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DAVID M. MOORE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---|---|---|
| THE UNITED STATES OF AMERICA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| vs. | ) | No. 78 C 1004 |
| | ) | |
| OUTBOARD MARINE CORPORATION AND MONSANTO COMPANY, | ) | |
| | ) | |
| Defendants. | ) | |

The deposition of DONALD A. OLSON, called by the Defendant Outboard Marine Corporation for examination, pursuant to notice and agreement, and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Thea L. Urban, a Notary Public in and for the County of Cook, State of Illinois, and a Certified Shorthand Reporter of said State, at 200 East Randolph Drive, Room 5800, Chicago, Illinois 60601, on the 24th day of November, A.D. 1981, commencing at 9:30 o'clock a.m.

PRESENT:

MR. SEBASTIAN T. PATTI,
(Enforcement Division
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604),

appeared on behalf of the
United States of America;

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

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PRESENT: (Cont'd.)

MS. ROSEANN OLIVER,
(Phelan, Pope & John, Ltd.
30 North LaSalle Street
Chicago, Illinois 60602),

appeared on behalf of the Outboard Marine Corporation;

MR. JAMES H. SCHINK,
(Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601),

appeared on behalf of Monsanto Company.

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# I N D E X


| WITNESS: | Direct | Cross | Redirect | Recross |
|---|---|---|---|---|
| DONALD A. OLSON | | | | |
| By Ms. Oliver | 4 | | 100 | |
| By Mr. Patti | | 99 | | |


# E X H I B I T S


| Olson-OMC Deposition Exhibit | Marked for ID |
|---|---|
| No. 1, 2, 3 | 25 |
| No. 4 | 50 |
| No. 5 | 61 |
| No. 6 | 87 |
| No. 7 | 91 |
| No. 8 | 97 |


## CERTIFIED QUESTIONS


| Page | Line |
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| 101 | 5 |


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(Witness sworn.)

DONALD A. OLSON,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. OLIVER:

Q What is your full name?

A Donald Albert Olson.

Q Where do you reside, Mr. Olson?

A In St. Louis, Missouri.

Q Do you work for the Monsanto Company?

A Yes, I do.

MS. OLIVER: Let the record show this is the deposition of Donald Albert Olson, taken pursuant to notice and agreement of the parties on this date and pursuant to the Federal Rules of Civil Procedure.

BY MS. OLIVER:

Q Mr. Olson, how long have you worked for Monsanto?

A Since 1960.

Q What is your educational background?

A I have a Bachelor's in Chemical Engineering from the University of Michigan, and a Master's in Business Administration from Harvard.

Q When did you get your Bachelor's Degree?



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A February of 1956.

Q How about your Master's Degree?

A The Spring of 1960.

Q Were you employed before joining Monsanto?

A I had jobs of a several-month nature, only between, before I went to the Service, after college. I worked for the Midwest Research Institute for perhaps a four to five-month period.

Q About what year was that?

A That would have been after I graduated in February of 1956, before I went into Service.

After I got out of the Service and before I went to Harvard Business School, I went to Butler Manufacturing Company in Kansas City.

Q Where is the Midwest Research Institute?

A In Kansas City.

Q What type of work did you do for them?

A Chemical engineering type, various projects for the Midwest Research Institute.

One of them was trying to design better designs for washing machines.

For Butler Manufacturing, I worked, they had an oil field, Equipment Division at that time, and I worked on design of equipment.



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Q When you joined Monsanto, what was your job?

A I was a chemical engineer at Monsanto at the John F. Queeny Plant in St. Louis.

Q How many chemical engineers were employed at the plant?

A I can only speculate.

MR. SCHINK: You do not have to speculate. If you know.

BY THE WITNESS:

A I don't know.

BY MS. OLIVER:

Q Can you give me an estimate?

A Probably 50, at that plant.

Q In 1960?

A Yes.

Q What type of work did you do?

A They called it Technical Service. It was involved with working with the processes, yield improvement, quality improvement.

Q These are the manufacturing processes?

A Yes, yes.

Q How long were you a chemical engineer at the Queeny Plant?

A Approximately two years.

Q What was your next job?

A My next job was as Commercial Development Manager, responsible for looking at new products and the commercial introduction of new products.

Q Organic products, organic chemical products?

A Yes, primarily in the Food Ingredients and Fine Chemicals area.

Q Fine Chemicals?

A Fine Chemicals.

Q That was in St. Louis as well?

A Yes.

Q How long were you in Commercial Development?

A I believe about two years also.

Q What was your next job?

A My next job was as Product Supervisor for Food Ingredients in the Food Ingredients and Fine Chemicals Marketing area.

Q How long were you Production Supervisor?

A About two years. If these don't all add up at the end, we can recount them.

Q That takes us to about 1966.

A Well, that's close. I then went to the -- is that your next question?

Q Right, where did you go in 1966?



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MR. SCHINK: Wait until there is a question posed.

THE WITNESS: No anticipation.

BY THE WITNESS:

A I became Regional Manager in New York for the Food Ingredients-Fine Chemicals area.

BY MS. OLIVER:

Q Regional Manager of Sales or Marketing?

A Sales responsibility for the customers in that area.

Q How long did you hold that job?

A About a year and a half until around the beginning of 1968; end of '67, beginning of '68.

Q What did you do in 1968?

A Became Product Manager for the Food Ingredients and Fine Chemicals business in St. Louis.

Q As Product Manager, what was your responsibility?

A The responsibility for all of the products in both the food area and pharmaceutical area.

Q For the manufacturing?

A No, for the marketing.

Q Marketing?

A Yes, yes.

Q How long were you Product Manager?

A Roughly six months.

Q What came next?

A I became Director of Marketing for the Functional Fluids Group, Functional Fluids Business.

Q Were Food Ingredients and Fine Chemicals part of the Functional Fluids Group?

A No, this was a completely different entity, no relationship.

Q So that was a different area?

A Yes.

Q Did you work in Functional Fluids before 1968?

A I had no experience, no involvement.

Q How long were you Director of Marketing?

A Approximately two years.

Q Did Mr. Bergen take your place?

A No. Mr. Bergen was there at the time and I reported to him. He was the Business Director and I was the Director of Marketing and reported to him.

Q Who replaced you in 1970?

A Mr. Gossage.

Q What did your job become in 1970?

A I became Director of Marketing for the Food Ingredients and Fine Chemicals Business.

Q For how many years did you hold that job?

A Until 1975.


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Q What is your present position?

A Director of Marketing for the Monsanto Chemical Intermediates Company.

Q How long have you held that position?

A Since the end of 1976.

There is an interim step.

Q In 1975 and 1976, there seems to be --

A Yes, I became Director of Marketing for the Petroleum Chemicals Division.

Q Director of Marketing of Petroleum Chemicals Division?

A Yes.

Q That is in 1975, '76?

A Yes.

Q The Food Ingredients-Fine Chemicals Division or Department was one of several in Organic Chemicals?

A Yes.

Q What were the others?

A There was at that time --

Q Back in 1962.

A There was a Rubber Chemicals Group Division. There was, I believe, a Paper Chemicals Division. There was a General Chemicals Division.

Q What about Fine Chemicals? What is encompassed



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in that term?

