
14 remember the manner of handling?

15 A. I don't.

16 MR. TALLON: But I think the
17 question was, do you remember the manner in
18 which the aroclors were being handled, to
19 which the memorandum refers?

20 A. No, not actually.

21 Q. What does that mean?

22 A. I don't -- there are some
23 European uses of it that we were violently
24 opposed to and finally stopped, and I don't
25 know -- and this is unfair to say that,

1 because it may not be true in this case, so
2 that's the end of that.

3 Q. The next sentence in that same
4 paragraph states that "Based on American
5 industrial hygiene practices this might
6 even be called a dangerous manner." Do you
7 know what it was that you were referring to
8 as being dangerous?

9 A. Unless it was vaporized in the
10 breathing zone of the workers, I would not
11 have said that.

12 Q. And why was that dangerous?

13 A. Because they would breathe it.

14 Q. Did you author this memorandum in
15 the regular course of your business at
16 Monsanto?

17 A. Yes.

18 Q. And did you author it in response
19 to reading Mr. Hanke's letter on or about
20 March 8, 1961?

21 A. That is what it appears to be.

22 Q. Do you doubt that that's what it
23 is?

24 A. No, I don't doubt it. But that
25 does -- there could, I suppose, be reasons

1 Q. ... but probably is.

2 Q. Did you mark it for Mr. Hinson to

3 rely on your response in this memorandum?

4 A. That's right.

5 Q. And it was part of your regular

6 function at Monsanto to author memoranda

7 such as this one?

8 A. Yes.

9 Q. Why don't we mark as Exhibit 114 a

10 two page document bearing production

11 numbers Tran 019568 and 019569.

12 (Transwestern Deposition Exhibit Number

13 114 mark'd for identification).

14 MR. TALLON: Would you take a

15 moment and review that, please? Did you

16 get a chance to review that?

17 A. Yes.

18 Q. Can you identify that document?

19 A. Yes.

20 Q. What is that?

21 A. It's a letter to a gentleman named

22 Cheever at Argonne National Laboratory

23 concerning the use of aroclor heat transfer

24 fluids that they were proposing to do --

25 to use.

1 Q. Who wrote that letter?

2 A. It was written by myself.

3 Q. Do you remember the inquiry to
4 which you were responding in this letter?

5 A. Specifically, no.

6 Q. Did you write this letter in the
7 regular course of your job at Monsanto?

8 A. Yes.

9 Q. And did you write this letter on
10 or about November 20, 1962 in response to a
11 letter sent to you or some communication by
12 Mr. Charles Cheever?

13 A. Looking at the letter, I would say
14 it was from a direct request from Mr.
15 Cheever.

16 Q. By direct, you're referring to a
17 telephone communication?

18 A. Letter or telephone call.

19 Q. And do you recollect whether you
20 wrote this letter at or about --

21 A. It says that in there, by the way.

22 Q. Right. And do you recall whether
23 you wrote this letter within a reasonable
24 time after you got that communication from
25 Mr. Cheever?

1 A. Heavens, I don't know. But it
2 says November 13th and we answered it
3 November 20th, so we did a fairly decent
4 job.

5 Q. And you intended Mr. Cheever to
6 rely on the information reflected in the
7 letter?

8 A. I did.

9 Q. And responding to inquiries such
10 as the one from Mr. Cheever was part of
11 your job at Monsanto?

12 A. It was part of my job, part of Dr.
13 Kelly's job and part of Mr. Wheeler's job
14 at this time. I ended up inheriting this.
15 I don't know any specific reason why I did,
16 other than it was a letter that needed
17 answering.

18 Q. The last paragraph on the first
19 page of the letter indicates that "In
20 experiments where suitable animals were
21 exposed to the decomposition products of
22 such fluids, toxic effects occurred in the
23 animals only at concentrations which humans
24 would not voluntarily endure," and so on,
25 I'm not going to read to the end of the

1 sentence. What were the toxic effects to
2 which you referred?

3 A. You would get the same toxic
4 effect, essentially, from hydrochloric acid
5 fumes.

6 Q. What toxic effect was that?

7 A. Extreme irritation of the upper
8 respiratory tract, the eyes and ultimately,
9 if you can't escape, it would transfer to
10 the lower tract and you would end up having
11 acidity, just like swallowing acid.

12 Q. Were there other toxic effects
13 from exposure to decomposition products of
14 the fluids referred to?

15 A. Actually, if you'll --

16 MR. PREUSS: Referred to in the
17 letter or --

18 MR. TALLON: Yes, referred to in
19 the letter.

20 A. Well, a bundling of decomp
21 products from pyrolysis would contain
22 carbon, and it did, because stuff was
23 black, soot, smoke was black. It would
24 contain probably no individual compounds
25 because they would have been pyrolyzed, so

1 you would end up with carbon, chlorine,
2 hydrogen chloride, which would promptly
3 turn into hydrochloric acid in the moisture
4 of the atmosphere. We ran these at over a
5 thousand degrees fahrenheit, and it's on
6 the second page, the conditions. As a note
7 here, in Dr. Treon's work he showed that
8 below 600 degrees fahrenheit there was no
9 ~~above 600 there was no~~ decomp products,
10 literally, they were the final pyrolytic
11 products down to L and L materials.

12 Q. You advised Mr. Cheever that "We
13 do not believe protective clothing is
14 necessary to prevent skin contact during
15 transfer of these fluids." Do you see
16 that?

17 MR. PREUSS: Where are you reading
18 from?

19 MR. TALLON: From the third
20 paragraph on page 1.

21 A. In pumps, the material at room
22 temperature was innocuous. ~~It had one --~~
23 ~~it could dissolve in a --~~ It was a good
24 grease and oil solvent and it would
25 dissolve the oils out of the skin. It

1 could dry your skin, that's all.
2 Otherwise, it was just like putting your
3 hand in water.

4 Q. As of 1962, I believe you had
5 earlier testified that Monsanto workers
6 were advised to wear gloves and other
7 protective clothing?

8 A. They wore gloves and protective
9 clothing to keep the fluid off their skin
10 and to keep it out of their ~~bloody~~ lunch
11 box.

12 Q. Before sending this particular
13 letter to Mr. Cheever, do you recollect
14 having this letter reviewed by anyone at
15 Monsanto?

16 A. No, I don't.

17 Q. Was it your practice to seek
18 review of correspondence with outside --

19 A. Not necessarily. This contains
20 the standard -- the information we knew,
21 and it's as good a thumbnail sketch as you
22 could get for a technical man. And Mr.
23 Cheever is a research engineer, as I
24 recall, over at Argonne, and he was working
25 on reactors.

1 MR. PREUSS: There is no question.

2 MR. TALLON: If you weren't

3 finished with your answer, I would

4 appreciate it if you would continue.

5 A. No, there is nothing to answer.

6 Q. I want to show you a document that

7 has already been marked as an exhibit at an

8 earlier deposition in this matter. I'm not

9 going to have it remarked.

10 MR. PREUSS: Can you give me the

11 number?

12 MR. TALLON: Frederick Exhibit 7.

13 Will you take a moment to review that,

14 please.

15 A. Yes.

16 Q. Have you had an opportunity to

17 review that?

18 A. Yes.

19 Q. Can you identify the document?

20 A. I can't identify it specifically.

21 I can identify that I did it and it would

22 easily fall within my purview.

23 Q. This is a memorandum written by

24 you?

25 A. Yes.

1 Q. And it was -- was it a memorandum
2 written in the regular course of your
3 business?

4 A. Yes. Likely Pappageorge asked me
5 to write it, very likely.

6 Q. Was the writing made on or about
7 February 19, 1970?

8 A. That's the date, yes.

9 Q. By the way, is this the kind of
10 memo that you would dictate or would you
11 hand write it and then have someone type it
12 for you?

13 A. It depended on which of the
14 secretaries I had at the time. Some of
15 them could do it and some had their own
16 pigs for organic chemical names and others
17 made a horrible mess of them. So if it was
18 the latter, I wrote it by hand; if it was
19 the former and the first secretary I had
20 there, she did it beautifully.

21 Q. And did you intend for Mr.
22 Pappageorge to rely on the information that
23 you were communicating to him in this
24 memorandum?

25 A. Yes. Well, I communicated it to

1 him because I wanted him to know what we
2 needed to do.

3 Q. Was it an important part of the
4 business of Monsanto that the information
5 you were conveying in this memo to Mr.
6 Pappageorge be as accurate as you knew?

7 A. Well, it was an assembling of the
8 information that bits and pieces of
9 information that we in the medical
10 department did. And Pappageorge probably
11 asked a question of us and wanted a letter
12 reply in connection with the Great Lakes
13 studies, and that's what it involved and I
14 gave him this letter.

15 Q. And you believed the information
16 that you gave him in this letter was
17 accurate?

18 A. At the time it was as accurate as
19 we could make it, yes.

20 Q. Now, this appears, again, to be a
21 copy of an original memorandum or letter,
22 correct? There is no indication, but is it
23 your testimony that this was to Mr. W.B.
24 Pappageorge?

25 A. Yes. With a letter to Howard

1 Bergen and Clay.

2 Q. A carbon copy or Xerox copy to
3 those gentlemen?

4 A. Yes.

5 Q. Who is Mr. Bergen? Or, rather, in
6 February 1970, what was Mr. Bergen's
7 position at Monsanto, as best you recall?

8 A. I would be remiss in telling you
9 anything, because I don't remember the
10 actual title. He was involved in this, in
11 the fluid group. Okay?

12 Q. He was involved in the fluid group
13 of the organic chemicals division?

14 A. That's correct.

15 Q. Was he a businessman or a chemist
16 or a lawyer?

17 A. He was a businessman, primarily.
18 That doesn't mean he did not have a
19 technical degree. As you know, in a
20 chemical company, very frequently the
21 businessman, even though he won't admit it,
22 is a chemical engineer or chemist or
23 something like that.

24 Q. And in the case of each of the
25 three names that appear on the top of that,

1 the first page of this exhibit, there is a
2 series of letters; for example, after Mr.
3 Pappageorge it says "WPAPA", do you see
4 that, and after Mr. Bergen --

5 A. Water pollution --

6 MR. PREUSS: He just asked you if
7 you saw it?

8 A. Yes.

9 MR. TALLON: One after C.L. Clay,
10 and it says C. Clay. Is that an
11 abbreviation meaning the names --

12 A. This, and one on Bergen would be
13 BRG.

14 Q. What does that signify?

15 A. It's nothing more than a
16 transmission --

17 Q. That was an address or an address
18 system?

19 A. That's correct.

20 Q. Now, in February of 1970 where was
21 Mr. Bergen's office in relationship to your
22 office?

23 A. I was at that time in the A
24 Building at Monsanto and Mr. Bergen's
25 office would have been in the B or E -- B

1 Building. The organic division was in the
2 B building.

3 Q. Did you have any oral
4 communication with Mr. Bergen about this
5 memorandum or the subjects in it?

6 A. Howard was the kind of person that
7 came over to your office and sat down and
8 drank your coffee and sat on your desk, so
9 it is possible that we did get Bergen over
10 there asking about it. But I have a
11 feeling that it was Pappageorge that
12 initiated it and Bergen simply got a copy.

13 MR. PREUSS: Let me tell you, he
14 wants to know what you can recall. He
15 doesn't want you to speculate on it. If
16 you recall, that's fine. If you don't,
17 don't speculate.

18 A. No, I don't know, then.

19 MR. TALLON: I want you to refer
20 to the second name on the top of the
21 letter, C.L. Clay. Who was Mr. C.L. Clay
22 in February 1970?

