

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON, WEST VIRGINIA

JAMES M. ADKINS, Administrator
of the Estate of Ralph E. Adkins,
Deceased, et al,

Plaintiffs,

vs.

MONSANTO COMPANY, a Delaware
Corporation,

Defendant.

No. 81-2098

Deposition of
WILLIAM J. MC CARVILLE
taken on behalf of
the plaintiffs.

Reporter: M. Joy Springer

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EDWARDSVILLE, ILLINOIS 62025

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APPEARANCES:

Paul L. Pratt, Esq.,

For the Plaintiffs;

Messrs. Bowles, McDavid, Graff & Love,
by Charles M. Love, III, Esq.,

For the Defendant.

IT IS STIPULATED AND AGREED by and between
counsel for the plaintiffs and counsel for the defendant
that the deposition of WILLIAM J. MC CARVILLE may be taken
pursuant to Rule 26(a) of the Federal Rules of Civil Pro-
cedure, on behalf of the plaintiffs, on July 12, 1983, at
the Radisson Hotel, Room 215, 9th Street and Convention
Plaza, St. Louis, Missouri, before M. JOY SPRINGER, a Notary
Public within and for the County of Madison, State of

1 Illinois; that the issuance of notice and dedimus is
2 waived, and that this deposition may be taken with the
3 same force and effect as if all Federal rules and statutory
4 requirements had been complied with.

5 IT IS FURTHER STIPULATED AND AGREED that
6 any and all objections to all or any part of this deposi-
7 tion except objections as to form of the questions asked
8 or answers given, are hereby reserved and may be raised on
9 the trial of this cause; and that the signature of the
10 deponent is not waived.

11 * * * * *

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13
14
15 WILLIAM J. MC CARVILLE,
16 produced, sworn and examined on behalf of the plaintiffs,
17 deposes and says as follows:

18 EXAMINATION
19

20 BY MR. PRATT:

21 (Whereupon the reporter marked Plaintiff's
22 Deposition Exhibit #306 (Monsanto's I.D.
23 #8315994), consisting of one page; Plaintiff's
24 Deposition Exhibit #307 (Monsanto's I.D.
25 #8316326 and 8316327), consisting of two pages;

1 Plaintiff's Deposition Exhibit #308 (Monsanto's
2 I.D. #8320684 through 8320693, inclusive), con-
3 sisting of ten pages; Plaintiff's Deposition
4 Exhibit #309 (Monsanto's I.D. #8321738), con-
5 sisting of one page; Plaintiff's Deposition
6 Exhibit #310 (Monsanto's I.D. #8322238, 8322244
7 and 8322245), consisting of three pages; Plain-
8 tiff's Deposition Exhibit #311 (Monsanto's I.D.
9 #8322873 and 8322874), consisting of two pages;
10 Plaintiff's Deposition Exhibit #312 (Monsanto's
11 I.D. #8331220 through 8331224, inclusive), con-
12 sisting of five pages; Plaintiff's Deposition
13 Exhibit #313 (Monsanto's I. D. #233695), con-
14 sisting of one page; Plaintiff's Deposition
15 Exhibit #314 (Monsanto's I.D. #8323203 through
16 8323205, inclusive), consisting of three pages;
17 Plaintiff's Deposition Exhibit #315 (Monsanto's
18 I.D. #8331253), consisting of one page; Plain-
19 tiff's Deposition Exhibit #316 (Monsanto's I.D.
20 #8323234 and 8323235), consisting of two pages;
21 Plaintiff's Deposition Exhibit #317 (Monsanto's
22 I.D. #8323245 through 8323248, inclusive), con-
23 sisting of four pages; Plaintiff's Deposition
24 Exhibit #318 (Monsanto's I.D. #236206 through
25 236208, inclusive), consisting of three pages;

1 Plaintiff's Deposition Exhibit #319 (Monsanto's
2 I.D. #231753 through 231756, inclusive), con-
3 sisting of four pages; Plaintiff's Deposition
4 Exhibit #320 (Monsanto's I.D. #238212 and 238213),
5 consisting of two pages; Plaintiff's Deposition
6 Exhibit #321 (Monsanto's I.D. #8323313 through
7 8323315, inclusive), consisting of three pages;
8 Plaintiff's Deposition Exhibit #322 (Monsanto's
9 I.D. #8323318 through 8323320, inclusive), con-
10 sisting of three pages; Plaintiff's Deposition
11 Exhibit #323 (Monsanto's I.D. #8323328 and
12 8323329), consisting of two pages; Plaintiff's
13 Deposition Exhibit #824 (Monsanto's I.D. #8321780),
14 consisting of one page; Plaintiff's Deposition
15 Exhibit #325 (Monsanto's I.D. #8326071), con-
16 sisting of one page; Plaintiff's Deposition
17 Exhibit #326 (Monsanto's I.D. #8326129 through
18 8326142, inclusive, and 8326149 through 8326160,
19 inclusive), consisting of twenty-six pages;
20 Plaintiff's Deposition Exhibit #327 (Monsanto's
21 I.D. #8324039 and 8324040), consisting of two
22 pages; Plaintiff's Deposition Exhibit #328
23 (Monsanto's I.D. #8324372), consisting of one
24 page; Plaintiff's Deposition Exhibit #329
25 (Monsanto's I.D. #232333), consisting of one page.