A The largest product in the group was aspirin. At the initial, at the beginning, there was caffeine, phenylalanine. There were products, phamaceutical intermediates for L-Dopa.

Q Did you have any pharmaceutical training?

A No.

Q Am I correct that up until 1968 youwere not involved in marketing, sales or manufacture of any of the Functional Fluids?

A You are correct.

Q As a chemical engineer at the Queeny Plant, did you provide technical services for the manufacture of any of the functional fluids or the Aroclor bases?

A Not to my recollection, no.

Q Was there a group in the chemical engineering group at Queeny who specialized on those types of problems, on the Aroclor bases or the Aroclor end products?

A Not that I recall.

Q Were you under the direction of the lab in Queeny?

A Under the direction of the lab?

Q Laboratory.



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A No, there was a separate technical services group which reported to the Plant Manager and I was under his direction.

Q I take it you did whatever work was asked of you, specific projects as a chemical engineer?

A Yes. You would work on a project basis which was agreed to by the production unit and also by the technical services group.

Q How did you come to be Director of Marketing for Functional Fluids in 1968?

A Well, I'm not sure. I think there were probably two or three motivations behind it: One, to give me experience in an area which was new and different because as you have noticed, most of my background was in one particular area.

And secondly, because I had good capabilities and a good track record.

Q Who did you replace as Director of Marketing?

A My recollection, it was Mr. Bergen when he was promoted.

Q Mr. Bergen was head of the business group for Functional Fluids?

A Yes.

Q That business group was divided into divisions

or departments and marketing is one of the functions?

A Functions, yes.

Q Under the business group?

A Yes, that is correct.

Q And the Director of Research and Development --

A Was Bill Richard.

Q That Director was under the business group?

A That is correct.

Q Were there any other functions under the business group?

A There was a manufacturing representative, but I do not believe he had actual responsibilities for the plants. He was the manufacturing representative to the business. There was an engineering representative to the business and I think an accounting representative.

Q When you became Director of Marketing in 1968, were you aware that PCBs had been found in the environment?

A I was not.

Q How were you made aware of that?

A The first recollection that I have was when the article appeared in the San Francisco Chronicle.

Q That was in 1969, approximately?

A Yes.

Q How did that article come to your attention?

A I don't recall the mechanism. I just recall seeing it very promptly after it was issued. Where it came from, I don't know how it came.

Q Before that article appeared, you don't recall any discussions within the business group or within your marketing group?

A I do not recall.

Q About the claims of finding PCB in the environment?

A I do not recall.

Q The functional fluids included Pydrauls, Therminols, the dielectric fluids.

Are there any others that I have forgotten?

A The other classification were the aircraft hydraulic fluids.

Q Skydrauls?

A Yes.

Q You had a person who reported to you in charge of Pydraul fluids, is that correct?

A Yes.

Q Who was that person in 1968?

A I believe it was Dick Davis.

Q Were you given a specific responsibility when you became Director of Marketing?

A Sorry, I don't know exactly what you mean.

Q Let me try to rephrase it.

Were there any areas that you felt had to be worked on or that you were told had to be worked on in the marketing of functional fluids?

A Not specifically. We had problems of varying degrees in different areas where I would put greater emphasis.

Q What were some of the types of projects that you became involved in?

A A key one was in the Skydraul area where products had been patented and there was new competition coming into the marketplace, so that was a key emphasis.

Q In the area of Pydrauls, were there any specific problems or areas of concern for you that you became involved in?

A Nothing unusual, no, nothing unusual.

Q When you became aware of the article in the San Francisco paper in 1969 concerning PCBs found in the environment, what did you do?

A I don't recall any specific action.

Q Do you recall any specific action within



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Monsanto that you were involved in or became aware of?

A No.

Q Do you recall talking to anybody in the Research Department or in the Medical Department to find out more about it?

A Again, I don't recall specific discussions. I do recall obviously being confronted with something new and different, some different data and having concerns to try and understand it. But I cannot relate what specific conversation.

Q Were you aware before this article appeared that you read in the San Francisco Chronicle that the functional fluids products, or some of them anyway, contained PCBs?

A Oh, yes.

Q How were you aware of that fact?

A That is something I learned very quickly after I came into the business group, what the competition of products were from product people who reported to me and also from research people.

Q Had you been familiar before that time with polychlorinated biphenyls?

A Just from a general awareness as having been a Monsanto employee and been involved in the Organic



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Division. I was aware of what the different family trees were and that there was such a family tree and there was a general basis for this product.

Q When you came into the business group, what were you told by product people about Pydraul fluids?

A I was given general briefings on the products, composition, their uses, their price competitiveness, and general information of the customers and of how the products are manufactured.

Q What type of information were you given about the customers?

A I was given the information of who the customer was, what products they bought, types of applications, our business estimate of the competitive products which they either used or contemplated using; who the accountants were.

Q Who were the product people who provided you with this information?

A Are you talking in general?

MR. SCHINK: With respect to Pydrauls.

BY MS. OLIVER:

Q With respect to Pydrauls, yes.

A It would have been a combination of product people who were involved, and I guess that would have



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been Dick Davis and I believe Don Rousch.

Q What was Mr. Rousch's job?

A I believe he reported to Dick Davis at that time.

I also would have gotten information from the field organization at the same time, and Norm Johnson.

Q Mr. Johnson was a Sales Manager?

A I don't know the title, but when I came into the group, he was responsible for the field sales effort, for the customer contact.

Q Did you ever have any direct contact with any customers in the time you were the Director of Marketing, Functional Fluids?

A Yes.

Q Did that contact begin in 1968 when you became Director?

A Did the contact with --

Q With the customers.

A With the functional fluids customers?

Q Yes.

A Yes.

Q Getting back for a minute to the article in the San Francisco Chronicle, is it your testimony that you don't recall any specific conversations with anyone



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at Monsanto about what this article was about or what it means to Monsanto?

A That is correct. I cannot recall specifics.

Q What generally do you recall having occurred immediately after reading this article?

A I recall that there were discussions because of a need to try to determine stand. I recall that there were discussions with research people.

Q To the best of your knowledge were other people at Monsanto aware of the claim that there were PCBs in the environment before this article came out?

A Not to my knowledge, not to my recollection.

Q What types of discussions did you have with the research people?

A It is very difficult to answer because you are asking something that I can't specifically recall.

MR. SCHINK: I think he has told you he recalls there were discussions with these people. He does not recall the substance of the discussions, as I understand his testimony.

BY MS. OLIVER:

Q Is that your testimony, you don't recall the substance of the conversations?

A That's right.



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Q Other than the discussions that you have had in the first six months of 1969, do you recall making any recommendations or learning of any recommendations within Monsanto concerning this claim that PCBs were in the environment?

A No, I don't.

Q Do you recall work being done at Monsanto to determine whether or not PCBs were in the environment?

A I cannot relate a time frame such as you have mentioned. The more general answer would be that during this period while I was there, I do recall that we instituted or that there was work being done outside on toxicity testing.

There was work being done inside on analytical techniques and I believe somewhere there was work being done on biodegradability, but I can't tell you when any of this started or suggest a proper time frame for you. But it is my perspective that over the period of time, there was a significant effort in trying to learn as best possible the facts, all aspects of it which are related to it.