23 A. I have absolutely no idea.

24 Q. Do you know if Mr. Clay was a
25 Monsanto employee?

1 A. No.

2 Q. Do you know whether a memorandum
3 such as this exhibit -- was it your
4 practice to send memoranda such as this
5 exhibit to non-employees, that is to say,
6 outsiders?

7 A. The way it is written and the way
8 it is listed, he was an employee at the
9 main office of Monsanto, but I don't recall
10 him.

11 Q. Now, you referred a couple of
12 times to Mr. Pappageorge, the person to
13 whom this memorandum is addressed. What
14 was Mr. Pappageorge's position in February
15 1970?

16 A. At one point, and this is probably
17 the point after he got to this job, he was
18 responsible for the technical coordination
19 of fluids and some other chlorinated or
20 halogenated materials for that division.

21 Q. What do you mean by technical
22 coordination in that answer?

23 A. Well, there were sales
24 coordinators, you know, people that knew
25 who the customers were and what they used

1 it for and so forth, and then there were
2 people who liaised between the technical
3 branches, that is, research, development,
4 medical and so forth. And Pappageorge was
5 that guy for the fluid group at that time.

6 Q. Did Mr. Pappageorge have
7 particular responsibility for
8 PCB-containing fluids or chlorinated
9 products?

10 A. The fluid he had the
11 responsibility for, yes.

12 Q. I want to refer you to the third
13 paragraph which appears on the first page
14 of this February 19, 1970 memorandum, and
15 particularly to the sentence which begins,
16 "At the present time we are holding a
17 request from Carl Clay."

18 A. Yes.

19 Q. Do you have a present recollection
20 of the nature of the request referred to in
21 that paragraph?

22 A. No. But I do know what it was
23 about. And I knew why we did it, because
24 we did it frequently, and with other
25 products as well. If we had two affairs

1 going on connected with a single product,
2 connected with the health aspects of that
3 product, and we had a request for
4 something, we always had to ask the
5 requester, and in this case it's Clay, do
6 you want us to wait until we have these
7 other data and send all of it to this
8 customer or do you want us to send it
9 piecemeal.

10 Q. The requester was Carl Clay from
11 Texas Eastern?

12 A. It had to have been Carl Clay.

13 MR. PREUSS: You said Carl Clay
14 from Texas Eastern.

15 MR. TALLON: That's what I said.
16 Was the requester Carl Clay?

17 A. Carl Clay was a Monsanto employee.

18 Q. Okay. Could you read that answer
19 back?

20 (The requested portion of the
21 record read by the reporter).

22 MR. TALLON: In your answer you
23 referred to if you had two affairs going
24 on. What are you referring to?

25 A. Well, if you're doing toxicology

1 on aroclor fluids, you have a whole lot of
2 identifiable aroclors, and we were probably
3 running toxicity studies on individual
4 aroclors, or studies for what Carl Clay
5 wanted on the individual aroclors, and/or
6 aroclor blends, because our fluid blends
7 were not exclusively aroclor.

8 Q. And do you know if there was more
9 than one request pending from Texas
10 Eastern, is that what you're suggesting?

11 A. Yes, that's what I was suggesting.

12 Q. Do you know what those requests
13 were?

14 A. It probably was --

15 MR. PREUSS: Do you know, is the
16 question.

17 A. No. No. I don't of my own
18 knowledge, no.

19 MR. TALLON: Do you remember the
20 nature of the request from Carl Clay to
21 discuss the toxicity of Turbinol? That is
22 to say, what was the request?

23 A. No. I don't know the specifics of
24 the request, no.

25 Q. And you wrote in that same

1 paragraph Turbinol 153 is principally PCBs?

2 A. Yes.

3 Q. Where did you acquire that
4 information?

5 A. We knew what was in all of them.

6 Q. Did you have product information
7 in the medical group describing the
8 constituent elements of Monsanto products,
9 including Turbinol 153?

10 A. And the contaminants, if they knew
11 them, we had them, yes.

12 Q. Did you believe at the time you
13 wrote this memo that Texas Eastern lacked
14 knowledge that this product is composed of
15 principally PCBs?

16 A. No.

17 Q. What is meant by the phrase, "The
18 question that arises is do we tell this
19 customer that this product is composed of
20 principally PCBs"?

21 A. Well, I asked the question of the
22 -- of Bill, who would have done the
23 answering anyway, do you want to tell them
24 that it's PCBs and/or PCBs and the ester
25 that was in there or not. And we were

1 studying some of that blend. And do you
2 want us to wait until we've finished and
3 send the whole thing together or send it
4 piecemeal. We had a toxicity -- a
5 detailed toxicity summary of the aroclor
6 involved. Okay? Do you want me to send
7 Clay that and then later send him his
8 blend, because he knew the blend that
9 Turbinol represented, because it contained
10 a phosphate ester.

11 Q. When you wrote this memorandum,
12 did you have knowledge as to whether or not
13 Texas Eastern knew that Turbinol 153
14 contained PCBs?

15 A. This letter wrote -- when I saw
16 this letter and this correspondence with
17 Texas Eastern, I didn't know they were even
18 corresponding with them. I frequently
19 didn't. They sent me letters connected
20 with -- you saw the German letter, I never
21 had any idea that they were selling the
22 stuff in Germany, even. But here's a
23 letter, what do we do. We answered the
24 same way we do others. We tell the Germans
25 we'll send somebody over if we have to.

1 And we probably -- from this, we probably
2 sent somebody down and -- to talk to Texas
3 Eastern with Clay present.

4 Q. For what purpose?

5 A. They obviously showed some
6 interest or we wouldn't have got the
7 letter. It looks to me like there is some
8 urgency from Clay's letter.

9 Q. But do you have a present
10 recollection of whether or not Mr. Clay
11 sent you a memorandum or a letter
12 describing the nature of the inquiry to
13 him, if there was one?

14 A. I suspect the -- I suspect the
15 inquiry went to Kelly.

16 MR. PREUSS: Do you know whether
17 Clay sent you anything in writing
18 describing the inquiry, is the question.

19 A. No.

20 MR. TALLON: Do you know whether
21 Dr. Kelly received such an inquiry?

22 A. Somebody did.

23 MR. PREUSS: He asked you whether
24 or not --

25 A. I don't know.

1 MR. TALLON: Okay. So, in other
2 words, you don't have knowledge of the
3 origination of the inquiry that resulted in
4 your writing this memorandum?

5 A. No.

6 Q. If you look at the second page of
7 the memorandum, Mr. Garrett, there is a
8 sentence which states, "In the case of the
9 Texas Eastern request, they want to know
10 what the decomposition of products of
11 Turbinol 153 would be." Do you see that?

12 A. Yes.

13 Q. Does reading that sentence refresh
14 your recollection as to the inquiry or
15 request from Texas Eastern?

16 A. No. And to tell you the truth,
17 based on the date, I don't know why we said
18 that final sentence, but we did. It
19 probably was part of the boiler plate that
20 went to everybody, I don't know.

21 Q. Who is the we in that sentence?

22 A. Me and Kelly and Wheeler, who
23 answered all these crazy letters.

24 Q. Were you the sole author of this
25 document or would Mr. Wheeler --

1 A. No, I wrote the document.

2 Q. When you wrote in this memorandum
3 that we cannot give this information to the
4 customer without revealing that it is
5 principally a chlorinated organic, did you
6 believe that the customer lacked that
7 information?

8 A. That what?

9 Q. Did you believe that the customer
10 lacked that information?

11 A. No.

12 Q. Then how can you --

13 A. I don't know what the basis is. I
14 don't think there is any doubt he knew what
15 it was. He had it in the literature at the
16 time, for God's sake.

17 Q. So your sentence, we can not give
18 this information to the customer without
19 revealing that it is principally a
20 chlorinated organic is meaningless, is that
21 your testimony?

22 A. I'm fishing --

23 MR. PREUSS: I'll object.

24 A. I'm fishing for Pappageorge to
25 tell me I can tell him that.

1 MR. PREUSS: I object to the form
2 of the question as argumentative.

3 MR. TALLON: Can I have the
4 question back, please?

5 (The requested portion of the
6 record read by the reporter).

7 A. At this date -

8 MR. PREUSS: There is no question,
9 Mr. Garrett.

10 A. There is a period of time --

11 MR. PREUSS: There is no
12 question.

13 A. No question. There is a period of
14 time in company, big corporation movements
15 where some people do something and other
16 people don't, and you must get everybody
17 together to do it, and that's what I was
18 trying to do. I remember this because we
19 were trying to -- it was in our
20 literature, we sent them the literature
21 bundle that showed it.

22 MR. TALLON: So --

23 MR. PREUSS: Wait for a question,
24 please.

25 MR. TALLON: What is the

1 justification for making the statement that
2 we cannot give this information to the
3 customer without revealing that it is
4 principally a chlorinated organic with the
5 statement that the customer knew it? How
6 do you reconcile those two?

7 MR. PREUSS: I'll object to the
8 form of the question as argumentative.

9 A. A person asked it from Texas
10 Eastern.

11 MR. TALLON: What does the person
12 who asked it have to do with the
13 reconciliation?

14 A. You have to understand what he was
15 asking.

16 Q. Do you know who that person was?

17 A. No. But I have a feeling it was
18 probably somebody that may not have had the
19 technical background to understand what we
20 were talking about.

21 Q. Did you make a response to the
22 request from Texas Eastern?

23 A. You betcha. Most likely. It
24 depended on whether I was there or not. If
25 I didn't, Kelly did it or Elmer did it.

1 Q. And did you make a response in
2 writing?

3 A. I don't know from -- somebody may
4 have gone to Chicago and done -- and did
5 it.

6 MR. PREUSS: He asked if you knew,
7 sir.

8 A. I don't know.

9 MR. TALLON: Did you visit with
10 any representatives of Texas Eastern in
11 order to respond to the request which is
12 referred to in this memorandum?

13 A. I don't know. And the reason I
14 don't know is because I gave several talks
15 up there, and one on PCBs to the industrial
16 hygiene section of Chicago, and if that guy
17 was present, that's where he got the
18 information.

19 Q. What is the connection between
20 Chicago and Texas Eastern?

21 A. I don't have the foggiest.

22 Q. What is the basis for the
23 statement?

24 A. It's in connection with the Great
25 Lakes study. We weren't studying Houston

1 Bay.

2 Q. Right. But now I'm referring --
3 the memorandum appears to be devoted to two
4 topics. The first --

5 A. It's possible you're right.

6 Q. The first topic appears to be a
7 discussion with Clarence W. Klassen to
8 discuss the PCB problem which had been
9 brought up at Lake Michigan State
10 Pollution, correct?

11 A. Yes.

12 Q. And the memorandum states that, "I
13 gave Klassen the general party line
14 concerning PCB, its industrial uses and its
15 analysis," correct?

16 A. That's correct.

17 MR. PREUSS: That's one of the
18 things it says.

19 MR. TALLON: Thank you, Mr.
20 Preuss. When you get the opportunity, I'm
21 sure you can redirect. In the meantime,
22 I'd appreciate your not continuing to
23 interrupt.

24 MR. PREUSS: Well, I would
25 appreciate you not just pulling sentences

1 out of paragraphs.

2 MR. TALLON: When you want to
3 examine the witness, you may do so. If you
4 have an objection, state it.

5 MR. PREUSS: I object to the
6 question as argumentative.

7 MR. TALLON: The other issue which
8 appears to be addressed by this memorandum
9 is --

10 A. You're correct, it's separated.

11 Q. Is the question of Texas Eastern?

12 A. Correct. It's separated.

13 Q. Now, the question, therefore, and
14 I just want the record to be clear on this,
15 is, do you remember giving a response to
16 the request from Texas Eastern which is
17 referred to in this memorandum?