1 Q Tell us your name, will you, sir?

2 A William J. McCarville.

3 Q And where do you live?

4 A I live at 12 Ridge Crest Court, Chesterfield,
5 Missouri.

6 Q And how old a man are you?

7 A Fifty-four.

8 Q Okay. You would have graduated what year
9 from high school?

10 A 1945.

11 Q After you got out of high school what did
12 you do?

13 A Went in the Navy.

14 Q Okay. And how long did you serve in the
15 Navy?

16 A At that time just one year.

17 Q Got out in 1946?

18 A Uh huh (yes).

19 Q Okay. What did you do then?

20 A Went to college.

21 Q Okay. The fall of '46?

22 A Actually, I had done one semester, a little
23 over one semester, before I went in the Navy, and went back
24 to college and finished off.

25 Q Where did you go to college?

1 A St. Mary's College in Winona, Minnesota.
2 Q And did you get a bachelor's degree from
3 there?
4 A A Bachelor of Science in Chemistry.
5 Q What year?
6 A 1948.
7 Q Would that have been in the spring?
8 A Yes.
9 Q What did you do next?
10 A I went to work as a conductor on the
11 Elevated in Chicago.
12 Q On what, sir? The El?
13 A Yeah.
14 Q How long did you do that?
15 A Until I got enough money to go back to
16 school.
17 Q Okay. When was that?
18 A In '49.
19 Q Fall of '49?
20 A Uh huh (yes).
21 Q Where did you go to school?
22 A I went to the University of Detroit.
23 Q Did you get a master's?
24 A A master's degree in Organic Chemistry.
25 Q What year did you get that?

1 A 1950.

2 Q What did you do following that?

3 A I went to the University of Michigan and

4 worked on my Ph.D.

5 Q And did you go straight through?

6 A No, sir. I got called back for Korea.

7 Q When did you get called back?

8 A February of 1952.

9 Q So you had about two years on the Ph.D.,

10 right?

11 A Right.

12 Q All right. What type work did you do in-

13 the Navy?

14 A Well, I was attached to a medical research

15 unit.

16 Q Okay. Were you a corpsman?

17 A No. I was an officer.

18 Q What were your duties as an officer?

19 A Standard duties, plus doing chemical research.

20 Q Okay. How long were you in there, sir?

21 A Two years.

22 Q So you came back out in --

23 A -- February of '54.

24 Q Where were you stationed?

25 A Well, I was stationed at the Naval Medical

1 Research Institute in Washington, D. C. I was transferred
2 to a research ship in Pusan and then I was transferred back
3 to Washington, D. C., where I was separated.

4 Q Okay. What type of research were you doing
5 or were you involved in?

6 A Primarily I was working on an enzyme which
7 is affected by so-called nerve gases, acetylcholinesterase.

8 Q When you got out in February of '54, did
9 you go back to college?

10 A Yes.

11 Q And back to Michigan?

12 A Yes.

13 Q When did you finish the doctorate?

14 A Finished in the summer of '55.

15 Q What was your thesis in?

16 A My major for doctorate was in pharmaceutical
17 chemistry. My thesis was on a series of, oh, compounds
18 that can be used for killing pain.

19 Q Okay. After 1955 where did you go?

20 A Went to work for Monsanto.

21 Q Okay. And that would have been what date?

22 A September.

23 Q And where did you go to work in the Monsanto
24 Company?

25 A At that time the Central Research Division

1 in Dayton, Ohio.

2 Q How long were you there, sir?

3 A I was there until February of '58.

4 Q Okay. What was your job title?

5 A Research Chemist.

6 Q And what were your duties and responsibilities?

7 A I was doing work on some class of compound

8 that could reflect infrared radiation.

9 Q Okay. After February of '58 where did you
10 go?

11 A Washington, D. C.

12 Q How long were you in Washington?

13 A Until May of 1960.

14 Q What did you do in Washington?

15 A I was Technical Representative for Monsanto
16 to the agencies of the government.

17 Q Did you have an office there?

18 A Yes.

19 Q Does Monsanto maintain offices there for
20 that purpose today?

21 A Yes.

22 Q Okay. And what was your title when you
23 first got there?

24 A Technical Representative.

25 Q Okay. What were your duties and responsi-

1 bilities?