Q Did you meet with your marketing people in 1969 to determine what if anything should be relayed to customers about PCBs?


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A I cannot give you a specific answer.

Q You don't recall?

A No.

Q Do you recall that being a concern to you?

A Yes.

Q When was this a concern?

A I guess from the time of the letter until I left, I had very strong concerns that we regularly tried to communicate to the customer as best we can, facts of the situation, so that was continuing throughout.

Q Do you know if there was a committee formed, a group formed within the Organic Chemicals Group to make recommendations or study the PCB problem?

MR. SCHINK: When?

MS. OLIVER: The period, anywhere in the period from 1960 on.

MR. SCHINK: When?

MS. OLIVER: 1968, on.

MR. SCHINK: He was in that area somewhat less than two years, so I assume your questions are all limited to that period, if that is right.

MS. OLIVER: If that is the only period he can testify about.

MR. SCHINK: All right.

As long as you understand that he is responding to your questions based on his experience of somewhat less than two years in this area.

MS. OLIVER: My questions are broader than that, not in the period that he was in that department or group, but if he had knowledge, even if he was not in the department or group, I would expect him to respond.

MR. SCHINK: All right, but I don't think you have established any foundation yet for his having any knowledge with respect to what was going on in the Functional Fluids Business Group other than in somewhat less than a two-year period from the beginning of '68 until 1970.

BY MS. OLIVER:

Q My question is from 1968, on, were you aware of a group within Monsanto or a committee within Monsanto that was asked to study or make recommendations concerning the PCB problem?

A After Mr. Papageorge was given a responsibility in the area of these products, he enacted as a focal point, I believe there was a task group put together. I don't really recall the formalization of it or the derivation of it.

Q Mr. Papageorge --

A Excuse me?

Q Mr. Papageorge took over that job as coordinator, so to speak, of PCB concerns in about 1970, is that correct?

A Yes.

Q Is there anybody before that to your knowledge who was coordinator?

A I don't recall a formal structure, no.

Q Is there somebody that was informally the head of the PCB group?

A I would answer that by saying Mr. Bergen had responsibility for the business and he would have been the focal point.

Q Were you part of the task group that was put together?

A I am really not sure because I am not sure when it was put together and when I left. I can't give you a yes or no answer.

Q What was your first effort that you made trying to relate information to customers about PCBs?

A I don't remember whether we sent information when the article was written or not, whether we sent this to the customers or our field people. I don't recall that.

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I obviously do recall sending a status report, too, and notification to all customers in early 1970.

Q Notification of what?

A The letter was to, had several purposes. It was to inform the customers that the higher Aroclors had been found in the environment and to give some data relating to that so they would be aware of it; to inform them that the Pydraul products which were based upon these were going to be reformulated; to inform them, inform customers that we had not found any evidence of the lower Aroclor products in the environment and at least to update them on the status of that and to, again, focus for all customers that they should be prudent in how they handle these kinds of problems in their own operations as far as wastes.

Q Whose idea was it to send this letter or notification?

A There were many people who were involved in it. I clearly was one. Again, out of this need that I have talked about to do the most effective job we could of trying to update the customers.

There were many other people who were involved in it. Where it started and who was the impetus,

I do not recall.

Q Who drafted the letter?

A I don't recall. It had to be a joint effort with several people.

Q Is that a letter that you signed? It was sent over your signature.

A I signed it and was responsible for it.

(Olson-OMC Deposition Exhibits Nos. 1, 2 and 3 were marked for identification, 11/24/81, TLU.)

(Discussion off the record.)

BY MS. OLIVER:

Q Mr. Olson, I would like you to look at what we have marked as Exhibit No. 1, which is a letter dated February 9, 1970 over your signature; Exhibit No. 2, a letter dated February 18, 1970, and again over your signature; Exhibit No. 3, which appears to be an excerpt from Chemical Week, October 29, 1969.

Is Exhibit No. 1, the February 9, 1979 letter, the first letter that you sent to customers concerning the PCB findings?

A It is the first one I recall.

Q Exhibit No. 2 is dated nine days later. Was that letter also sent by you at your direction to the

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customers?

A Yes, it was.

Q Exhibit No. 3, the article from Chemical Week, was attached to each of the letters sent out as Exhibits 1 and 2?

A That is correct.

Q Do you recall drafting or signing any other letters besides Exhibits 1 and 2?

A I don't recall.

Q You don't recall whether or not --

MR. SCHINK: You don't recall signing any other letters or sending them to customers?

THE WITNESS: That is correct.

BY MS. OLIVER:

Q How was it determined how many letters to prepare?

A I am sorry, I didn't exactly understand what you mean.

Q Exhibits 1 and 2 seem to reflect the same information. Why was it determined --

MR. SCHINK: Ms. Oliver, I will object to the form of the question. Exhibit 2 has, for example, on the second page an additional paragraph with information which on its face is not contained in Exhibit 1, so I

will object to the form of the question in that it mischaracterizes the exhibits.

BY MS. OLIVER:

Q Mr. Olson, am I correct that Exhibit No. 1 and Exhibit No. 2 provide the same information about the findings of PCBs in the environment?

A Yes.

Q They were prepared for different readers, is that right?

A Yes, yes.

Q What was the distinction that was made concerning the preparation of different letters providing the same information about the findings of PCBs in the environment?

A The exhibit, the second exhibit, Exhibit 2 had an additional paragraph which was related specifically to the dielectrics, the transformer customers and contained information which was of utility to them but not to Pydraul customers.

Q Was Exhibit No. 2 prepared for dielectric customers only?

A To the best of my recollection, yes.

Q Was Exhibit No. 1 prepared for Pydraul customers only?

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A I believe it went to some Therminol customers as well, but I can't give you facts. But my recollection is that it went to Therminol customers as well.

Q A separate letter for Therminol customers was not drafted?

A Not that I recall.

Q Exhibit No. 1 refers to Pydraul, Therminol and dielectric formulations in the second paragraph of the letter.

Why was a determination made to have a separate letter for dielectric customers?

A Because we wanted to include the information on the last paragraph of Exhibit 2.

Q When you say that Exhibit No. 1 was drafted by several people, would those people include Research and Development Group and the Medical Group?

A Both of those groups would have read it and made comments on it.

Q Who provided the information?

MR. SCHINK: What information are you referring to?

He has already indicated how the information came to be got together in a form of a letter, in a general letter.

BY MS. OLIVER:

Q For example, Paragraph 1 refers in the last sentence:

"The quantities detected are said to be in the parts per million and parts per billion categories."

Where did that information come from?

A I can't tell you specifically who put any particular sentence in here. I can tell you to the best of my recollection who would be involved, but not beyond that.

Q At the time this letter was drafted, was it your understanding that PCBs with a chlorine content of less than 54 percent had not been found in the environment?

A Of course.

Q Was it also your understanding that PCBs with chlorine content of less than 54 percent appeared to present no potential problem to the environment?

A Yes.

Q Do you recall if that information was obtained from the Research and Development Group?

A I can't recall specifically.

Q That is not information that you would know?

A I would be aware of the conclusions, all right?