18 A. No. I do know the rest of it very
19 well.

20 Q. The rest of it --

21 A. The part about Klassen and the
22 Great Lakes study.

23 Q. For now I'm going to focus the
24 questioning solely on the part related to
25 Texas Eastern.

1 A. No, I don't.

2 Q. And do you know whether a response
3 was made by a Monsanto representative to
4 Texas Eastern, whether or not you made the
5 response?

6 A. I went to Texas with somebody for
7 something, and it had to do with fluids,
8 and I -- I wish I remembered.

9 Q. Do you remember where in Texas you
10 traveled to?

11 A. Houston. One of the big office
12 buildings in downtown Houston.

13 Q. And do you remember the names of
14 any of the people you met with?

15 A. No. I just remember that I got
16 sent down there, or called down there, and
17 went to -- hell, it could have been the
18 Humbel Building, I don't do know. It could
19 have been with Humbel Oil, which we had a
20 lot of dealings with.

21 Q. Do you remember approximately when
22 that visit was?

23 A. Probably in the '70's. And when
24 in the '70's, I don't know.

25 Q. Do you remember with whom you

1 traveled from Monsanto, if you traveled
2 with anyone from Monsanto?

3 A. No.

4 Q. Do you remember anything about the
5 visit to Houston other than you made it?

6 A. I'm afraid I've led you astray,
7 really, in a way. I went to Houston many
8 times to talk to the Humbel people and to
9 talk to Shell technical people. That was
10 before they moved a great many of them
11 out. And I knew those people very well.
12 And we discussed a lot, including fluids,
13 and because they used them, too, in their
14 field groups, field equipment, and I don't
15 know. The reason I get mixed up with Texas
16 Eastern, my sister worked there and I was
17 in Houston one day and I saw her, I went by
18 and saw her in her office in that damn
19 building. Now, what was I doing there? I
20 don't know. So the best idea is to say we
21 don't know.

22 Q. I take it from your answer that as
23 you sit here today and testify you don't
24 have a recollection of having met with
25 representatives of Texas Eastern for

1 business purposes?

2 A. No. A clear one.

3 Q. Okay.

4 A. Clear recollection. A clear
5 recollection.

6 Q. Well, when you use the word clear
7 in your response it makes me wonder whether
8 there is anything other than what you've
9 told me so far that you remember about a
10 communication with Texas Eastern
11 representatives?

12 A. I'm going to depart for a minute
13 and give you a five minute lecture of
14 something that you need to know that
15 chemical companies and technical producers
16 of hazardous materials did. They followed
17 what was called the DuPont rule. We did
18 not completely follow that rule, but to a
19 certain extent we did. And that is, you do
20 not tell technical information except to
21 technical people who are qualified to
22 understand it. That's DuPont's standard,
23 it's written in their concrete. And we had
24 a hell of a time, because our plants
25 couldn't get information from DuPont. We

1 could, but the plants couldn't, under that
2 premise. Because they -- their medical
3 people knew our medical people and knew we
4 knew what we were talking about and they
5 would send it to us. In respect to many
6 oil companies, with the exception of
7 Standard Oil of New Jersey and Shell, we
8 didn't know if they had people who knew how
9 to deal with the data. And part of this
10 may have had to do with play on the phone,
11 finding out if Texas Eastern has got
12 technical people that can understand these
13 data. I'm sorry, I'm not criticizing Texas
14 Eastern, but you'd be surprised at some of
15 the places that they end up. And so we
16 began to follow generally that same
17 premise. You talk about TLV, do you know
18 what a TLV is?

19 Q. Me?

20 A. Yes.

21 Q. Why don't you tell me?

22 A. It's a threshold limit value.

23 Does anybody know what MTD is and all these
24 other things? That's the point. How can
25 you give them this kind -- these kind of

1 data, looking at the data we gave to some
2 of these people, TLVs, MTLs, LD 50's, LD
3 100's, that sort of stuff. Now, if you
4 handed all that stuff out to somebody that
5 had no one to interpret it for them within
6 their staff would be foolish and we
7 wouldn't give it to them. And I'm afraid
8 maybe that's what this represents. In
9 other words, to Clay, tangentially, I'm
10 saying do they have anybody there that
11 knows how to read it.

12 Q. Is it fair to say that as of
13 February 1970 your understanding was that
14 there were people at Texas Eastern who
15 didn't have information about the
16 constituent elements of Turbinol?

17 A. Telling them that we in the
18 medical department did not know if Texas
19 Eastern had people in their Houston place,
20 wherever they were going to get it, that
21 could interpret properly, or we'd send
22 somebody down that could for them. That's
23 the whole point.

24 Q. Is it fair to say that the last
25 paragraph of your memorandum on the bottom

1 of page 1 of the memo, top of page 2
2 reflects your understanding that Texas
3 Eastern lacked the information referred to
4 in that paragraph?

5 A. Absolutely not.

6 Q. There is no indication from this
7 memo that Texas Eastern had that
8 information, is there, Mr. Garrett?

9 A. No. But we and Pappageorge and
10 Howard Bergen worked together. We knew
11 handing raw toxicity data, uninterpreted,
12 to some people was foolish and dangerous.
13 That it would be easier to go explain to
14 them, if they had no one who could explain
15 it to them. And many people didn't have
16 these kind of people on their staff. I
17 don't even know, if I'd have been running
18 Texas Eastern, if I would have had them on
19 the staff. Why would he do it? They're
20 transmitting materials, they have a hundred
21 or two materials to be worried about, not a
22 zillion like a chemical company. But we
23 were asking the question, probably, to
24 Pappageorge and Bergen, hey, should we do
25 this or should we wait until we've got this

1 thing interpreted with the results of some
2 additional studies before we do it. It's
3 strange that I didn't state in there why
4 don't we send somebody there to go with you
5 to see Texas Eastern, to make sure they
6 know what we're talking about. Because
7 misunderstood toxicity data has got -- oh,
8 my goodness, we've even been in court suits
9 over it, violation suits over it,
10 misunderstanding of the numbers, and what
11 the letters, all the LD 50's and that sort
12 of stuff mean. So we knew better. I
13 didn't know what it meant when I came to
14 St. Louis.

15 MR. PREUSS: Wait for a question,
16 Mr. Garrett.

17 MR. TALLON: Other than through my
18 description this morning, are you familiar
19 with Transwestern Pipeline Company?

20 A. No. Other than knowing that it's
21 a gas piper on the -- going west out of
22 southwest Texas.

23 Q. And I take it from that answer
24 you've never communicated with any
25 representative of the Transwestern Pipeline

1 Company?

2 A. No. That is not -- that's
3 incorrect, it's possible that I did, but I
4 didn't recall it.

5 Q. You don't have a recollection as
6 you sit here today?

7 A. I don't have a recollection,
8 that's right.

9 Q. You testified, I believe, that you
10 didn't know who Mr. Clay was?

11 A. No.

12 MR. PREUSS: Other than a Monsanto
13 employee.

14 MR. TALLON: Correct.

15 A. He must have been in St. Louis.
16 And I deduce that from the address after
17 his name. The address would have had
18 Houston on it if he was in the Houston
19 sales office, it would have had HOU on it.

20 Q. Is there any significance to the
21 fact that Mr. Bergen's name is listed first
22 as between Bergen and Clay?

23 A. Most likely Bergen was Clay's
24 boss.

25 Q. During the '70's did you have a

1 practice with respect to keeping files or
2 periodically destroying them?

3 A. We periodically destroyed
4 correspondence files. Now -- and believe
5 me, this led to one of us reading most of
6 those files. That was the biggest pain in
7 the tail you've ever seen, it took days to
8 do it, and pull out what we knew as
9 literature, and that we wanted in our
10 literature file. And some of these kind of
11 letters would go in the literature file
12 because it mentions a company we had not
13 dealt with before in our view, that's Texas
14 Eastern. Otherwise, it would have gone in
15 the junk or gone into the -- in the
16 storage.

17 Q. In your answer when you used the
18 terms "we" and "our" to refer to the fact
19 that we had not dealt with Texas Eastern,
20 you're referring to the medical group?

21 A. That's right.

22 Q. Based on your understanding of the
23 way that files were maintained at Monsanto
24 in February 1970, where would a written
25 request from Texas Eastern have been

1 maintained?

2 A. It probably would have been in the
3 correspondence file of Howard Bergen, and
4 it's probably been destroyed long since,
5 since Howard's been gone many years.

6 Q. In the '70's, how long did you
7 keep your files, if you had a regular
8 practice?

9 A. Don't laugh, but when we couldn't
10 get anything else in the file it was time
11 to strip files. And we had a bank of
12 files, and Monsanto had some kind of
13 something in their ear that irritated them
14 about those files. And these people threw
15 away most of our files, lawyers, anyway,
16 just from pure orneriness of lawyers, and
17 then they give us hell because we couldn't
18 find things they threw away. He's just
19 representing other people, but our own
20 lawyers did that. I think what you mean is
21 how long are correspondence files held?

22 Q. Sure.

23 A. How long are data files held?
24 Correspondence files, probably a couple of
25 years, depending on the subject and

1 depending on the individual that wrote it.
2 He may have wanted them because he's still
3 dealing in the same ball park. If it was a
4 data file letter or one of importance that
5 we felt brought up a new subject we may
6 have kept it in the data file. And
7 Monsanto does have a red book.

8 Q. A red book?

9 A. A red book.

10 Q. What is a red book?

11 A. File clearance book, instructions
12 on clearing files and keeping them cleared.

13 Q. Was such a book in existence in
14 1970?

15 A. If it was, I never saw it.

16 Q. When was the first book put into
17 use, as best you recall?

18 A. I saw them back in the late '70's,
19 the first book came out.

20 Q. Did there come a time during the
21 course of your career at Monsanto when
22 files relating to PCBs were collected?

23 A. I think every one of my files were
24 collected at least a thousand times for
25 court suits of one kind or another. No,

1 that's not -- and I got them back, usually
2 in very disorderly arrangement.

3 Q. Was there ever a particular focus
4 that you recall in the collection of files
5 relating to PCBs?

6 MR. PREUSS: I'll object to the
7 form. What do you mean by focus?

8 A. I think they did pick them up for
9 PCBs. But I'm saying almost yes, but I'm
10 not really -- they took so many back in
11 the late '70's and early '80's that I can't
12 really say. I really can't say.

13 Q. Do you know who was in charge of
14 the collection process?

15 A. Well --

16 MR. PREUSS: Do you know who was
17 in charge of the collection process?

18 A. There is a whole number of people
19 that have been in charge. But the problem
20 -- we're getting mixed up with the red
21 book. You're talking about clearance of
22 files, just to keep the file cabinets down,
23 came because of the legal implications of
24 many of our files. And we asked the law
25 department to help peel files in response

1 to the red book demands, because of what
2 they wanted or didn't want. And we'd keep
3 what they said, yes. And it got to the
4 point where they didn't -- their enthusiasm
5 for coming over and going through our files
6 turned out to be zero or minus numbers.
7 But we did some of it. I think every
8 company has been in the same ball game,
9 what do you keep, what don't you keep, and
10 particularly in the medical and industrial
11 hygiene occupational safety business. I
12 don't know.

13 Q. Do you recollect the names of any
14 of the people whom you remember to be
15 involved with the process of collecting the
16 files related to PCBs?

17 A. No.

18 Q. Do you know who L.A. Watt is?

19 A. Watt, W-a-t-t?

20 Q. Yes. W-a-t-t.

21 A. No. Either no or I don't recall.

22 MR. PREUSS: If you're going on to
23 another subject, I'd like to take a break.

24 (Recess)

25 (Transwestern Deposition Exhibit Number

1 115 mark'd for identification).