2 A Basically I was a resource link between the
3 company and the agencies of the government.

4 Q Okay. Did you do any of your technical
5 representing to the government involving 2,4,5 T?

6 A No.

7 Q Okay. When did the government start buying
8 what they call Agent Orange, do you recall, from the govern-
9 ment?

10 A I don't recall specifically.

11 Q Okay. And your duties, then, I take it,
12 would be to represent the company in regard to various
13 chemicals that you're trying to sell the government?

14 A No, no. No, that was specifically not in
15 the charter of that office. There were no sales made and
16 we didn't involve ourselves in any sales.

17 Q Okay. What did you do --

18 A Well, for example, worked with the Depart-
19 ment of Ag. in getting the clearances for some new pesti-
20 cides that we were making, herbicides.

21 Q Okay. After 1960 where did you go?

22 A St. Louis.

23 Q You been there since?

24 A Uh huh (yes).

25 Q Now, if you will, let's go through each one

1 of the positions that you had and tell me here a little
2 about them.

3 A Since here in St. Louis?

4 Q Yes.

5 A Well, I came here in 1960. I went to the
6 then Organic Chemicals Division as a Project Manager in the
7 Development Department, specifically, in the Fine Chemicals.

8 Q What do you mean by fine chemicals?

9 A Oh, that's terminology used to describe
10 substances like pharmaceuticals, feed additives.

11 Q And what was your job there?

12 A To try to develop new uses for existing
13 products or identify new needs, hopefully find new products
14 to suit.

15 Q Was that at World Headquarters? Had that
16 been built at that time?

17 A Yes, part of it.

18 Q Were you there?

19 A Yes.

20 Q And how long were you in that job?

21 A Until January of '61.

22 Q And what position did you get then?

23 A I became Development Manager in the newly
24 formed Agricultural Division.

25 Q How long were you in that job?

1 A Until April of 1964.

2 Q Okay. What were your duties and responsi-
3 bilities there?

4 A I had responsibility for, again, new product
5 development in the area of insecticides and blasting agents.

6 Q Okay. This, again, would have nothing to
7 do with herbicides, I guess?

8 A None.

9 Q All right. April, '64, where did you go?

10 A I moved over into the Marketing Department
11 as Director of Product Sales.

12 Q How long were you in that job?

13 A Until sometime either late winter or early
14 spring of 1968.

15 Q And what were your duties and responsibili-
16 ties there?

17 A I had the responsibility for developing
18 marketing strategies and pricing for all of our products.

19 Q That included everything, I guess?

20 A Everything.

21 Q Now, would that include 2,4,5 T?

22 A Yes.

23 Q Okay. After that where did you go, sir?

24 A I stayed in the Agricultural Division, but
25 my responsibility changed. I was the Director of International

1 Marketing.

2 Q Okay. How long were you in that job?

3 A Until the spring of 1970.

4 Q Okay. And what were your duties and respon-
5 sibilities there?

6 A I had the responsibility for our product
7 sales everywhere except the United States.

8 Q That was all your international market,
9 right?

10 A (Nods head affirmatively.)

11 Q Okay. In the spring of '70 where did you go?

12 A I stayed right where I was, but I became the
13 Director of International Operations, which meant that in
14 addition to marketing I had responsibility for manufacturing,
15 the whole business, outside the United States.

16 Q That included marketing or sales and manu-
17 facturing?

18 A Uh huh (yes)..

19 Q How long were you in that job? Again, that
20 would be outside the United States, of course?

21 A Yes. I was in that job from, I guess,
22 until -- I had a change in assignments in there from the
23 period '72 to '74, I had several other jobs, and not so
24 much with change of title but just a change of responsi-
25 bilities.

1 Q Okay. In other words, you were there until
2 '74 in that job title?

3 A Yeah.

4 Q About what part of '74? Spring or summer?

5 A Spring, I believe.

6 Q All right. How did the job change? We
7 talked about you had the marketing and the operations.

8 A It was broadened to include some domestic
9 responsibilities also as well as international. Primarily
10 in the area of planning manufacturing capacities and this
11 type thing.

12 Q Okay. In other words, increasing the pro-
13 duction even in the United States?

14 A Well, the problem was that we had difficulty
15 balancing production to meet both international needs and
16 domestic needs, and since the seasons in various parts of
17 the world, the agricultural seasons, are different, it took
18 some planning to make sure we had the right thing at the
19 right time.