I would not have been authorized to make the judgment itself.

Q At the time this letter was being drafted, who within the business group would have been the person or persons to make the judgments about potential problems to the environment?

A Bill Richard would have been a factor. I believe by that time, Bill Papageorge was in his position. He would obviously be consulted and be a factor.

Those would have been the prime people within the business group itself -- pardon me, I am not sure of the organization of whether Papageorge, Bill Papageorge was part of the business group. Bill Richard was.

Q Am I correct that you would have relied on information coming from Bill Richard or Mr. Papageorge concerning Paragraph 2 of this letter?

MR. SCHINK: By Paragraph 2, do you mean the number 2 on the front of it?

BY MS. OLIVER:

Q With the number 2 on Page 1 of Exhibit No. 1.

A Yes. There may have been some involvement of the Medical Department, too, that would have a factor in it.



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Q And your testimony, Mr. Olson, and I don't mean to be repetitive, I just want to make sure I understand, is that you don't recall asking or receiving specific information from any of those persons which became part of this letter?

A No, I really do not.

Q At the time this letter was drafted, were you aware that new formulations were being tested or developed to replace Aroclors other than Aroclors 1254 or 1260 in the Pydraul products?

A I cannot give you a specific answer. I do know we had continuing research on changing formulations of a lot of products, but I can't give you a specific reference.

Q When you came to the Functional Fluids Group in 1968, to your knowledge was there testing and development of new formulations of Pydrauls being done at that time?

A That is a continuing process, yes.

Q Do you have any knowledge whether after the 1968 formulations were being developed without PCBs in Pydraul fluids?

A I can't recall.

Q On Page 2, the second paragraph of that letter,


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article and decided it should be included?

A No.

Q How was this letter communicated to the customers?

A The letter was sent to the customer. It was mailed to the customer.

Q Was a master list of all Pydraul customers made and used?

A Yes, yes.

Q Under whose direction was the determination of how to send these letters, whose responsibility was it to see that this letter was sent to Pydraul customers?

A Ultimately I would say mine.

Q Would somebody in Marketing work with you on the drafting of this letter?

A Yes.

Q Who was that?

MR. SCHINK: You are talking about the drafting of the letter?

I thought we went through that. I thought we were talking about the dissemination and mailing of it.

MS. OLIVER: No, my question refers to the drafting.

BY THE WITNESS:

A It's been --

MR. SCHINK: That has been asked and answered,

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February 9, 1970, the first sentence reads:

"We feel that all possible care should be taken in the application, processing and effluent disposal of these products to prevent them from becoming environmental contaminants."

Were you referring in that paragraph to the products which had 1254 and 1260 components in them?

A My recollection is that we were making that message to all Pydraul customers regardless of which product they used.

Q Did anyone raise the question to you or suggest to you that the reference to these products in that sentence following the prior paragraph, referring to reformulations of Aroclor 1254 and 1260, might be construed or confusing to the customer?

A No, they did not.

Q Who suggested that the article in Chemical Week be provided?

A I don't recall.

Q Did you read Chemical Week on a regular basis?

A Did I personally?

Q Yes.

A Yes.

Q You do not recall whether you found that

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Roseann. To the best of his knowledge, he has answered.

Do you want to go over that again?

MS. OLIVER: I want to make sure we have exhausted his recollection.

BY THE WITNESS:

A I can't tell you specifically who.

BY MS. OLIVER:

Q I am referring now to the Marketing Group of which you were the head.

A That's right.

Q So am I correct that there were people in your Marketing Group who helped you draft the letter?

A Yes.

Q And there were people in the Medical Department and people in Research and Development and Mr. Papageorge?

A Yes.

Q Mr. Bergen?

A Mr. Bergen would have seen it. I don't know if he made any changes or corrections to it or additions.

Q Approximately how long did it take for a final draft to be prepared?

A I can't tell you.

Q Was this letter begun after you read the San Francisco article?

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A Was this letter begun after I read the San Francisco article?

MR. SCHINK: You are talking about the next day? Obviously the dates are such that the letter was dated a year after the Chronicle article. Is that your question? We will stipulate to the dates.

MS. OLIVER: I understand the dates, Mr. Schink, but I think I'm entitled to inquire since this letter was drafted by people and nobody knows exactly who.

MR. SCHINK: I don't agree with your characterization of his testimony.

MS. OLIVER: And nobody knows how long it took to draft it, that I am entitled to find out if Mr. Olson recalls when this letter was being done.

BY THE WITNESS:

A I don't recall.

BY MS. OLIVER:

Q Did you attend any meetings with Dr. Richard before drafting this letter regarding PCBs?

A Yes, there were several.

Q Do you recall them?

A No.

Q You don't recall the substance of any of these meetings?

A No.

Q If you look again to the February 9, 1970 letter, Exhibit No. 1, what was the purpose of providing the customers with the paragraph identified as number 1 on Page 1, the paragraph identified with the number 1 before it?

What was the purpose of providing that to the customer?

A Again, to make sure we did not confuse the customers as to which products had '54 and '60.

Q Were you advising customers that the products listed in Paragraph No. 1 there did not appear to present a problem to the environment?

A Yes.

Q Did you later find out that the lower chlorinated PCBs were found in the environment?

A Yes.

Q When did that occur?

A I can't tell you. It was an evolutionary thing.

Q How did you learn it?

A Again, I can't tell you. It was throughout the time I was there. There were continuing results in all the areas that I talked about that were coming in.

Q Did you learn at some point in time that there

were biodegradation studies being done by Monsanto on PCBs?

MR. SCHINK: He has already testified about that.

BY THE WITNESS:

A Yes.

BY MS. OLIVER:

Q What was your understanding of what those biodegradation studies were intended to do?

A I can only give you recollection. Recollection was to ensure or determine data which would indicate whether the various products biodegraded or not, but I have no specifics that I recall.

Q Were you kept informed of what the Medical Group and the Research and Development Group and the Analytical Group within Monsanto were finding with respect to PCBs?

A Yes, I can recall going to discussions at which progress was being related.

Q Were there regular progress meetings?

A I don't recall if they were on a formal basis or just when there was sufficient data to call one.

Q Would Dr. Richard and Mr. Papageorge, the Medical Department people and yourself be at these meetings?

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A Yes.

Q Who else would attend?

A I believe at some the manufacturing representative and the engineering representative were present at some.

Q In this period of 1968 to 1970, who were the engineering representative and the manufacturing representative?

A Bill Kuehn was the manufacturing representative, Bob Kuntz was the engineering representative.

Q What was their input into these meetings?

A I don't recall.

Q What was the responsibility of the engineering representative with respect to PCBs?

A I can answer it in terms of his respect to business.

Q Yes.

A He was the liaison between the Corporate Engineering Group and the Business Group and would have had responsibility for acting as a focal point for engineering projects which were being done related to the total business.

Q What about the manufacturing representative?

A Very similar. He was the liaison between the

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plants where the products of total business were manufactured and the business group.

Q Was there a discussion around February 9, 1970 of a potential loss of business in the Pydraul area because of PCB findings?

A I don't recall specific meetings. Obviously as far as the Marketing Group --

MR. SCHINK: The question is do you recall?

BY THE WITNESS:

A No.