2 MR. TALLON: I've asked the
3 reporter to mark as Exhibit 115 a document
4 bearing production numbers Tran 017181
5 through 183. Mr. Garrett, I would ask that
6 you please take a look at that and when you
7 have completed your review to indicate so.

8 MR. PREUSS: Would you like him to
9 read it all?

10 MR. TALLON: Sure. Did you review
11 that document, Mr. Garrett?

12 A. Yes.

13 Q. Can you identify the document for
14 the record?

15 A. I apparently wrote it, but I don't
16 -- I don't know when at all.

17 Q. The first sentence on the first
18 page of the document states, and I quote,
19 "Current data indicates that PCB type
20 materials may be more hazardous to working
21 personnel than had previously been
22 considered." You wrote that sentence?

23 A. Yes.

24 Q. Do you know what data is referred
25 to in that sentence?

1 A. Some additional data on airborne
2 contaminants from other exposures, not from
3 us.

4 Q. What was the source of that data?

5 A. I believe it was -- it came from
6 a trip that was made to Europe and some of
7 the discussion with the Europeans, and
8 particularly the Dutch, and the use of
9 these materials.

10 Q. I'm sorry, what was the end of
11 your sentence? Particularly the Dutch
12 and --

13 A. In connection with use of these
14 materials.

15 Q. Did representatives of Monsanto
16 make that trip to Holland, or wherever in
17 Europe it was made?

18 A. It would have been the case, most
19 likely. I can't be absolutely sure.

20 Q. Were you one of those who went to
21 Europe?

22 A. No.

23 Q. Was Dr. Kelly --

24 A. I've been in Europe, but not in
25 this case.

1 Q. In connection with this --

2 A. It could have been Dr. Kelly, it
3 could have been anybody. It could have
4 been someone else.

5 Q. It could have been some of the
6 people in the product group?

7 MR. PREUSS: He asked if you
8 knew.

9 A. No, I don't know.

10 MR. TALLON: What was the
11 information or the import of the new data?

12 A. I don't recall.

13 Q. Do you recall what about the new
14 data indicated that there was a change or a
15 greater indication of hazard than had
16 previously been believed?

17 A. That's what it says.

18 Q. Right. Do you know what it was
19 about the data that was different?

20 A. No. But it had to be something
21 connected with it being toxic in some form.

22 Q. Can you be more specific than
23 that?

24 A. No. Because I don't recall it.

25 Q. The document is not dated. Do you

1 believe that this is a document that you
2 prepared in the regular course of your work
3 for Monsanto?

4 A. It may have been part of a report
5 or may have been an additive for letters
6 written connected with it.

7 Q. Was either of such preparations
8 within your regular course of work for
9 Monsanto?

10 A. Yes.

11 Q. And you intended the information
12 in here to be relied upon by its
13 recipients?

14 A. Yes.

15 Q. The paragraph goes on to read,
16 "Based on these facts, the control of
17 exposure of workers where PCBs are
18 manufactured or used should be re-examined
19 and made more restrictive." You wrote
20 that?

21 A. Yes.

22 Q. Do you recollect the restrictions
23 to which you were referring in that
24 paragraph and in that sentence?

25 A. I don't know. I don't know

1 exactly what -- we turned around right
2 below it and put down the standards.

3 Q. Right below it, are you referring
4 to the next sentence?

5 A. Right below that statement we say
6 "Currently, the American Conference of
7 Governmental Industrial Hygienists shows"
8 thus and so.

9 Q. And the paragraph concludes that
10 "Very limited analysis in the aroclor
11 department indicates that the airborne
12 concentrations are below these numbers,"
13 correct?

14 A. That's right.

15 Q. Do you remember whether the new
16 data suggested to you that the American
17 Conference of Governmental Industrial
18 Hygienists standard was too high?

19 A. No. I don't know. It may have
20 indicated that it was possible they would
21 reduce it, but I don't know. I don't know
22 what occasioned that particular sequence of
23 sentences.

24 Q. Are you able to judge the
25 approximate date that you wrote this memo

1 by the reference to the particular
2 threshold limit values referred to in the
3 first paragraph?

4 A. I would suspect sometime in the
5 mid '70's.

6 Q. And what is that suspicion based
7 on?

8 A. The location and the time the
9 ACGIH came out with their standards.

10 Q. When did the ACGIH come out with
11 its standards?

12 A. It was in 1971 or '72.

13 Q. Is the ACGIH still in existence
14 today, so far as you know?

15 A. Yes.

16 Q. Do you know where the ACGIH is
17 headquartered?

18 A. Well, it is an organization made
19 up of governmental hygienists, and it was
20 headquartered in Cincinnati at one time. I
21 think today it -- I don't know that it --
22 that the ACGIH still has the TLV
23 committees, I think that OSHA has them, and
24 they took -- the ACGIH standards had their
25 beginning when OSHA began putting out the

1 standards as federal law, and they used
2 ACGIH standards initially. And as is the
3 case, they change them when there seems to
4 be evidence that they need changing.

5 Q. Is the ACGIH a membership
6 organization, or was it?

7 A. It is a membership organization.
8 One restriction, you have to be a
9 governmental employee. Now, that's the
10 broadest application. The university
11 people and that sort are considered
12 governmental employees. But no industry
13 and no direct regulatory people could be.
14 But, otherwise, it is a membership affair,
15 you pay dues and everything.

16 Q. I want to refer you to page 3 of
17 that exhibit, and in particular to the
18 caption "Environmental Contamination." Do
19 you see that?

20 A. Yes.

21 Q. The document states that "We would
22 recommend that all means be exercised,
23 either through engineering changes or
24 through work practice changes to minimize
25 environmental releases, either by air,

1 water or through solid residues." And it
2 goes on to say that, "In short, we would
3 recommend that all means within the limits
4 of economic feasibility be utilized to
5 limit releases of these materials into the
6 environment." Do you see that?

7 A. Yes.

8 Q. You wrote that?

9 A. Yes.

10 Q. Who is the "we" referred to?

11 A. Monsanto.

12 Q. And what was the basis for the
13 recommendation that all means be exercised
14 to minimize environmental releases?

15 A. Obviously, there was some data
16 produced somewhere, and that is -- and
17 that sentence, or that paragraph is sort of
18 standard boilerplate for use in -- we
19 should always, in a material, reduce it to
20 the economic -- to the engineering degree
21 we can with an economic reality. They
22 should do it to everything, and we did at
23 Monsanto.

24 Q. You should do it to everything?

25 A. Everything, that's true.

1 Q. All materials?

2 A. All materials.

3 Q. Not just toxic materials?

4 A. Well, that are foreign to the body
5 itself. That's probably in the industrial
6 hygienist's prayer.

7 Q. Do you have knowledge of the
8 environmental caution suggested by the last
9 paragraph of that exhibit ever being
10 communicated to either Texas Eastern or
11 Transwestern personnel?

12 A. It's been published in the
13 published literature.

14 Q. When?

15 A. I don't know. Probably numerous
16 times. But it has been published and there
17 have been publications, a number of
18 publications covering contamination of
19 non-soluble material such as the PCBs and
20 fluids of that type on the ground and in
21 waterways and in the marine environment and
22 so forth.

23 Q. When was the first time that such
24 information was published?

25 A. We did some work that was never

1 published -- or someone did some work I
2 saw that was never published, and the work
3 was with fish, and because the bottoms were
4 not -- natural bottoms, there was nothing
5 happened, the stuff is too heavy and too
6 non-soluble to do anything at all. Further
7 down the line there were some elegant
8 studies done about fluids, chlorinated
9 fluids that were non-soluble in water or
10 essentially non-soluble in water, which
11 means they could be partially soluble, but
12 there is so little that you can't prove it,
13 what their effect had on aquatic marine
14 environments.

15 Q. And were those studies published?

16 A. Yes and no. They were published
17 in -- many of them were published in the
18 literature, in the fish and wildlife
19 literature, biological literature. Some of
20 them were published by agencies. They're
21 considered published, but the government
22 laboratories, biological laboratories who
23 do their pollution technical work publish a
24 lot of stuff in their own publications.

25 Q. When you're referring to fish and

1 wildlife publications, what are you
2 referring to?

3 A. Fish or biology technical
4 publications.

5 Q. And when is the first time that
6 you recollect seeing a publication in a
7 fish and wildlife publication relating to
8 PCB toxicity?

9 A. To my knowledge, the first one I
10 ever saw was a California report written
11 back in the '70's sometime.

12 Q. Do you recollect the name of the
13 journal or publication?

14 A. No.

15 Q. Do you remember the name of the
16 author or authors?

17 A. No, I don't.

18 Q. Do you remember anything at all
19 about the publication to which you've just
20 referred?

21 A. If I had my literature files I
22 could, but I don't.

23 Q. And where are those literature
24 files today if they exist?

25 A. Very likely in Monsanto's

1 incinerator. But I don't know where they
2 are

3 Q. You had testified a little bit
4 earlier today that Monsanto used Industrial
5 Biotest for toxicity work, is that correct?

6 A. That's correct.

7 Q. Through what period of time did
8 you use Industrial Biotest?

9 MR. PREUSS: Did Monsanto use?

10 MR. TALLON: Yes.

11 A. I don't know, because I didn't do
12 it, the toxicology people did it.

13 Q. Who are the toxicology people to
14 whom you are referring?

15 A. Dr. Hunt, who is now deceased.
16 Elmer Wheeler, who headed it, who is now
17 deceased. You're going to have a fun time
18 finding these people. I don't know that we
19 had any - I knew some of the people that
20 were in the biotest group, but weren't with
21 Monsanto. Those are the people that dealt
22 with Biotest for Monsanto.

23 Q. I take it from your answer that it
24 was not part of your responsibility to deal
25 with Biotest?

1 A. I used the data.

2 (Transwestern Deposition Exhibit Number
3 116 mark'd for identification).

4 MR. TALDON: Would you take a few
5 moments, please, and review that, Mr.
6 Garrett?

7 A. All right.

8 Q. Have you reviewed that document?

9 A. Yes.

10 Q. Can you identify it for the
11 record?

12 A. This is a letter to Elmer Wheeler
13 about PCB and Escambia Bay and the interest
14 the Florida authorities have about it.

15 Q. Did you author that document?

16 A. This one, yes.

17 Q. And that is a document that you
18 authored in the regular course of your work
19 at Monsanto?

20 A. Yes.

21 Q. And you intended Mr. Wheeler to
22 rely on the information reflected in the
23 memorandum?

24 A. Yes.

25 Q. And the memorandum is written

1 about a meeting or series of meetings in
2 August 1969?

3 A. Yes.

4 Q. And you wrote it on or about
5 August 26, 1969?

6 A. That's correct.

7 Q. There is a big blank space on the
8 first page of the document, do you see
9 that?

10 A. Yes.

11 Q. Is there a reason why that's
12 there, or --

13 A. I don't know. I have no idea. I
14 don't think they blanked anything out.

15 Q. Do you remember leaving a big
16 white space in your memo?

17 A. We could have had something pasted
18 in there on the original memo. It could
19 have been something pasted, but I don't
20 know. I would be more inclined to think
21 that there was something pasted on there.

22 Q. Mr. Preuss, are you aware of
23 whether or not that white space constitutes
24 a redaction of some sort?

25 MR. PREUSS: I have no idea.

1 MR. TALLON: The memorandum to Mr.
2 Wheeler refers to a number of different
3 people. In particular, there is a
4 reference in the second to last paragraph
5 on the first page to John Spano. Do you see
6 that reference?