20 Q I see. In '74 where did you go?

21 A Went to the New Enterprise Division.

22 Q Okay. And how long were you in that?

23 A Until the fall of 1977.

24 Q And what was your position?

25 A I was Director of New Business Development.

1 Q What was this New Enterprise?

2 A It was a group that was chartered to hope-
3 fully get Monsanto into the new businesses, non-traditional
4 types.

5 Q Making new products and developing a market
6 for them?

7 A Well, looking for new market opportunities
8 but away from our traditional lines of business.

9 Q Can you give me an example of what you're
10 talking about?

11 A Yes. One of the businesses I developed was
12 a line of gas separation equipment now marketed under the
13 trade name Prism.

14 Q After the fall of '77 where did you go?

15 A I moved into a corporate group, the
16 Environmental Policy Staff.

17 Q Okay. How long were you in that group?

18 A I still am.

19 Q Okay. Who all is a member of the Environ-
20 mental Policy Staff, sir?

21 A At the time I joined it?

22 Q Uh huh (yes).

23 A It was Mr. Throdahl, that's T-h-r-o-d-a-h-l,
24 who is Senior Vice-President for Environmental Policy; there
25 was a gentleman who's since retired, had responsibility for

1 the implementation within Monsanto of the newly passed Toxic
2 Substances Control Act.

3 Q What was his name?

4 A Winthrop Corey. And there was a fellow by
5 the name of Dick Sayers, who was the Internal Director of
6 Compliance with Environmental Regulations. He was the
7 oversight function at the corporate level.

8 Q Anyone else when you first went in there?

9 A No. That was it.

10 Q Just those three?

11 A Plus Mr. Throdahl.

12 Q You're still on that staff, right?

13 A Uh huh (yes).

14 Q Who has since come and gone?

15 A Well, Corey and Sayers are both gone, both
16 retired. The gentlemen that have come since then are Will
17 Carpenter, Director of Regulatory Management; Mr. Tom Evans,
18 who's Regulatory Director for OSHA Compliance; there's
19 Mr. Condray, who took Mr. Corey's place on TSCA. There's
20 Mr. Purley, who's now in charge of Solid Waste Regulatory
21 Management; Mr. Malek, who's in charge of the Water Regula-
22 tions; and Mr. Jessee, who's now in charge of Air Regulations.

23 Q What does the Environmental Policy Staff,
24 just generally, what is their function?

25 A Well, their function is to insure for the

1 corporation that we are doing what's necessary to be in
2 compliance with the various environmental regulations and
3 to observe the things that are happening in Washington and
4 that are likely to impact us in the future.

5 Q Okay. Now, were you folks responsible for
6 putting into effect what has been mentioned as MEHI?

7 A Actually, no. That was part of the function
8 of the Department of Medicine and Environmental Health,
9 which also reported to Mr. Throdahl.

10 Q In other words, Throdahl was the head and
11 the other fellows were members of that staff, right?

12 A Well, all the people I have mentioned by
13 name were members of the Environmental Policy Staff, cor-
14 rect. The Department of Medicine and Environmental Health
15 was separate, co-equal, if you will, reporting to Mr.
16 Throdahl.

17 Q They were lateral, then?

18 A Uh huh (yes).

19 Q And they put into effect MEHI, right?

20 A Correct.

21 Q Okay. Would you have had any input into
22 that?

23 A From time to time on an advisory basis.

24 Q Tell us what the MEHI stands for?

25 A It's Monsanto Environmental Health Information.

1 It's a service.

2 Q A system?

3 A A system.

4 Q And did they contract with Stamford Research
5 Institute to do some work?

6 A I don't know.

7 Q Well, let me ask you this, did they bring
8 in or computerize various data involving materials, toxicity,
9 work exposure?

10 MR. LOVE: Can I ask, when you say
11 "they," who are you talking about?

12 Q Well, would be DMEH and MEHI?

13 A That was the whole purpose of the MEHI
14 System was to get the data in a place where it could be
15 readily handled in terms of being able to find it and
16 retrieve it.

17 Q Is it on a computer system?

18 A It is, it's not completely full, up fully
19 yet.

20 Q Was the Nitro Plant one of the first plants
21 to go online?

22 A One of the first, perhaps.

23 Q Okay. Do you know whether or not it's
24 complete?

25 A I don't believe it's still complete, no.

1 Q Do you know what has to be done yet?
2 A No.
3 Q Now, you mentioned in '64 to '68 you were
4 Director of Sales in the Marketing Division?
5 A Marketing Department, yes.
6 Q And at that period of time you were selling
7 products that came from Nitro, right, to the government?
8 A Yes, among other products.
9 Q And did you manufacture at Nitro 2,4,5
10 trichlorophenoxyacetic acid?
11 A Yes.
12 Q Did you manufacture at that period of time
13 any 2,4,5 T anyplace else?
14 A No.
15 Q Okay. At Monsanto's Nitro Plant did you
16 manufacture any 2,4 dichlorophenoxyacetic acid, 2,4 D?
17 A No.
18 Q Where did the company manufacture 2,4 D?
19 A The William G. Krummrich Plant.
20 Q Okay. You're familiar with a term Agent
21 Orange, I take it?
22 A Yes.
23 Q Am I correct in saying that Agent Orange
24 is a 50 percent component of 2,4,5 T and 2,4 D?
25 A Yes, expressed as their esters.