MR. SCHINK: Do you recall in February of 1970, discussions about the possible loss of Pydraul business? That is the question.

BY MS. OLIVER:

Q Was that a concern of yours in February 1970?

MR. SCHINK: Do you recall having a concern in February of 1970 about loss of Pydraul business is the question.

BY THE WITNESS:

A I recall concerns about whether replacement products would be able to retain the full market that we had for the products, yes.

BY MS. OLIVER:

Q Was one of the purposes of the February 9, 1970

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letter that you signed to advise customers of fluids with less than 54 percent chlorine?

A That their fluids were not a problem in the environment. There was no reason for them to change --

MR. SCHINK: I object to the form of the question, if they were advised that they hadn't been found in the environment and therefore were not a potential problem.

MS. OLIVER: And appeared at present to present no potential problem to the environment.

MR. SCHINK: Oh, boy. You have now restated what is a different question.

BY THE WITNESS:

A The purpose, as I recall, was to make sure each customer understood our business assessment of the problem related to each product.

MR. SCHINK: Okay.

BY MS. OLIVER:

Q The February 9, 1970 letter was not intended to provide information to customers that any of the Aroclor products with less than Aroclor 1254 or 1260 in them were environmental problems?

MR. SCHINK: I object to the form of the question. He already told you what the intent of the letter was. Now you are arguing with him about it.

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MS. OLIVER: I am not arguing, Mr. Schink. I am asking the question.

Would you read the question back?

(Question read.)

BY THE WITNESS:

A I don't understand the question, if that was a question.

BY MS. OLIVER:

Q My question is did you understand that this letter of February 9, 1970 provided information to customers that any of the Pydraul fluids containing less than 54 percent or 60 percent chlorine by weight presented an environmental problem?

A The letter was intended to tell the customers of '54 and '60 that they had been found and also to relate the facts that we had in at that point in time and related to the other Pydraul products which was also outlined in the letter.

Q That the other Pydraul products were not a problem in the environment?

MR. SCHINK: Objection, that is not what he said. He said they had not been found and appeared not to be a problem.

MS. OLIVER: I am asking if that was the intent of



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the letter.

MR. SCHINK: Well, you were reading from the letter and I was objecting to the excerpt that you were reading from the letter.

MS. OLIVER: I am not reading from the letter. I am asking what the intent of the letter was, Mr. Schink.

MR. SCHINK: He has answered the question at least four times now. You have an answer as to what it was and what it intended to tell the customers and notify them about, Ms. Oliver.

MS. OLIVER: Can you read the last question?

(Question read.)

BY THE WITNESS:

A I cannot be any clearer. Let me try to restate it and see if I am stating it differently.

I am saying the letter was to inform customers of '54 and '60 that it had been found in the environment. The other purpose was to provide our best information at that time to customers of other Pydraul products and the intent. I think I have said it as precisely as it can be.

BY MS. OLIVER:

Q The best information that you had at the time, Mr. Olson, was that the other Pydraul products were not



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environmental problems, is that a fair statement?

A The best information we had at the time were that they weren't being found in the environment. They were not being found in the environment and did not appear to be a potential problem in the environment.

That is a statement, as my best recollection, of exactly what our knowledge was at that period of time.

Q If they had been found in the environment, then your understanding was they would present a problem?

A I don't know if I am the one to speculate.

MR. SCHINK: The question is did you have an understanding at that time in February of 1970 as to whether Aroclors or PCBs with a chlorine content of less than 54 percent had been found, whether that would have been a problem.

Did you have any understanding on that one way or the other at that time?

BY THE WITNESS:

A No, it was more a case of they had not been found.

BY MS. OLIVER:

Q Was it your understanding on February 9, 1970 that Pydrauls with less than Aroclors 1254 and 1260 were

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being discharged into the environment by any of the customers of Monsanto?

A I can't give you a specific recall today of it, no.

Q On Page 2 of the letter, the second paragraph, there is a reference to effluent disposal of these products.

You testified earlier that your intent for these products was all Pydraul products, is that correct?

A That is right.

Q Were you aware that there was effluent disposal of Pydraul products?

A I was aware there was a potential for it, sure.

Q And how were you made aware?

A Again, that was where I have been trying to draw an honest distinction. I cannot talk to -- I don't recall specific customers or specific relationships, but while these were basically, while these were closed systems, you still had the potential, depending on how the customer handled his own operation. You had the potential of spills which give the opportunity for material to be disposed and for leaks and that these do occur and whether it gets into the environment would

depend on how the customer operated his own facilities, operates his own facilities.

Q You had no specific knowledge of effluent disposal of Pydrauls, just the possibility or potential that that could occur?

A I cannot relate that to a specific customer, quantities or anything, no.

Q Or any specific knowledge of actual disposal?

A No.

Q Were you involved in looking into the incineration of PCBs?

A Not directly.

Q How were you involved indirectly?

A Generally, just general awareness, awareness that it was an alternate that was being investigated.

Q Were you asked for any recommendations concerning incineration?

A Not that I recall.

Q Do you recall receiving written updates or progress reports on any of the analytical or research medical work being done on PCBs?

A I recall that I would have received various updates, but I don't recall the specifics of it.

Q Do you recall any conversations within Monsanto

in 1969 or early 1970 indicating or suggesting that all Pydrauls should be reformulated to remove PCBs?

A I cannot give you, again, time frames and I cannot give you specific conversations. I can only say in general that while --

MR. SCHINK: The question is do you remember.

BY THE WITNESS:

A No.

MR. SCHINK: In late 1969 or early 1970, any discussions about reformulating all Pydrauls.

BY THE WITNESS:

A Not specifics, no, none.

BY MS. OLIVER:

Q A decision was ultimately made to remove all PCBs from Pydrauls, correct?

A I'm sorry, were you asking?

Q Yes.

A Yes.

Q When was that decision made?

A I don't recall.

Q Who made it?

A I don't recall.

Q Were you involved in the decision?

A I don't recall when that actual decision was



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made, okay?

MR. SCHINK: The question is do you recall being involved in such a decision to reformulate all Pydrauls to remove PCBs.

BY THE WITNESS:

A I don't recall.

BY MS. OLIVER:

Q You don't recall whether you were or not?

A That's right.

Q After preparing the letter of February 9, 1970, did you get any response from anyone, any customers about the letter?

A I do not recall.

Q Were Exhibits 1 and 2 sent out at the same time?

MR. SCHINK: You mean on the same date or within the --

MS. OLIVER: At the same time, within a day or two of each other.

BY THE WITNESS:

A I don't remember.

BY MS. OLIVER:

Q Did somebody suggest that separate letter for dielectric users be drafted?

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A I just do not recall how the decision was made of two separate letters; whether I did it or whether someone else did.

Q Do you recall who suggested that an additional paragraph be added?

A No, I do not.

Q Do you recall why that paragraph was added?

A No.

Q Do you recall anyone indicating to you that Exhibit No. 1 was not adequate for dielectric customers?

A Again, I don't recall the conversations that went in. I don't recall the conversations that went into the development of the letter.

Q Is your answer no?

A Yes.

Q Did you have any discussions with salesmen or the Regional Sales Director regarding either Exhibits 1 or 2?