7 A. Yes.

8 Q. And was he in the public relations
9 department of Monsanto in 1969?

10 A. Yes.

11 Q. Do you know what his position was?

12 A. He was assigned to the medical
13 department and others that I'm not -- I
14 can't remember. But he was the P.R. man
15 that we used if we needed one. And he also
16 went through P.R. books and stuff that he
17 got that concerned us.

18 Q. Do you know whether Mr. Spano was
19 the author of Exhibit 111 which we looked
20 at earlier today?

21 A. No, I don't.

22 Q. The same paragraph that refers to
23 Mr. Spano goes on to refer to Tom Ford. Do
24 you recollect who Tom Ford was and what his
25 position was in August 1969?

1 A. No, I do not. I don't remember
2 him at all.

3 Q. And do you remember who Sterling
4 Turner was?

5 A. No.

6 Q. What about Bill Richards?

7 A. I know Bill Richards.

8 Q. What was Mr. Richards' position?

9 A. He was in the technical support
10 group for this group of compounds for the
11 organic division.

12 Q. And what does the position of
13 being in a technical support group imply in
14 terms of job function?

15 A. He did the research and the
16 customer initiated materials for use. If
17 you had asked the company will this
18 material work in thus and so application,
19 Bill Richards' group would have tried it to
20 see. Okay?

21 Q. Do you recollect the circumstances
22 under which you wrote this memorandum?

23 A. No. I don't, really, recollect it
24 very well. I remember vaguely the incident
25 in the bay, in Escambia Bay.

1 Q. What do you remember vaguely?

2 A. Well, that it was there, there was
3 an argument about shrimp catch in Escambia
4 Bay. And, actually, I think you'll find if
5 you find enough data from the State of
6 Florida that at the time there was a
7 reduction in shrimp catch all along the
8 Gulf coast from a freeze that had occurred
9 sometime before.

10 Q. Turn to page 2. In the top
11 paragraph there is a reference to -- I'll
12 read you the sentence. It says "We called
13 Mr. Dean and Mr. O'Leary several times to
14 settle on what general approach Dean and
15 Turner should make to the state agencies."
16 Do you see that?

17 A. Yes.

18 Q. And who is Mr. Dean?

19 A. I haven't the vaguest. I'm sure I
20 worked with him, but I don't know who he
21 is.

22 Q. How about Mr. O'Leary?

23 A. Nor Mr. O'Leary.

24 Q. Are the Dean and Turner referred
25 to people other than Mr. Dean and Mr.

1 O'Leary or the same people?

2 MR. PREUSS: They have Mr. in
3 front of their names.

4 A. Excuse me. It is probable that
5 Dean and Turner were at the Pensacola
6 plant.

7 MR. TALLON: Your memo states,
8 "The general approach should be our
9 continuous cooperation with these agencies
10 and to answer their questions but not offer
11 a great deal of information or comment."
12 Correct?

13 A. Yes.

14 Q. Do you remember giving that
15 direction to the Monsanto employees who
16 were to meet with state representatives in
17 Florida?

18 A. We would have -- we would have
19 had no -- nothing against giving them any
20 information, had they wanted it or needed
21 it or had any way of using it. And our
22 greatest determination was what did they
23 want to use it for. We would test the
24 shrimp for them if they wanted us to, or we
25 would have tested the fish. We did it for

1 many other states. So it seems cruel, but
2 we didn't -- this stuff is extremely
3 technically screwed up, it requires a very
4 great amount of work and equipment to
5 produce mists, and particularly mists of
6 fixed concentrations, measureable fixed
7 concentration, and that sort of stuff, or
8 to produce it in water. Because you're now
9 talking parts per trillion. And if they
10 wanted to test it, we would help them test
11 it, that's what I'm saying. But to do
12 that, it's very difficult to do, you have
13 to go through three reductions in volume
14 and very, very, very carefully to get down
15 to those kind of --

16 Q. You described the general approach
17 to the state agents as including not
18 offering a great deal of information or
19 comment, correct?

20 A. We had their report on shrimp, and
21 their discussion about the shrimp problem
22 elsewhere along the Florida Gulf coast. I
23 don't know that we needed anything else
24 from them, really.

25 Q. I'm referring now to the paragraph

1 numbered 1 on page 2 which describes your
2 position. Correct?

3 A. We could cooperate with these
4 agencies and do anything they wanted us to
5 do.

6 Q. But not offer a great deal of
7 information or comment, correct?

8 A. Unless we wanted them to
9 understand something. Do they have people
10 that can do these things? What good would
11 it do to discuss the composition and the
12 method of manufacture and all that sort of
13 stuff, of PCBs, with somebody who doesn't
14 want to go any further than that? I don't
15 think we would have limited our discussion
16 with them, let's put it that way, no.

17 Q. Well --

18 A. Whatever it says here.

19 Q. Paragraph 1 says, among other
20 things, "The general approach should be our
21 continuous cooperation with these agencies
22 and to answer their questions but not offer
23 a great deal of information or comment,"
24 right?

25 A. Yes.

1 Q. So it was part of your program
2 with the state officials not to offer a
3 great deal of information or comment,
4 right?

5 A. That's correct. That covers this
6 product, by the way, this group of
7 products.

8 Q. Why don't we mark as 117 a single
9 page document bearing production number
10 Tran 022090.

11 (Transwestern Deposition Exhibit Number
12 117 mark'd for identification).

13 MR. TALLON: Can you identify that
14 document?

15 A. No.

16 Q. Do you have any recollection of
17 seeing that document before today?

18 A. No.

19 Q. Do you know E.S. Tucker?

20 A. Yes.

21 Q. And who was Mr. Tucker in the
22 Monsanto world in December 1969?

23 A. Tucker was a man in a particular
24 group at Monsanto that sold products to --
25 that was one of the sales staff that sold

1 some of the PCB products.

2 Q. If you turn to the upper
3 right-hand corner of the document, there
4 are a series of names there. Starting from
5 the bottom, E.P. Wheeler.

6 A. Yes.

7 Q. That was Mr. Wheeler for whom you
8 worked, correct?

9 A. Yes.

10 Q. And does the designation "GO"
11 refer to general office?

12 A. That is correct.

13 Q. And W.R. Richard is the Bill
14 Richard to whom you referred previously in
15 testimony today?

16 A. Yes.

17 Q. And Mr. Keller you referred to
18 earlier in testimony today?

19 A. Yes. S. 2nd is South Second
20 Street laboratories.

21 Q. And who was Mr. Farrar in the
22 Monsanto world in December 1969?

23 A. I don't know.

24 Q. The memorandum is addressed to
25 J.T. Garrett and C. Paton, correct?

1 A. Yes.

2 Q. Is that Cumming Paton?

3 A. That's Cumming Paton.

4 Q. What was Mr. Paton's position with
5 Monsanto in December 1969, as best you
6 recall?

7 A. He was, likewise, in that -- in
8 the aroclor peddling group, as I recall.
9 He's one of the technical people in the
10 aroclor sales management group. Okay?

11 Q. The memorandum states that its
12 subject is "Aroclor-wildlife, NCR water
13 body," is that what?

14 A. Yes.

15 Q. Do you know whether or not the
16 letters NCR stand for National Cash
17 Register?

18 A. Yes, it is for National Cash
19 Register.

20 Q. And did you do or did you
21 participate in toxicity analyses of
22 aroclors for -- with reference to your
23 customer, NCR?

24 A. Yes, I knew we were doing it.

25 Q. And is it the case that NCR used

1 aroclor 1242 in carbonless carbon paper?

2 A. Yes.

3 Q. And is it the case that this
4 memorandum indicates that extract of water
5 samples reflected parts per million of
6 aroclor 1242 found in those samples?

7 A. Yes.

8 Q. Do you recall participating in
9 discussions at Monsanto about the
10 biodegradability of aroclor 1242?

11 A. Yes, I do.

12 Q. And what do you recall of those
13 discussions?

14 A. That we had never seen much
15 degradation. We had seen some isomeric
16 changes.

17 Q. What do you mean in that response
18 when you use the word degradation?

19 A. Where the material, the chemical
20 compound lost its chemical identity as
21 such. You say it was 2,3 dichloro so and
22 so, it lost that identity.

23 Q. When you stated that you did not
24 see much degradation of aroclor 1242, does
25 that indicate that 1242 tended to persist

1 in its form as an aroclor in the
2 environment?

3 A. That the material -- that the
4 material analyzed for was the
5 chlorobiphenyl, that's the analysis, and it
6 was -- what he said was the degradation of
7 these -- these samples represented that
8 chemical species, aroclor 1242, period.
9 Now, he said he didn't know about any other
10 degradation or anything else, didn't show
11 any evidence of biodegradation.

12 Q. And now I'm referring to -- I had
13 asked you whether you were a participant in
14 any discussions at Monsanto about the
15 degradability of aroclor 1242 and you
16 indicated that you had. In those
17 discussions, apart from the reference in
18 the exhibit that you're looking at, what do
19 you recall being said about the tendency of
20 1242 to persist in the environment?

21 A. Well, it's not very degradable.

22 Q. Does that mean it tends to
23 persist?

24 A. It tends to persist, yes. It
25 will, however, degrade.

1 Q. I'm sorry. It will?

2 A. It will, however, degrade. And we
3 found this out through studies in
4 connection with this same NCR effluent
5 procedure.

6 Q. I'm sorry, I didn't hear the end
7 of your answer. You found this out in
8 connection with studies --

9 A. With NCR studies.

10 Q. For what purpose were those NCR
11 studies undertaken?

12 A. Our own pushing NCR. We were
13 interested in what was going -- what was
14 going to happen to the NCR use. And, of
15 course, it was discontinued.

16 Q. Why were you interested in what
17 was going to happen with the NCR use?

18 A. Well, we didn't want NCR to screw
19 up the thing with bad data. And we knew
20 they didn't know how to do the analysis,
21 for example. It's a complex electronic
22 microscope analysis.

23 Q. What were you concerned the
24 consequences of NCR screwing it up might
25 be?

1 A. NCR was worried that they were
2 going to lose the product because of that,
3 and so were we, but we wanted to make sure
4 that when the data came in that it was as
5 accurate as we could make it. And we
6 probably could analyze the stuff better
7 than anybody else in the country. So
8 that's where it came from.

9 Q. But I think my question was what
10 was the concern, why were you concerned
11 that NCR would do the work itself and screw
12 it up? Why was that an issue?

13 A. Well, the issue was if you had as
14 big a deal as they had going on that paper
15 and it was such a commercial success, how
16 far do you think you would go to protect
17 it? We sold the PCB to them, and certainly
18 Monsanto was not in the business of trying
19 to get rid of its products, but we were in
20 the business of trying to make sure those
21 products were handled properly and not
22 discharged willie-nillie into
23 anything --

24 Q. Did there come a time when you met
25 with representatives of NCR to discuss the

1 toxicity of aroclor 1242 with those
2 representatives?

3 A. They knew the toxicity of the
4 products from visits to St. Louis.

5 Q. Do you recall in particular a
6 meeting in 1970 with representatives of NCR
7 to St. Louis?

8 A. There were several. It's
9 possible.

10 Q. Let me show you --

11 A. I remember we had meetings with
12 NCR, let's put it that way.

13 Q. Let me have marked as Exhibit 118
14 a one page document bearing production
15 number Tran 085272.

16 (Transwestern Deposition Exhibit Number
17 118 mark'd for identification).

18 MR. TALLON: Does reviewing the
19 document marked as Exhibit 118 refresh your
20 recollection as to a meeting held with
21 representatives of National Cash Register
22 in St. Louis in June 1970?