1 Q Where was this put together to be sent to
2 the government for whatever use they used it?
3 A To Krummrich.
4 Q In Krummrich?
5 A (Nods head affirmatively.)
6 Q In other words, you manufactured the 2,4,5 T,
7 brought it to Krummrich and it was placed --
8 A It was esterified and mixed.
9 Q Do you remember what department that was
10 done at?
11 A No.
12 Q Do you remember when this company quit
13 manufacturing 2,4,5 T?
14 A When Monsanto quit manufacturing?
15 Q Yes.
16 A I believe it was 1970.
17 Q Now, while you were in that position of
18 Director of International Marketing in the Agricultural
19 Department, you would have been out of anything that had
20 to do with 2,4,5 T, wouldn't you?
21 A Yes.
22 Q Now, from '64 to '68 did you have any
23 knowledge about the 2,4,5 T operation's causing the impurity
24 TCDD being made?
25 A No.

1 Q In your job in marketing sales, Director of
2 Sales, did you deal directly with the government or indirectly?

3 A I'm not sure what you mean by "directly."

4 Q Well, I mean --

5 A Solicitation for bid came to my desk?

6 Q Yes.

7 A Yes.

8 Q Did the government have any specifications
9 in regard to the sale of Agent Orange?

10 A What do you mean by specifications?

11 Q Well, what did they prescribe that that
12 stuff do or not do?

13 A That it be as identified, a fifty-fifty
14 mixture of the esters and that, as I recall, there were
15 specifications on the amount of free acid unesterified, the
16 amount of water present, that type of thing.

17 Q Was there any qualifications or restriction,
18 if you will, on the amount of TCDD that could be in Agent
19 Orange?

20 A No, none that I'm aware of.

21 Q Were you aware at that point in time that
22 your 2,4,5 T was causing TCDD?

23 A No, sir.

24 Q Well, let me ask you this, when did you
25 learn that your operation there at Nitro, the 2,4,5 T

1 process, was causing TCDD?

2 A. My recollection is that I didn't even know
3 TCDD until I heard about it after I was out of that job in
4 '68.

5 Q Can you give me a time frame after that?

6 A No, I can't.

7 Q Was it in the '70's?

8 A I recall hearing about the identification
9 of the isomer sometime around 1969, '70, someplace in there.

10 Q '69 or '70?

11 A Best recollection.

12 Q From '64 to '68 were you made aware of any
13 health problems that the workers in that process were having?

14 A Only apocryphally I had heard we had the
15 upset in '49, a number of people had developed a rash called
16 chloracne and periodically we would have a case of chloracne,
17 some cases of chloracne, but, again, apocryphally the inci-
18 dence was drastically going down.

19 Q No one in the Medical Department or Analyti-
20 cal Department told you anything about what was causing it,
21 right?

22 A No. As a matter of fact, I don't think
23 anybody knew. They knew there was a chloracnegen in there,
24 but the identity of it was not known, at least, as far as I
25 know.

1 Q Wasn't the chloracne identified in 1957
2 by the Germans?

3 A I don't know.

4 Q Are you familiar with a study by Kimmig and
5 Schulz that isolated the isomer?

6 A Not as far as I know.

7 Q Were you ever told or did you ever learn
8 during that period of time or thereafter that TCDD causes
9 other illness besides chloracne?

10 A How long is thereafter?

11 Q Well, up to the present time, I guess.

12 A I have heard speculations, but I had equally
13 heard that other than chloracne that appears to be the only
14 medical problem. I do not know first-hand knowledge.

15 Q Now, have you ever been a member of the
16 group calling themselves the Nitro Health Study Task Force?

17 A Yes.

18 Q When did you become a member of that body?

19 A When it was formed.

20 Q And about when was it formed?

21 A Late 1977 or early 1978.

22 Q What was the reason for its formation?

23 A Well, as I recall, our Director of Medicine --

24 Q That was who at the time?

25 A Dr. George Roush.

1 Q He is still the Director, right?

2 A Uh huh (yes). He was contacted by Dr.

3 Raymond Suskind who asked if we would allow him to go in

4 and update the health status of the workers who had been

5 involved in the 1949 incident which he had seen profession-

6 ally at the time.

7 Q All right. Now, let me ask you this, there

8 were three studies done, '49, '50 and '53. Are you familiar

9 with those?