A I do not recall discussions.

Q Do you recall any discussions with any of the salesmen or the regional salesmen and engineers regarding how they should respond to questions about Exhibits 1 and 2?

A No, I do not recall.

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Q Was that consideration a concern of yours?

A Giving proper information to customers was a concern to me in all of this and other businesses.

Q Did you provide any information to salesmen to respond to questions that these letters might raise?

MR. SCHINK: By you, you mean the witness personally?

MS. OLIVER: The witness personally.

BY THE WITNESS:

A I do not recall.

BY MS. OLIVER:

Q Did you delegate any responsibility to anyone under you to provide information to salesmen?

A It would have been Norm Johnson's responsibility.

Q Did he work for you?

A Yes, yes.

Q Did you have any conversations with Mr. Johnson about Exhibits 1 and 2?

A I can't recall the specific discussions, no.

Q Do you recall Mr. Johnson preparing a list of the questions and answers for customers who might have questions about the PCB claims?

A I do not recall.

Q By the way, Mr. Olson, did you review any



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documents in preparation for your deposition today?

A I did yesterday.

Q What documents did you review?

A I reviewed these documents.

Q Exhibits 1 and 2?

A Yes. I reviewed that document.

Q Which the reporter is marking Exhibit No. 4?

A Yes.

(Olson-OMC Deposition Exhibit No. 4 marked for identification, 11/24/81, TLU.)

BY MS. OLIVER:

Q Any others?

A I reviewed a memorandum which I sent to Mr. Mason. I reviewed some progress reports from various functions in a peripheral, without a lot of detail.

Q Anything else?

A Not that comes to mind, no.

Q Who was Mr. Mason?

A Who was Mr. Mason?

Q Who is he, I'm sorry? Who is he?

I don't mean to imply if he was --

A I don't know if you meant what he is currently doing or what was he doing then.

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Q I am sorry. That was not a very good question.

What was Mr. Mason's job that he held at the time, 1968 to 1970?

A Mr. Bergen reported to Mr. Mason and I forget the exact title, whether he was Assistant General Manager -- I believe he was Assistant General Manager of the Organic Chemicals Division.

Q To your knowledge, was Mr. Mason kept advised of the work being done with respect to PCBs within Monsanto in the Organic Division?

A I can't give you a specific answer.

Q If you would look at Exhibit No. 4, which is a cover letter dated February 16, 1970, entitled Pollution Letter, which appears to be authored by Mr. N. T. Johnson with an attachment called Possible Customer Questions on PCBs, 12 pages.

Do you recall seeing that document before yesterday, Mr. Olson?

A I do not recall seeing it before I saw it yesterday. When I saw it yesterday, I did not recall.

Q On the cover page, the first page of this letter, it shows cc's to a number of people including at the end, D.A. Olson. That would have been you?

A Yes.



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Q Would you have received a copy of that from Mr. Johnson as his supervisor?

A Yes.

Q Does this cover memorandum from Mr. Johnson refresh your recollection as to any conversations or discussions you may have had concerning information to be provided to customers?

A No.

Q You do not recall seeing the attachment, questions and answers, before yesterday either, Mr. Olson?

A No.

Q Were you ever aware that Mr. Johnson was advising his salesmen to give customers verbal answers and no written answers?

MR. SCHINK: I object to that characterization of what the document says. I think it is inaccurate.

MS. OLIVER: I am not asking about it being inaccurate. Mr. Olson doesn't recall the document.

I am asking whether he recalls Mr. Johnson giving salesmen those instructions.

MR. SCHINK: Are you representing there is evidence that he gave those instructions to his salesmen?

MS. OLIVER: I don't represent anything, Mr. Schink. I am asking the question.

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MR. SCHINK: I am going to object to the form of the question.

You can answer.

THE WITNESS: Say it again.

MS. OLIVER: Would you read it back?

(Question read.)

BY THE WITNESS:

A I don't have any specific recollection, no.

BY MS. OLIVER:

Q Were you aware that prior to 1970, customers at various times would ask questions about the Monsanto products they were purchasing?

A Oh, yes.

Q Do you have knowledge of what the procedure was within Monsanto to respond to customers' questions?

A I don't think I can answer it from a procedural standpoint. It would depend upon the nature of the inquiry.

Q Do you know whether there was a policy for salesmen to provide Monsanto customers with verbal answers to questions and not written answers at any time?

A I know of no policy that says that, no.

Q Did you have any discussions with Mr. Johnson



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or anyone else at Monsanto in the period 1968 to 1970, during the period '68 to '70, regarding discouraging customers from returning fluids?

A I cannot recall specific conversations.

Q Do you recall any discussions within Monsanto concerning the reformulation of 1254 and 1260 products to the effect that customers should be advised to use up as current inventory those products before being provided with the reformulated products?

A I don't recall specific conversations, no.

Q Do you recall whether that was in fact a decision made within Monsanto to advise customers to use up their 1254 and 1260 products?

A I was aware, I recall, I read yesterday that we had said that, yes.

Q Other than that, you don't recall?

A But I can't recall the specifics, no.

t3 Q To your recollection, that is a correct statement, that customers were advised by Monsanto to use up their inventory of 1254 and 1260 products before being given an inventory of reformulated products?

A To my recollection, the statement that is in that letter is a correct one. The paragraph --

MR. SCHINK: The statement that you refer your

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customers to use their current inventory, is that the statement you are referring to in Exhibit No. 4?

THE WITNESS: Yes.

BY MS. OLIVER:

Q Do you know if customers were in fact encouraged to do that, to use up their old inventory by Monsanto salesmen?

MR. SCHINK: You are now talking specifically to the particular products referenced in Exhibit 4 or in general?

MS. OLIVER: I am talking about with respect to products containing 1254 and 1260 Aroclors.

BY THE WITNESS:

A Yes.

MR. SCHINK: In this memorandum, that does not refer to all those products, so that you have a different question.

MS. OLIVER: I am asking the question.

MR. SCHINK: Not with respect to these limited products in this letter, but generally all products containing Aroclor 1254 and 1260?

THE WITNESS: She is asking --

BY THE WITNESS:

A I have no specific recollection.

BY MS. OLIVER:

Q Do you recall that Monsanto salesmen advised customers of 1254 and 1260 Pydraul products to top off their systems with the reformulated fluids?

A I guess I recall what is specified in that second paragraph of the exhibit.

Q Exhibit No. 4?

A Correct, that is what we were advising the customers, yes.

Q Was there any discussion within Monsanto that you were aware of recommending that customers should immediately stop using their 1254-1260 Aroclor Pydraul products?

A I just, I don't specifically recollect conversations.

Q Were there any, do you have any recollection of any conversations within Monsanto recommending that customers should drain their systems when the new formulations became available?

MR. SCHINK: You are talking now about Aroclor 1254 and 1260?

MS. OLIVER: When the new formulations for Aroclor 1254 and 1260 Pydrauls became available.

BY THE WITNESS:

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A I don't have specific recollection.

BY MS. OLIVER:

Q You don't know one way or the other?

A Right.

MS. OLIVER: Let's take a five or ten-minute break.

MR. SCHINK: All right.

(Brief recess had.)