23 A. Yes.

24 Q. Tell us what you remember about
25 that meeting in terms of its purpose?

1 A. We were pushing Cash to move over
2 to another -- to another dye diluent.

3 Q. To another what?

4 A. Dye diluent. The material that --
5 the aroclor was used as a diluent in the
6 dye capsule, in the encapsulated dye that
7 made the carbonless carbon paper by
8 exploding the capsule with a key of the old
9 typewriter. It wouldn't work today because
10 nobody types it in with a key. But the
11 problem was the thing was -- they were --
12 we suggested they look for substitute
13 material. And this was a discussion of
14 MIPB. Monoisopropylbutane, MIPB. We did
15 not make that. We were, like the fools
16 that we were, talking them into getting out
17 of our business.

18 Q. What was the purpose for your
19 attendance at the meeting with the NCR
20 representatives?

21 A. I had been -- I had done some
22 work with NCR's people over at Hill Top
23 Laboratories in Cincinnati where they were
24 doing some toxicology work.

25 Q. What work was that?

1 A. I don't recall the specifics.
2 There was a lot of work being done on it by
3 everybody, including us, in their issue.
4 Now, you can imagine their enthusiasm
5 wasn't too high for this, so you can
6 understand some of the reasons for these
7 meetings.

8 Q. Do you recall what information was
9 furnished to National Cash Register
10 representatives at this meeting
11 concerning --

12 A. Every bloody thing we had that
13 they didn't already have, which I can't
14 imagine there was very much. It could have
15 been some of this by electron scope
16 studies.

17 MR. PREUSS: He asked if you
18 remembered.

19 MR. TALLON: And by electron scope
20 studies, you're referring to the exhibit
21 which discusses the biodegradability of
22 aroclor 1242?

23 A. That's right. In these low, low,
24 low concentrations.

25 MR. PREUSS: Number 117.

1 MR. TALLON: Without reference to
2 the specific nature of the work being done
3 by the NCR representatives at the Hill Top
4 location, what was the nature of your
5 communication or interaction with those NCR
6 representatives?

7 MR. PREUSS: At this meeting or
8 any time?

9 MR. TALLON: I'm referring to the
10 witness's earlier statement about his
11 interaction with NCR.

12 A. I went, at Dr. Kelly or Mr.
13 Wheeler and I can't remember whose request,
14 I went with the NCR people over to Hill Top
15 Laboratories. Which, by the way, is a
16 private consulting toxicology laboratory in
17 Cincinnati. Whether it is still there or
18 still by the same name, I do not know. I
19 haven't heard about it in years. It is
20 possible it's somebody else's name, that it
21 was bought by one of these chain outfits.
22 But I don't know. They were there then. I
23 went to Hill Top with this NCR man, and we
24 went over some data that Hill Top was doing
25 with fish and other things. And they

1 essentially proved what we proved, and that
2 was that the stuff was virtually
3 non-degradable under normal circumstances.

4 Q. Do you recollect the reason why
5 Dr. Kelly was to be present at the National
6 Cash Register meeting in June of 1970?

7 A. Their doctor probably was there.

8 Q. And do you remember any
9 contribution that Dr. Kelly made to the
10 meeting?

11 A. Probably, yes. He told them to
12 get their butt out of the business.

13 Q. Do you remember any contribution
14 that you made to the meeting?

15 A. Not with him there.

16 Q. Do you remember any contribution
17 you made to the meeting, whether or not he
18 was there?

19 A. The contributions were the
20 sampling that we had done for Tucker when
21 he was doing these tests, and we did some
22 sampling, and then we did some later, and
23 those -- the sampling showed that there
24 was between -- okay, now I remember.
25 We're talking about the Little Miami River,

1 they're discharging into that, National
2 Cash, then it meanders down and injures the
3 Ohio at Miamisport, and we had done some
4 sampling along there.

5 Q. Were the results of that sampling
6 reflected in Exhibit 117?

7 A. Part of it was here, yes.

8 Q. Do you recollect the results other
9 than as shown on Exhibit 117?

10 A. No, not really. It would be
11 trying to guess at some things that you mix
12 up in your mind, and I don't think I can do
13 that very well.

14 Q. Did you ever have direct
15 communications with Soren Jensen in Sweden
16 or anyone working with him?

17 A. No.

18 Q. Do you know if Dr. Kelly did?

19 A. We conversed with him by letter at
20 the institute where he worked. And we did
21 it through the years, actually. I don't
22 know why the letters aren't in the files or
23 anything. I don't know. I did not do it,
24 Elmer did it. He met him in a meeting in
25 London later, or during this period of time

1 that this rukus was going on. And we asked
2 him some questions, and his answers were
3 not translatable to American law and
4 regulation.

5 Q. Could you read that back?

6 (The requested portion of the
7 record read by the reporter).

8 MR. TALLON: What does that mean,
9 Mr. Garrett?

10 A. Well, in some -- some countries
11 make you prove that things are bad. The
12 United States does not, and never has.

13 Q. How did that relate to the
14 discussions between representatives of
15 Monsanto and Mr. Jensen?

16 A. The fact that Sweden, for example,
17 was going to go ahead and use PCBs in their
18 electrical transmission and we were not,
19 because regulations were going to cause us
20 to stop it.

21 Q. Regulations were going to --

22 A. To make us stop using
23 polychlorinated biphenyls in electrical
24 transmission or any electrical transmission
25 devices.

1 Q. I guess I'm just not clear. How
2 did that discussion of the difference
3 between the Swedish regulatory system and
4 U.S. regulatory system figure in your
5 discussions?

6 A. In Sweden they were not going to
7 take it out of their transmission systems.

8 Q. Why did you care?

9 A. Well, it seemed strange to us if
10 they didn't believe that it was a hazard in
11 their electrical systems, why should we be
12 forced to take it out of ours.

13 Q. Why was that a subject of
14 discussion with Mr. Jensen?

15 A. Because he's the one who talked
16 all of the things into it. He was the one
17 that started the PCB yahoo all by himself.

18 Q. By yahoo, you're referring to --

19 A. His issue connected with finding
20 it, which is not unusual in fish and so
21 forth in the fisheries along the Swedish
22 part of the Baltic Sea. And his is very,
23 very excellent work, incidentally, don't
24 -- I'm not criticizing him at all, he's a
25 hell of a good researcher in wildlife

1 management, and that's what he was doing.
2 But what he did not understand was our
3 hesitance or -- you know, we don't use
4 dirigibles in this country because they're
5 gas, that sort of thing. We do, but you
6 shouldn't do it because it's going to kill
7 people. It makes no sense to me. In other
8 words, if it was hazardous, why the hell
9 were they going to go ahead and use it.
10 Why was the technical man employed by the
11 very government that was going to go ahead
12 and use it, and we were going to get rid of
13 it and stop using it. It didn't make any
14 sense. That was the -- and finally
15 decided that it didn't make any sense, so
16 we couldn't do anything about it.

17 Q. So he couldn't do anything about
18 it?

19 A. Nor could we.

20 Q. Did you play any role, Mr.
21 Garrett, in the decision to withdraw any
22 Monsanto product containing PCBs from the
23 market for sale to customers?

24 A. We withdrew it, so I would be
25 partly responsible, I would assume. How

1 indirectly, I don't know. Elmer would have
2 to be, partly, Kelly would, I would.

3 Q. Were you part of any working group
4 where the subject of withdrawing PCB-based
5 products from the market was a subject of
6 discussion?

7 A. We collectively were opposed to
8 this use.

9 Q. I'm sorry?

10 A. We were collectively opposed to
11 this use.

12 Q. This use referring to what?

13 A. Making carbon paper. I don't
14 believe we were really opposed to any other
15 use, that I know of, that any of the
16 product was put to.

17 Q. What was the reason for the
18 opposition to the use of PCBs in the
19 manufacture of carbonless carbon paper?

20 A. The paper went in to all kinds of
21 dumps, it was soaked with water, material
22 was carried out, flushed out, it wasn't
23 dissolved because it wasn't soluble, into
24 receiving streams. After ten years of this
25 you could find it all over the world, after

1 we developed the method for analysis in
2 very minute amounts. That's with the
3 scope, with the electron scope.

4 Q. I take it, then, that the concern
5 that you've just described was that the PCB
6 component of the carbonless carbon paper
7 could enter the environment as a result of
8 the disposal of carbonless carbon paper?

9 A. You can't -- how do you dispose
10 of paper garbage? Burn it? Either way, we
11 release the PCB into the environment.
12 Either way. And it was getting so big, I
13 mean, everybody was using those things,
14 including the cop that gave you a ticket.
15 The point I make is that there were very
16 many fine uses of it that did not impinge
17 on the environment. This one was not one
18 of those uses.

19 Q. If a PCB based fluid product leaks
20 out of a system, does that enter the
21 environment?

22 MR. PREUSS: I'll object as an
23 incomplete hypothetical, insufficient facts
24 upon which to form an opinion.

25 A. That would be philosophizing. I

1 I don't think it would do that.

2 MR. TALLON: If a PCB fluid is
3 poured on the ground, is that in the
4 environment?

5 MR. PREUSS: I object as
6 argumentative.

7 A. I don't know. Depends on where
8 the ground is, what you're talking about,
9 what the concentration is, what the PCB is,
10 what the other materials transported with
11 it are. There is so many variables in that
12 question I don't know how to -- we have
13 proven what we knew about this.

14 Q. Proven what you knew about 1242?

15 A. No, about using this paper. There
16 was nothing wrong with the paper itself.
17 There was never a single solitary claim of
18 anybody being hurt with it or with its
19 results. But we knew -- and heavy
20 chlorinated chemicals have a tendency --
21 they're fat soluble and they have a
22 tendency to concentrate in fat. Fatty
23 animals would concentrate it if they got it
24 in their food chain, anyway. We found that
25 out from studying these things. So in this

1 use, or in most of the uses that we checked
2 through we did not find that hazard
3 associated with it.

4 Q. Did you participate in any
5 analysis undertaken by Monsanto of
6 different ways in which PCBs could enter
7 the food chain?

8 A. To the degree that they were done,
9 but not all of them. There could have been
10 many of them done I knew nothing about.

11 Q. Did you participate in any such
12 study?

13 A. Fish, yes.

14 Q. And was it a part of that study to
15 determine how PCBs entered the food chain
16 that included fish?

17 A. Well, I'm going to tell you
18 something that's strange. In checking PCB
19 manufacturing, and these are -- this is
20 when we had these people up against the
21 wall, us and the Dutch, the Germans and the
22 French, there was more PCB in the
23 environment than any of us manufactured,
24 total. Particularly true at times in sea
25 creatures. Now, we don't know how that

1 happened, we haven't the foggiest notion
2 how a chlorinated compound, any kind, got
3 into those critter, but it did. Now -

4 MR. PREUSS: Try to answer his
5 question, Mr. --

6 A. That was part of the reason, the
7 unknown, that we faced with it.

8 MR. TALLON: PCBs are not
9 naturally occurring, correct?

10 A. No. We do not know if they are,
11 and we have never seen them except maybe we
12 have in certain sea creatures. We may have
13 seen PCBs generated in the environment
14 itself.

15 Q. What circumstances are you
16 describing?

17 A. When you produce 40 million
18 gallons of stuff and the French produce 40
19 million gallons and the Germans produce 40
20 million gallons and all of it shows up and
21 more off the coast of -- Gulf coast of
22 Florida in fish, you know something is
23 wrong. Now, it was our opinion that
24 somehow there was a possibility, however,
25 we never could prove it, nor could we ever

1 reconstruct it, that the material could, in
2 fact, generate; either that or a material
3 that gave the same reflections in very
4 high-powered analytical equipment. Okay?
5 Now, you don't know any more than you did
6 before and neither do we. Does it show in
7 the electron scope? And if so, what is it
8 showing in the electron scope? And you're
9 talking parts per trillion, and there is no
10 way you can get a piece of it and break it
11 up and look at it, it's too small. You're
12 trying to analyze a teeny, teeny, tiny
13 piece, and you can't do it. We tried. We
14 mashed up enough shrimp and enough other
15 creatures, you just couldn't do it.