10 A I've heard about them.

11 Q You know how many was seen or looked at by

12 him in the '53 study?

13 A I don't have any idea.

14 Q Suskind then some -- what did you say the

15 date was?

16 A Late '77, early '78.

17 Q He came to Monsanto and wanted to do what,

18 now?

19 A He wanted to do an update on the physical

20 status, the medical status from those workers in the '49

21 incident.

22 Q Then it would be the people -- he saw four

23 in '49 and, I think, six in '50?

24 A He wanted all the people that were there.

25 Q He wanted to do all of the people?

1 A (Nods head affirmatively.)

2 Q It was not just a situation that he wanted
3 to do the thirty-seven?

4 A If thirty-seven was the number, no. He
5 wanted to do everybody.

6 Q All right. And everybody that was in the
7 plant or retired, or what group we talking about?

8 A Well, as it finally turned out, we tried to
9 get everybody who was in the plant at that time, retired or
10 not, to come back and be examined by Dr. Suskind and the
11 team that he had put together.

12 Q Did Monsanto furnish him medical data and
13 exposure data concerning this study?

14 A He was furnished medical records, to my
15 knowledge, and through work histories we identified indi-
16 viduals who had ever been involved in the manufacture or
17 handling of 2,4,5 T.

18 Q Exposure data, work history, exposure data,
19 right?

20 A Work histories and exposure to 2,4,5 T,
21 yes, sir.

22 Q Of course, that would come out of MEHI,
23 right?

24 A If this were a perfect world, yes. In fact,
25 it wasn't. MEHI wasn't up yet and they had to go in and

1 deal with hard copy records.

2 Q Now, Selikoff, you ever hear of him?

3 A Certainly.

4 Q He did a study under the auspices of at
5 least one organization, Steelworkers, isn't that right?

6 A That's right.

7 Q As either a member of the Environmental
8 Policy Staff or the Nitro Health Study Task Force. Did you
9 have any involvement in dealing with Dr. Selikoff?

10 A Me personally, no.

11 Q Do you know what data he was afforded as far
12 as the past medical history of the people he saw?

13 A My recollection was that he didn't ask for
14 any medical histories. He asked for work histories on
15 people that had been exposed to 2,4,5 T, and I believe we
16 gave him employee lists.

17 Q Okay. Did you give him -- you say employee
18 lists or people that had work histories of having worked in
19 2,4,5 T, is that what you gave him?

20 A That's what I believe we gave him. We gave
21 him what he asked for.

22 Q Now, Suskind came in to do this study, and
23 was it he that wanted to do everybody again, is that it?

24 A Yeah. Dr. Suskind and Dr. Selikoff were
25 both members, are still, both members of a World Health

1 Organization group that was studying the Seveso incident in
2 Italy... What Suskind wanted to do was to go back and look at
3 the population that had been involved in the 1949 incident
4 because that was the oldest population that anybody was
5 aware of that had been exposed to this chloracne. Then
6 as things usually happen, as he began to get into it, he
7 wanted to do more and more and more, and we were interested
8 also in looking at the 2,4,5 T exposures; and so by mutual
9 consent he expanded and went on with the study.

10 Q All right. Who was to be in control of that
11 study? Monsanto or Suskind?

12 A Dr. Suskind.

13 Q And you're sure about that?

14 A Yes, I'm sure about it.

15 Q Okay. And, I take it from the records, that
16 he saw a total of 436 people between June 11th and June 18th
17 of 1979, isn't that correct?

18 A If that's the number. I don't know.

19 Q Now, have you seen or been privy to any of
20 the raw data that he generated from that study?

21 A No, I've not. To my knowledge, nobody from
22 Monsanto has.

23 Q Have you seen or been privy to any prelimi-
24 nary reports that he has given?

25 A Only very broad summary. Much as he gave

1 in Salzburg, Austria, last November.

2 Q Okay. Was this a preliminary draft or drafts
3 that he was looking at to submit it to a journal for peer
4 review?

5 A To my knowledge, he has nothing written up
6 in journal format yet. He keeps saying he's going to.

7 Q Did you attend any meetings with him either
8 at World Headquarters here or at Kettering concerning this
9 project?

10 A Not specifically concerning this project.
11 I attended one meeting with him at Kettering, I don't
12 remember exactly when it was, but it was myself, Dr. Roush,
13 the president of the local union from the Nitro Plant and
14 an official from the International Steelworkers. The pur-
15 pose was -- this was by way of request of the steelworkers
16 who were concerned that they had never gotten any of Dr.
17 Selikoff's and they wanted to discuss protocol design for,
18 perhaps, another health study.