BY MS. OLIVER:

Q Mr. Olson, do you recall making any recommendation concerning what information should be provided to customers in addition to your involvement in the drafting of Exhibits 1 and 2?

A Not specifically.

Q Generally?

A All I can recall is a strong desire to continually let the customers know what we know.

Q And --

A And to keep them as up to date as we could, based on facts.

Q To whom did you express this strong desire?

A Again, I can't give you specific conversations.

Q What action did you take with respect to your desire to keep customers up to date, other than Exhibits 1 and 2 that you helped draft?

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A I don't recall specifics.

Q Do you recall generally?

A I am talking more about a philosophy of ensuring that we do the best possible job with the customer, and I can't give you specifics, no.

Q Did you make your philosophy known to Mr. Johnson?

A Again, I have to respond in general, but yes, yes, of course I would have.

Q You don't recall how you did it?

A No, we would have had any number of conversations on the status of this and other situations.

Q But as you sit here today, you cannot recall any conversations with Mr. Johnson concerning the PCB problem?

A I can recall that I would, that I had.

MR. SCHINK: The question is do you recall specific discussions with Mr. Johnson regarding the PCB situation as you sit here today, 12 years later.

BY THE WITNESS:

A No.

BY MS. OLIVER:

Q When did you move out of the Functional Fluids Group?

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A Approximately the middle of 1970.

Q Are Exhibits 1 and 2 the only letters or communications to customers that you were involved in drafting?

A To my recollection, yes.

Q Do you know if any others were drafted?

A No.

Q In the period that you were Director of Marketing for Functional Fluids, did you ever learn any information that the lower chlorinated Aroclors had been found in the environment?

A May I give a general impression?

MR. SCHINK: The question is do you recall ever hearing that lower chlorinated PCBs had been found in the environment, together with the preparation of Exhibits 1 and 2, since you have already testified to knowledge before then, I gather, with respect to --

BY THE WITNESS:

A I can't remember specific correspondence.

BY MS. OLIVER:

Q Do you have a general recollection that you became aware of that fact?

A I have a general recollection of that and I can't tell you the time frame, but it was, I can't tell



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you what month or anything. But I do have a general recollection that there was data developed which would indicate that the lower ones were being found in the environment, yes.

Q Was that data provided to customers?

A I can't recall because I can't recall when it all occurred.

Q Would it have been after February of '70 and before you left Functional Fluids?

A I can't recall any data being sent to customers other than these two letters.

Q During the time you were Director of Marketing, did you become aware that Monsanto manufacturing plants had PCB in their effluent?

A I can't give you specifics.

Q Do you recall that fact?

A I can only recall that we were looking at our own facilities and trying to determine whether there was effluent being released and that included PCBs. I can't recall beyond that.

Q Do you recall whether there were findings?

A No, I really can't.

Q Do you recall any problem concerning a spill in a Monsanto plant in Florida in which PCBs got into

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the waters?

A No.

Q Were you aware of any steps taken within Monsanto to reduce PCB in the plant effluent?

A Attention was always being given to run our plants with minimum effect on the environment and in the most efficient production viewpoint, but I can't go beyond that.

(Olson-OMC Deposition Exhibit No. 5 marked for identification, 11/24/81, TLU.)

BY MS. OLIVER:

Q Mr. Olson, do you recall seeing what has been marked as Exhibit No. 5 before today, which is a cover memorandum from Mr. Papageorge enclosing a draft of suggestions relating to closing the loop?

A I recall seeing it yesterday, but that is the only recollection I have of it.

Q Do you recall any suggestion, a document such as what is attached to the Papageorge memorandum should be provided to customers?

A I don't remember specific discussions.

Q Do you remember any discussions?

A Yes, I remember as we had handled information



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throughout that we would have wanted to continually provide the customer with suggestions on use of our expertise on areas such as this, yes.

Q People who received a copy of this draft, indicating you along with Mr. Mason who you have mentioned before, Dr. Richard, Norman Johnson that you have mentioned, Howard Bergen and Mr. P.B. Benignus. Who is that?

A He was responsible for the dielectric area and I do not remember whether at this time he had retired and was a consultant or whether he still was a full-time employee. But his base responsibility was to the dielectric area.

Q The remaining name on that list is Mr. J.R. Fallon. Who is Mr. Fallon?

A At this point in time, he was, and I don't recall what the title, what his title was, but he had responsibility for reporting to me at this time for the Therminol business.

Q As of the date of this memorandum, August 31, 1970, you were still the Director of Marketing, is that correct?

A I must have been, but I was getting very close, I don't know the exact date when I left, but that was

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getting very close to it.

Q Is it your testimony, Mr. Olson, that the draft attached to the memorandum is the type of information you felt would be desirable to provide to customers?

MR. SCHINK: He couldn't recall this document. Do you want him to read the document now?

MS. OLIVER: I thought he testified before --

MR. SCHINK: He testified he didn't recall seeing this document.

BY MS. OLIVER:

Q Why don't you read it, Mr. Olson, so we can clarify your testimony.

You mentioned before something about being in line with your desire to provide information to customers and I wanted to clarify that, so why don't you read it.

MR. SCHINK: She is talking, not with respect to specifics of the document, as I understand, but just this type of information in a very general way.

MS. OLIVER: Yes.

BY THE WITNESS:

A While I cannot attest to the technical validity of any particular statement in it, even though waste control would have been primarily, would have been the

responsibility of the customer, I find this very much in keeping with the kind of support that we would try to get to the customers because we had better knowledge and had done much more work than some of the customers, so it would be consistent to try to make them aware of any guidance that we could give them, yes.

BY MS. OLIVER:

Q After reading the document, does that refresh your recollection at all as to receiving it?

A No.

Q Do you recall any discussions with anybody concerning a document such as that that should be prepared and provided to customers?

A No, I do not.

Q Do you know if a final draft of a document called polychlorinated biphenyl waste control disposal was ever prepared?

A No, I do not.

Q Do you know if a document entitled polychlorinated biphenyl waste control and disposal was ever provided to customers?

A No, I do not.

Q One of the suggestions under the portion entitled Liquids is No. 1:

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"Every effort must be made to prevent the mixing of PCB with water, thereby measurably reducing the opportunity for PCBs to enter a water system, e.g., sewer, creek, river or lake."

Do you recall that that was a suggestion that was considered to be offered to customers?

A I have no recollection.

Q Do you recall anyone at Monsanto telling you that every effort must be made to prevent the PCBs from mixing with water?

A I don't have any specific recollection.

Q What is the extent of your recollection?

A My recollection would be that we would have been concerned about PCBs.

Q I am not asking what it would have been. I am asking what recollection you have.

MR. SCHINK: About that particular point?

MS. OLIVER: Yes.

BY THE WITNESS:

A My recollection is that we did not want to have and wanted to ensure customers took every possible step to see that PCBs were not put into water systems.

BY MS. OLIVER:

Q My question was --

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MR. SCHINK: We have already been over that, Ms. Oliver, with the first letter as well.

MS. OLIVER: I'm just asking the witness to answer a question.

MR. SCHINK: Exhibit 1?

MS. OLIVER: Yes.