16 Q. Did any study undertaken at
17 Monsanto while you were employed by
18 Monsanto seek to determine the different
19 ways, if there was more than one way, that
20 PCBs could enter the food chain?

21 A. Yes.

22 Q. Was there one such study or more
23 than one such study?

24 A. There were several. We found some
25 other strange things in those studies in

1 the Great Lakes.

2 MR. PRUSS: He just asked you if
3 there was more than one.

4 A. Yes, there was.

5 MR. TALLON: What were the
6 conclusions of those studies, as you recall
7 them, in describing how PCBs entered the
8 food chain?

9 A. Avoid a discussion of them. There
10 was no other way. For example, we found
11 too much -- we found it coming out of
12 effluents where large -- we're talking
13 about huge dry cleaning establishments
14 were. There is no aromatic compounds used
15 in dry cleaning that anybody knows of, that
16 we checked.

17 Q. Aromatic?

18 A. Yes.

19 Q. Are you referring to PCB
20 compounds?

21 A. I'm talking about aromatic
22 chlorinated compounds, and PCB is a
23 chlorinated -- is a biphenyl
24 chlorination. Biphenyl is two benzene
25 rings stuck end to end, it is an aromatic.

1 Now, again, we're talking exceedingly low
2 levels that you have to pick up with
3 extremely delicate instruments, electron
4 microscopes. Is there a reflection in
5 there that interferes? If so, we didn't
6 know what it was.

7 Q. Did you ever participate in any
8 decision by Monsanto to withdraw PCB based
9 fluid products from the market?

10 A. Yes.

11 Q. And what was your role in that
12 decision-making process?

13 A. We refused to sell it to some tile
14 makers and to a preformed insulation
15 manufacturer.

16 Q. When?

17 A. It had to be in the '70's
18 sometime.

19 Q. The early '70's or late '70's or
20 mid '70's?

21 A. I don't know. I just don't know.

22 Q. What was your role in that
23 process?

24 A. I went to check their facilities
25 to see if they were going to protect their

1 employees, and the facilities were
2 terrible. The glass fiber manufacturer
3 that we checked, the preformed insulation
4 manufacturer refused to do anything about
5 it, and he was cooking them in ovens, drop
6 front ovens, if you know what I mean, and
7 the workers were pulling the oven open and
8 dropping it and that whole gang of
9 decomposition products and so forth came
10 right out in the worker's face. And I told
11 them no, we would not, unless they change
12 it, and they wouldn't change it. We
13 refused to sell it to them.

14 Q. Did you play any role in
15 connection with decisions made at Monsanto
16 concerning the phaseout or discontinuance
17 of sale of Turbinol?

18 A. Turbinol didn't discontinue. Its
19 base, chlorinated hydrocarbon,
20 disappeared. The aroclor backing, that
21 thing was stopped, it wasn't the Turbinol
22 thing that stopped. It was the aroclor
23 that made it.

24 Q. Turbinol continued to be sold
25 under a different formulation?

1 A. No. Not to my knowledge. They
2 could have been, but I didn't know it.
3 When they took the PCB out of it they
4 removed from it the property that was most
5 attractive to that as a turbine fluid.

6 Q. What property was that?

7 A. Fireproof or fire resistance. And
8 the lubricity in a fire-resistant material.

9 Q. And was there a substitute
10 product?

11 A. They're running turbines today.

12 Q. I mean, did Monsanto manufacture a
13 substitute product?

14 A. We tried, but we didn't come up
15 with it, no. Not to our opinion.

16 Q. Who do you know that was involved
17 in the procedure of attempting to develop a
18 substitute product?

19 A. Well, my own knowledge, the
20 chemical industry. You got a market,
21 here's an opening, all the people are going
22 to scramble into that opening and try to
23 produce a product. I don't know who did, I
24 couldn't even tell you. All I know is that
25 somebody tried, because we tried. But the

1 minute it went out, everybody in the world
2 knew it in the chemical industry, that we
3 were pulling out of the PCB business. So,
4 bang, they started looking at our product
5 line and everybody was trying to -- I
6 don't blame them. I'm sorry. This is our
7 old eat and eat and grab business world.
8 My point is, you people still have turbine
9 fluids even when we quit making Turbinol.
10 And somebody filled that void. And they
11 would do that anyway. I don't know which
12 ones. I'm sure we tried. But that just
13 was one of those things.

14 Q. I take it, though, from your
15 answer that you didn't have any direct
16 participation in the process of attempting
17 to develop a substitute fluid?

18 A. We tested --

19 MR. PREUSS: He's talking about
20 you.

21 A. We tested some of them, that's
22 all.

23 MR. TALLON: I'm questioning now
24 whether you personally were involved?

25 A. I knew it and helped write some of

1 the stuff on the test products.

2 Q. Write what stuff on the test
3 products?

4 A. The results of the toxicology
5 tests. And the results, more importantly,
6 of the degradation, fire tests and so forth
7 of the product itself, the material. They
8 had several substitute materials they were
9 trying to sell.

10 Q. Do you remember the components of
11 those substitute materials?

12 A. Absolutely not, none of them. But
13 none of them contained any chlorinated
14 hydrocarbons.

15 Q. Do you know the period over which
16 you participated in this testing process?

17 A. No. Because we were facing the
18 whole PCB withdrawal business, you see.
19 We're looking at a heck of a lot better --
20 bigger markets than just Turbinol fluid
21 markets. And we didn't do too well in any
22 of them, frankly. We do make a lot of
23 fluids today, basically, of component
24 fluids, or did, but they're not anything
25 like the chlorinated materials.

1 Q. Do you have a recollection of when
2 attempts began to find a substitute fluid?

3 A. Probably in the late '70's and
4 near '80's. When it was absolutely
5 essential, it looked like we had no chance
6 of continuing to produce PCBs of any kind
7 for any reason.

8 MR. TALLON: I'd like to take a
9 few minutes.

10 (Recess).

11 MR. TALLON: Just a couple more
12 questions, Mr. Garrett. When you referred
13 earlier in your testimony to a red book
14 concerning document retention policies, was
15 the book red?

16 A. It had a red cover. The first one
17 had a red cover, that's where it got the
18 name red book. I think the third one had a
19 green cover, actually. And it was a --
20 the people -- it was a desperate try to
21 keep from putting so many files out there
22 that the whole thing sank. And what
23 happened --

24 MR. PREUSS: He just asked you
25 what the color was.

1 A. They said what do you get out, how
2 can you get it out, and the red one was the
3 first issue.

4 MR. TALLON: Is that the kind of
5 instructional manual that states when
6 certain kinds of documents can be
7 destroyed?

8 A. And when -- which ones to store
9 and which ones to dump, yes.

10 Q. Was there a particular section of
11 the red book, as you recall it, that
12 related to your department?

13 A. No. It was general, related to
14 the use of the document and what use was
15 made of it initially and how many documents
16 there were out.

17 Q. You said that your birthday was
18 January 12th, but in what year were you
19 born?

20 A. 1923.

21 Q. You indicated that you didn't
22 interact personally with Industrial
23 Biotest, is that correct?

24 A. No, I did not.

25 Q. You did not interact personally.

1 Did you receive test results from
2 Industrial Biotest?

3 A. We did and I saw them. And I got
4 - if I wanted some done, I could get them
5 done.

6 Q. Did you have tests conducted by
7 Industrial Biotest?

8 A. In a couple of instances I
9 initiated the need for it, yes.

10 Q. Do you remember the scope or
11 nature of the tests that you requested
12 Industrial Biotest to perform?

13 A. This was -- both cases was what
14 was known then as chronic tests, and these
15 were oral chronic tests.

16 Q. Oral chronic tests?

17 A. Yes.

18 Q. For what toxin?

19 A. I don't even remember what the
20 materials were.

21 Q. When, in your answer of a moment
22 ago, you said that we used Industrial
23 Biotest --

24 A. The department.

25 Q. Your department?

1 A. Yes.

2 Q. Did Mr. Wheeler use Industrial
3 Biotest?

4 A. Yes.

5 Q. Did Dr. Kelly have -- did Dr.
6 Kelly use Industrial Biotest?

7 A. Because of the cost. It was a
8 general agreement that it was needed by
9 pretty nearly all the professionals in the
10 department until it got too damn big. You
11 know, today you'd have to hold some kind of
12 a meeting and have ballot boxes, because it
13 takes a whole floor of one of the buildings
14 out there now.

15 Q. To your knowledge, did Mr. Wheeler
16 rely on data test results that he got from
17 Industrial Biotest?

18 A. And others.

19 Q. Did you ever question the validity
20 or reliability of test results that you
21 personally got from Industrial Biotest?

22 A. No.

23 Q. Do you know if anyone working in
24 your department questioned the reliability
25 or validity of Industrial Biotest test

1 results?

2 A. You'd have to discuss that with
3 the toxicology people there now. Ask them,
4 I don't know.

5 Q. Do you know that Industrial
6 Biotest was accused of falsifying test
7 results?

8 A. Yes, I heard all about that.

9 Q. And do you know if that
10 falsification related to tests upon which
11 Industrial Biotest was working for
12 Monsanto?

13 A. I don't know. I just don't know.

14 Q. Who would know that information,
15 do you believe?

16 A. With Elmer dead and Kelly -- I
17 don't think Emmett knew the particulars of
18 it. He approved of doing some work on X
19 compound, and Elmer would feather it out
20 and put it in the labs. Now, we have done
21 tox in a lot of other laboratories, too, so
22 don't get me wrong, we didn't only use them
23 then, even. And so we've done tox work in
24 Europe.

25 MR. PREUSS: He's just asking if

1 you know who would know about it.

2 A. That's the reason all of the stuff
3 was not done at Industrial Biotest is what
4 I'm trying to say. All the chronic tests
5 were not done at Industrial Biotest.

6 MR. TALLON: Other than Mr.
7 Wheeler and Dr. Kelly, were there others
8 whom I would know of today who would --

9 A. No. The one that might know is
10 dead; Dr. Hunt, William Hunt.

11 Q. When you learned of the
12 falsification of data by Industrial
13 Biotest, did that cause you to call into
14 question the results of any studies done
15 for you by Industrial Biotest?

16 A. No.

17 Q. Why not?

18 A. Because the studies of interest to
19 me were not done by Industrial Biotest.

20 Q. Where Industrial Biotest had done
21 work for you or for your department, did
22 that cause you to call into question the
23 validity or reliability of that data?

24 A. We did some testing, retesting of
25 some of materials, not any of the PCBs,

1 incidentally, and the test results came out
2 virtually the same. And assumed that
3 during certain periods that testing all
4 their data was valid.

5 Q. You redid certain tests done by
6 Industrial Biotest?

7 A. Mr. Wheeler had it done through
8 Industrial Biotest and through our then
9 toxicology department, and the testing came
10 out reasonably accurately, what Biotest had
11 produced. And to the best of my knowledge,
12 we did not have any fallacious data that we
13 used from Industrial Biotest.

14 Q. In the retesting did you use split
15 samples or simply repeat the tests?

16 A. We probably did some of it with
17 shorter term sampling to check some of the
18 labs, but I know we did that.

19 Q. Did which?

20 A. 90 day studies with some of the
21 labs to check their validity. We were gun
22 shy by this time, and we had -- we did
23 some 90 day tests to check various labs and
24 they came out fine, we had no problems and
25 saw no problems, and those that we repeated

1 came back with virtually the same data. So
2 we assumed our stuff was not mixed up in
3 any kind of activity there.