19 Q And when was that? Do you have any idea?
20 '82?

21 A No. It was earlier than that. May have
22 been '80.

23 Q You have any meetings with him where you
24 were there in '82?

25 A No.

1 Q How about '81?

2 A No. That's the only time I ever laid eyes
3 on Dr. Suskind.

4 Q Did he give you a copy of this broad summary
5 that you have talked about?

6 A No. I've not seen any hard copy. I have
7 been told. Matter of fact, I've never heard from Dr. Sus-
8 kind in broad summary. I've heard from other people from
9 Suskind. I read the piece he gave at Salzburg, but that's
10 a one-page piece. That, by the way, was just published.

11 Q What was it published in, sir?

12 A I don't remember the name of the journal,
13 but it was a proceedings of the meeting.

14 Q That's Salzburg?

15 A Yes.

16 Q That was under who? Who put it on?

17 A I don't know who was the sponsoring organi-
18 zation. It probably might have been WHO because a lot of
19 the papers had to do with Seveso.

20 Q Can you tell me what findings he gave that
21 group, if any?

22 A The piece that I read was so vague that
23 basically the only conclusion you could come to was he
24 found chloracne. He spoke nothing more about the general
25 physical.

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21 group, if any?

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23 basically the only conclusion you could come to was he
24 found chloracne. He spoke nothing more about the general
25 physical.

1 Q Find any liver problem?
2 A I don't think there was anything mentioned
3 of that.
4 Q Peripheral neuropathy?
5 A Not that I recall.
6 Q Circulatory disease?
7 A I don't recall he ever dealt with those.
8 Q In other words, the only medical term you
9 recall from his proceedings was --
10 A -- chloracne.
11 (Whereupon a short recess was taken,
12 after which the following proceedings were had.)
13 Q I don't think we discussed, we did to a
14 certain degree, but what was the purpose of the Nitro Health
15 Study Task Force?
16 A Well, the initial purpose was to facilitate
17 the Suskind study, to pull together data that Suskind wanted,
18 to make sure he had a place to carry out the exams, how we
19 would communicate with our employees. Just all the
20 things that go into it. The MEHI System was in the process
21 of being brought up. We recognized when it got fully oper-
22 able, we would probably be doing this sort of thing in other
23 places. So the Nitro Task Force was put together essenti-
24 ally as a prototype of things that we might do later on in
25 other places. Consequently, it probably got a little

1 overstaffed.

2 Q Let me ask you this, was that its sole
3 function?

4 A Sole function was the corporate facilitation
5 of the Nitro study, yes.

6 Q Had no other function, as far as you're
7 concerned?

8 A None other than, as I say, would be a proto-
9 type of things we might do later.

10 Q And that dealt with, as you've said, getting
11 together the data that had enough facilities for Suskind to
12 do this study?

13 A Well, yeah. It was that and since most of
14 the things that we would be doing, looking at various work
15 force populations around the corporation, it was to bring
16 the manufacturing community in, it was to bring the communi-
17 cations community in because we had to communicate to all
18 sorts of constituents, as our employees and employees'
19 families.

20 Q You had never done that prior to this task
21 force, right?

22 A We had obviously done occupational health
23 studies before, but we have never attempted one on such a
24 scale.

25 Q Did you do any work on a study called

1 Suskind and Zack Mortality Study?

2 A Did I do any, no.

3 Q Have you read it?

4 A Yes.

5 Q That came out in the Journal of Occupational
6 Medicine in January of '80, I think, correct?

7 A Sometime around there.

8 Q Do you know anything about the validity of
9 that study, whether it was accurate?

10 A I assume it is. It was peer reviewed in a
11 reputable journal.

12 Q And tremendous amounts of publicity were-
13 generated out of this Nitro Task Force, Health Study Task
14 Force, on that, isn't that right?

15 A I'm not sure I'd say tremendous amounts.

16 Q You told the world, didn't you?

17 A Sure. Published it in public literature.

18 Q You familiar with a subsequent mortality
19 study done by Zack and Gaffey that was in about October of
20 '80?

21 A Yes.

22 Q Are you familiar or do you know about the
23 accuracy of it? You assume it's accurate also?

24 A Yes.

25 Q Neither of these studies have you looked at

1 the raw data, have you?

2 A No.

3 Q And, again, this task force publicized this
4 to the public, did it not?

5 A We have generally made every health study
6 that we ever performed public. We haven't yet made the
7 final Suskind study made public because we haven't got the
8 report.

9 Q That's over four years since you did the
10 exams on those people, isn't it?

11 A Yeah.

12 Q You have any knowledge of why that study
13 hasn't been brought forward?

14 A I have no specific knowledge other than
15 Dr. Suskind is not the best manager in the world and he gets
16 intrigued in other things and goes off and leaves things
17 unfinished.