4 Q. What were the selection criteria
5 for determining which tests would be
6 released?

7 A. The ones that were most important
8 to us. And that was two year studies, rat
9 -- generally rat feeding studies. Because
10 this is a so-called chronic test.

11 Q. Which is a so-called --

12 A. The two year study. Even if you
13 do absorption studies, they'll be done in
14 -- for as long as you can keep the beasts
15 alive from the standpoint of their own
16 health.

17 Q. To your knowledge, did the organic
18 chemicals division deal directly with
19 Industrial Biotest?

20 A. No. They did it through this
21 department.

22 Q. The medical department?

23 A. Yes. Still do. Which is now the
24 chemical company, still does.

25 Q. And to clarify something that you

1 said earlier today, I asked you whether you
2 were doing any consulting projects for
3 Monsanto and I think you said "I believe
4 so". Is Monsanto compensating you for the
5 time spent during this deposition?

6 A. No.

7 Q. And are you currently --

8 MR. PREUSS: I think his testimony
9 was that he still considers himself a
10 consultant for Monsanto.

11 MR. TALLON: Are you currently
12 doing any consulting work for Monsanto?

13 A. Only with -- in connection with
14 this deposition. But I cannot be paid for
15 it during the deposition.

16 Q. You can't be paid for it during
17 the deposition?

18 A. No. There is a court decision
19 that says you cannot be paid for an in-fact
20 deposition.

21 Q. Okay. But what's the consulting
22 work you're doing for Monsanto in
23 connection with the deposition?

24 A. This one, advising him as to what
25 happened to the best of my --

1 MR. PREUSS: You're not supposed
2 to discuss what you and I say.

3 MR. TALLON: Okay. So you're
4 drawing a distinction between sitting here
5 and testifying and preparation?

6 A. Of course.

7 Q. And your testimony is that your
8 consulting arrangement is that you're
9 compensated for the preparation time, but
10 not for the testifying time?

11 A. That is correct.

12 Q. Do you know how many hours you
13 plan to bill Monsanto for?

14 MR. PREUSS: You don't have to
15 answer that.

16 A. I have no idea yet. No.

17 MR. TALLON: Do you believe that
18 the consultation in connection with this
19 deposition will last longer than today?

20 A. No. I hope not.

21 Q. And at what rate are you being
22 compensated?

23 A. I haven't judged the rate yet. I
24 was doing it by day, which is what my type
25 consultant usually did. I cannot do that

1 with Monsanto because of the time I spend
2 on ragged pieces of two hours here and
3 three there, so I do it on a monthly -- on
4 an hourly basis.

5 Q. And what's your customary hourly
6 rate?

7 A. Fifty dollars an hour.

8 Q. And do you expect to receive that
9 or something like that in connection with
10 your consulting work for this deposition?

11 A. Of course.

12 Q. And your expenses?

13 A. I got it from the School Board in
14 St. Louis, why shouldn't I get it from
15 Monsanto.

16 Q. And are your expenses being picked
17 up?

18 A. As long as we're in town I do not
19 charge expenses to them. It's too
20 difficult to do and maintain records on.

21 Q. And you live in St. Louis?

22 A. I live in Kirkwood.

23 MR. TALLON: I don't believe I
24 have anything further.

25 MR. PREUSS: I have no questions

1 at this time.
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1 COMES NOW THE WITNESS, JACK T.
2 GARRETT, and having read the foregoing
3 transcript of the deposition taken on the
4 1st day of April, 1992, acknowledges by
5 signature hereto that it is a true and
6 accurate transcript of the testimony given
7 on the date hereinabove mentioned.

8
9
10 _____
11 JACK T. GARRETT

12
13 Subscribed and sworn to me before this
14 ____ day of _____, 1992.
15 My Commission expires: _____

16
17
18
19 _____
20 Notary Public

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22
23
24 rg

1 State of Missouri)
2) SS.
3 City of St. Louis)

4 I, Ronald A. Gore, a Notary Public in
5 and for the State of Missouri, duly
6 commissioned, qualified and authorized to
7 administer oaths and to certify to
8 depositions, do hereby certify that
9 pursuant to Notice in the civil cause now
10 pending and undetermined in the Superior
11 Court for the State of California, for the
12 County of Los Angeles, to be used in the
13 trial of said cause in said court, I was
14 attended at the offices of Bryan Cave, One
15 Metropolitan Square, in the City of St.
16 Louis, State of Missouri, by the aforesaid
17 witness; and by the aforesaid attorneys; on
18 the 1st day of April, 1992.

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

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

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

18 Witness my hand and notarial seal at
19 St. Louis, Missouri, this _____ day of
20 _____, 1992.

21 My Commission expires May 22, 1994.

22 _____
23 Notary Public in and for the
24 State of Missouri
25

①

DEPOSITION CORRECTION SHEET

In Re:

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 25 Line 14 Should read:

THE ORGANIZATION OF CERTIFIED
Reason assigned for change:
CORRECTION

Page 26 Line 1 Should read:

SAID, THE FIRST TEST THEY HELD THEY
Reason assigned for change:

Page 31 Line 14 Should read:

AND ANY OF THE ANALYTICAL METHODS ALL OF
Reason assigned for change:

Page 33 Line 8 Should read:

1 MONTH THEY JUST RITORED OUT
Reason assigned for change:

CLARITY

Page 33 Line 9 Should read:

ALL THE MAKERS OF THESE GUIDES
Reason assigned for change:

CLARITY

Page 33 Line 10 Should read:

GUIDES CONSIDERED PUBLICATIONS. IN OTHER WORDS, THE
Reason assigned for change:

Page 37 Line 17 ~~Should read:~~

STRIKE "INCLUDING THE"
Reason assigned for change:

PREVENT UNNECESSARY REPETITION

Page 37 Line 18 Should read:

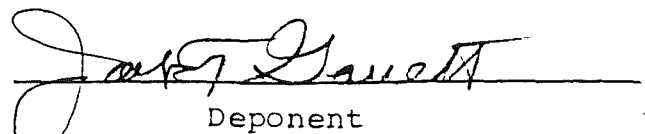
INCLUDING THE RIHA, THE ACADEMY, THE SAFETY
Reason assigned for change:

CLARITY AND CONCISENESS

Page 56 Line 9 Should read:

MANAGER MANAGING EACH OF THE TWO PARTS OF
Reason assigned for change:

CLARITY



Deponent

HARTOLDMON0025508

DEPOSITION CORRECTION SHEET

2

In Re:

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 56 Line 10 Should read:
~~that section, the hygiene part and the~~
Reason assigned for change:
CLARITY

Page 56 Line 11 Should read:
~~the hygiene chemistry part. currently that~~
Reason assigned for change:
CLARITY

Page 87 Line 8 Should read:
~~Not necessarily, I was hired at Texas City~~
Reason assigned for change:
TRUE SEQUENCE OF EVENTS

Page 87 Line 9 Should read:
~~at Texas City. I was an inorganic chemist physical~~
Reason assigned for change:
CLARITY ON SEQUENCE OF EVENTS

Page 87 Line 11 Should read:
~~had done some lab work on pollution control and~~
Reason assigned for change:
COMPLETENESS

Page 87 Line 14 Should read:
~~plant production facilities, I didn't know~~
Reason assigned for change:
ACCURACY

Page 87 Line 17 Should read:
~~this connection. They then sent me out to the~~
Reason assigned for change:
CORRECTNESS

Page 87 Line 24 Should read:
~~plants. That was what I was told.~~
Reason assigned for change:
CORRECTNESS

Page 88 Line 11 Should read:
~~these recommendations, there also were some materials from~~
Reason assigned for change:
CLARITY


Deponent

HARTOLDMON0025509

DEPOSITION CORRECTION SHEET

In Re:

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 89 Line 1 Should read:
CHEMICAL MANUFACTURING ASSOCIATION, THE MCA, THE
Reason assigned for change:

CORRECTNESS

Page 90 Line 2 Should read:
MERCURY AND SOME OTHERS, WE THEN RECOMMENDED LEVELS
Reason assigned for change:

AND THEY WERE TREATED AS REGULAR

Page 90 Line 3 Should read:
THEY WERE REGULAR STANDARDS
Reason assigned for change:

AVOID REDUNDANCY

Page 105 Line 4 Should read:
TONG, AND SO DID THE OTHER MANUFACTURERS
Reason assigned for change:

PROPER SPELLING

Page 106 Line 7 Should read:
WE HAD TO PUT IN THE SLIP-PROOF FLOORING. WE PUT IN THE FLOORING THAT
Reason assigned for change:

CLARITY

Page 107 Line 15-16 Should read:
ELIMINATE "IM SORRY I ---"
Reason assigned for change:

USELESS REPETITION

Page 107 Line 20 Should read:
ELIMINATE "THEY TRANSPORTED ---"
Reason assigned for change:

CLARITY

Page 118 Line 7-8 Should read:
IT WAS ONE OF THE BLENDS OF ONE OF THE PCB'S WITH SOME
OTHER FLUID MATERIALS
Reason assigned for change:

REMOVAL OF REDUNDANCY

Page 122 Line 12 Should read:
MONSANTO AND ITS MANY TECHNICAL & SALES PEOPLE
Reason assigned for change:



Deponent

HARTOLDMON0025510

DEPOSITION CORRECTION SHEET

In Re:

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 146 Line 849 Should read:
Below 60 degrees Fahrenheit there was no decamp products,
Reason assigned for change:

146 23-24-25
Page ~~84~~ Line ~~849~~ Should read:
IT WAS A GOOD GRENSE FOR SOLVENT, ELIMINATE "IT HAD ONE -- IT COULD"
Reason assigned for change: *IT COULD DISSOLVE IN A ---*
CLARITY

Page 147 Line ~~23~~¹⁰ Should read:
ELIMINATE THE WORD "BLOODY"
Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

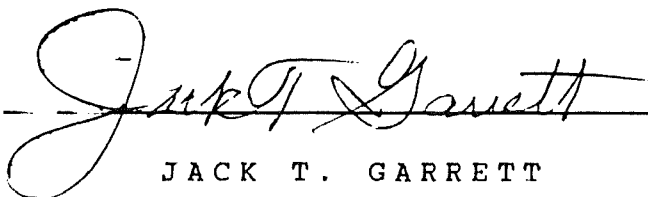
Page Line Should read:

Reason assigned for change:

Deponent

HARTOLDMON0025511

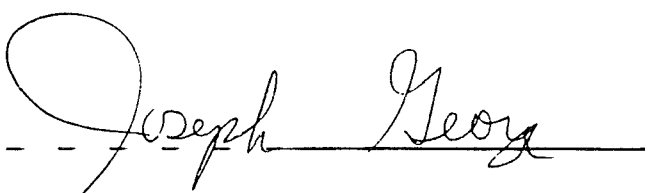
1 COMES NOW THE WITNESS, JACK T.
2 GARRETT, and having read the foregoing
3 transcript of the deposition taken on the
4 1st day of April, 1992, acknowledges by
5 signature hereto that it is a true and
6 accurate transcript of the testimony given
7 on the date hereinabove mentioned.

8
9
10 
11 JACK T. GARRETT

12
13 Subscribed and sworn to me before this
14 19 day of MAY, 1992.

15 My Commission expires: _____

16 JOSEPH GEORGE
17 NOTARY PUBLIC—STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES JULY 27, 1993

18
19 
20 Notary Public

21
22
23
24 rg

25