18 Q Monsanto pay money to get that study done?

19 A Yes.

20 Q Do you have any idea what the amount was?

21 A Oh, I think it was somewhere \$150, \$200,000.

22 Q Did any other organization contribute to
23 that also?

24 A Not that I'm aware of. Kettering may have
25 put some money into it.

1 Q Do you know from documents or from what you
2 learned from your company that Dr. Suskind has done studies
3 for your company since 1949?

4 A Yes, I knew that.

5 Q Did you know that he testified in some work-
6 men's compensation hearings in '54 and '55, '56, '57 for
7 the company?

8 A No.

9 Q Do you know when your company became capable
10 of analyzing 2,4,5 T for TCDD?

11 A No, I don't.

12 Q You were never made aware through any docu-
13 ments or anything like that when they could test for that?

14 A Nothing that I can recall, no.

15 Q Would you be given copies of documents
16 relating to dioxin -- we'll use that term for TCDD -- from
17 '64 to '68?

18 A I don't recall any.

19 Q From your analytical people?

20 A No. See, that was so far out of my area of
21 responsibility that I might or might not be copied. I
22 don't recall.

23 Q Okay. You remember a fellow named Elmer
24 Wheeler?

25 A Yes.

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2 learned from your company that Dr. Suskind has done studies
3 for your company since 1949?

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21 responsibility that I might or might not be copied. I
22 don't recall.

23 Q Okay. You remember a fellow named Elmer
24 Wheeler?

25 A Yes.

1 Q What type work did he do, generally, for
2 the company?
3 A Elmer was, I guess, a self-trained industrial
4 hygienist in the days when there weren't that many of them.
5 Q Has the Selikoff study ever come out?
6 A Not that I'm aware of, no.
7 Q But it has been the company's position, has
8 it not, all the way through that the only thing that they
9 found is chloracne, right?
10 A That was in the general summary that was
11 given the company by Dr. Suskind.
12 Q Let me ask you about -- it may not be your
13 field of expertise, I don't know -- on this control group
14 that they used in the Suskind morbidity study done in June
15 of '79, what type of control did they use, do you recall?
16 A I don't know. I'm not an epidemiologist.
17 Q So whatever type it was, you wouldn't know
18 one way or another whether it was a good one, right?
19 A I personally wouldn't know.
20 Q Do you recall whether or not you from time
21 to time, other than the time you said you went to see
22 Suskind, had any communication with him concerning the
23 study itself?
24 A No. The only time I met Dr. Suskind or
25 spoke to Dr. Suskind was the time I mentioned.

1 Q You know whether any other member of the
2 Nitro Task Force --

3 A To my knowledge, none of the Nitro Task
4 Force communicated with Dr. Suskind.

5 Q How about DMEH?

6 A Yes. I know that from time to time we have
7 gone back to Suskind, DMEH has gone back to Suskind, and
8 asked him where the hell the report is.

9 Q Okay. "What have you done with my money,"
10 right?

11 A Well, as a matter of fact, it's gotten down
12 to that. We withheld the last payment for some period of
13 time.

14 Q You know anything about a meeting with
15 Elmer Wheeler with executives from BASF prior to 1956?

16 A No.

17 Q Let me see if I'm clear on this. When
18 Monsanto made the agreement with Suskind and Kettering, he
19 was to be in charge of this study, is that correct?

20 A That's correct.

21 Q And you're very sure of that?

22 A Yes.

23 MR. PRATT: Okay. That's all.
24
25

William J. McCarville

1
2 STATE OF ILLINOIS)

) SS

3 COUNTY OF MADISON)
4
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7 I, M. JOY SPRINGER, a Notary Public, duly
8 commissioned and qualified in and for the County of Madison,
9 State of Illinois, do hereby certify that pursuant to notice
10 came before me on the 12th day of July, 1983, at the
11 Radisson Hotel, Room 215, 9th Street and Convention Plaza,
12 St. Louis, Missouri, WILLIAM J. MC CARVILLE, who was by me
13 duly sworn to testify to the truth and nothing but the truth
14 of his knowledge touching and concerning the matters in
15 controversy in this case; that he was thereupon carefully
16 examined upon oath, and his examination reduced to writing
17 under my supervision; that the deposition is a true record
18 of the testimony given by the witness; and signature of the
19 witness was not waived by agreement of counsel.

20 I FURTHER CERTIFY that I am neither attorney
21 nor counsel for nor related to nor employed by any of the
22 parties to the action in which this deposition is taken;
23 and further, that I am not a relative or employee of any
24 attorney and counsel employed by the parties hereto, or
25 financially interested in the action.

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IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal on this _____ day of
_____, 1983.

Notary Public within and
for the County of Madison,
in the State of Illinois.