BY MS. OLIVER:

Q My question was whether anyone at Monsanto ever told you that PCBs should not be mixed with water. That was my question and you said you had no specific recollection and I am asking what your recollection was.

A And my recollection is that I had an awareness that we should take steps possible with customers or make customers aware so that PCBs did not get into water systems. I am not sure that I am answering your question.

Q Why, why to your knowledge should those steps have been taken?

A It is a lot like many other chemicals. You want to keep them isolated where you have them contained and not get them into the water systems.

Q What to your knowledge was the problem with PCBs mixing with water?

MR. SCHINK: The question is why did you want to

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keep PCB out of the water?

MS. OLIVER: That is not my question.

BY MS. OLIVER:

Q The question is why to your knowledge was it important to prevent PCBs from mixing with water, if you know?

A No.

Q Okay.

I take it you are not aware of the chemical properties of PCBs mixing with water, that is, any reaction that might entail?

A No.

Q To your recollection, you don't recall being advised of those chemical properties and chemical reactions with water?

A I don't recall, no.

Q Do you recall any suggestions made to customers concerning how to reduce PCBs or remove PCBs that were in water systems?

A No, I don't recall.

Q Do you recall any policy within Monsanto to advise customers that they can return their PCB fluid to Monsanto for disposal?

MR. SCHINK: You are talking about waste liquid

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containing PCBs or the fluid purchased?

MS. OLIVER: Either one.

BY THE WITNESS:

A I do not recall the policy, no.

BY MS. OLIVER:

Q Other than your involvement in drafting Exhibits 1 and 2, did you to your recollection have any responsibilities with respect to the PCB problem as Director of Marketing?

A Would you ask the question a little further?

Q Sure.

Other than your involvement in drafting or helping to draft and signing Exhibits 1 and 2, did you have any other responsibilities with respect to PCBs during your time as Director of Marketing?

MR. SCHINK: I object to the characterization of his prior testimony. He has testified about various projects he was involved in which he did in addition to that.

MS. OLIVER: I understand his prior testimony was he was kept advised of other projects, Mr. Schink.

I am asking the witness if he was actively involved in any other projects.

MR. SCHINK: I object to the form of the question,

actively involved, what does that mean?

He has already talked about other things he was involved in.

BY MS. OLIVER:

Q You can go ahead and answer the question.

MR. SCHINK: I object to the form of the question.

THE WITNESS: Excuse me.

MR. SCHINK: I object to the form of the question for the record.

BY MS. OLIVER:

Q You can answer.

A I had responsibility for any aspect of the problem which would relate to the customer, okay?

Q And in terms of performing that responsibility, what did you do?

A I was responsible for the introduction of the initial reformulated product, had responsibility for it. I had responsibility for the pricing of those products, methods of introduction of them.

I had responsibility for ensuring that the views of customers were recognized in decisions related to the products that could be understood.

Q Any others?

A I would have had ultimate responsibility for

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literature.

Q Is that it?

A Well, it's all I recall. As I understood your question, yes, and I will add one other: The people who called on customers reported to me, so therefore, I would have had responsibility for our representations at customers during that period of time.

Q Did you receive copies of call reports?

A Yes, not -- I don't believe all, but I received rather large number of call reports.

Q Did the salesmen calling on customers report directly to you or through Mr. Johnson to you?

A We are dealing with two different organizations while I was there, so in all cases they reported to someone. When Norm Johnson had the field responsibility, they reported to him. As I recall, we later went to product orientation within the Marketing Group and some of those products had people reporting to them as individuals, but in all cases they reported to somebody who reported to me.

Q When the decision was made to provide reformulated products for 1254, 1260 Aroclor products, were there recommendations to reformulate other Pydraul products such as F-9 and A-200, to your recollection?

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MR. SCHINK: At that time?

MS. OLIVER: At that time.

BY THE WITNESS:

A I just don't recall.

BY MS. OLIVER:

Q When you say you had the responsibility for those reformulated products, would that responsibility include determining how they would be provided to the customer and when they would be provided to the customer?

A When would have been a factor of now just the Marketing Group. It would depend on availability and manufacturing and everything else.

As to how they were provided to the customer, yes.

Q What decisions did you make with respect to how they would be provided to customers?

THE WITNESS: Can I talk to you a minute?

MR. SCHINK: You want to take a break?

(Mr. Schink and the deponent left the deposition room, whereupon a short recess was had.)

MS. OLIVER: Back on the record.

MR. SCHINK: During the off-the-record discussion, the witness stated he has no specific recollection, but

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he did indicate there is a document that he saw that sets forth some information regarding the program for the reformulation of those products.

MS. OLIVER: Would you please read the question and I would like you, Mr. Olson, to give an answer to the court reporter.

(Question read.)

BY THE WITNESS:

A I cannot recall. I cannot recall specifics, but I did see a document yesterday which I had written which lays out some of the policy of that and which I accept as being factual.

BY MS. OLIVER:

Q Did that document that you wrote refresh your recollection in that regard?

A No, it did not, but I do accept what it said.

Q You mentioned as another area of your responsibility that you were responsible for the method of introduction of the reformulated products?

A Yes, and that's what I am referring to.

Q That is what you are referring to as not having a recollection of?

A Yes, ma'am.

Q How did you ensure that the views of customers

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were recognized in decisions related to products?

A I can't tell you actual conversations. I can only talk about my style of operating generally.

Q How did you ensure that the views of customers were recognized?

A I made my perspectives known to Bergen and the business group.

Q Your perspectives?

A My opinion and my knowledge known to Mr. Bergen and the members of his business group.

Q What opinions or knowledge did you have regarding the customers with respect to the PCB problem, if you can recall?

A No, I can't.

Q I take it that when you left the Functional Fluids Group in 1970, you had no further involvement with PCBs?

A That is correct.

Q You were not asked for any suggestions or recommendations by anybody within Monsanto?

A No.

Q Were you aware that lower chlorinated Pydraul fluids were reformulated?

A Yes, but I cannot recall when or any specifics

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related to any particular Pydraul.

Q Do you recall?

A What?

Q How the recommendation or suggestion arose to reformulate the lower chlorinated Pydrauls?

A No, I do not.

Q Were you involved in the decision to reformulate the lower chlorinated Pydrauls?

A I do not recall.

Q Was one of your concerns as Director of Marketing to keep as much of the functional fluid business as possible during this PCB problem period?

MR. SCHINK: Objection to the characterization, this period as a PCB problem period.

Would you restate the question?

BY MS. OLIVER:

Q During this period that PCBs were of concern within Monsanto --

A Yes, ma'am.

Q -- was one of your responsibilities to try and keep as much of the functional fluids business as possible?

A Yes. One of the responsibilities and concerns would have been to continue to have strong competitive position at all customers.

Q How did you perform that responsibility?

A There were several aspects to it: Awareness to the customer, knowledge to the customer and as reformulations came to develop an approach to the customer which makes him see the merits of this product versus what he was using before so he could on his own say that it is an acceptable product, and what else, to retain the business.

Q You mentioned an awareness and knowledge to the customer. Are you referring to knowledge that should be provided by Monsanto to the customer?

A Yes, I am referring to this Exhibit 1.

I would also be referring to proper technical knowledge of the replacements.

Q Which should be provided by salesmen?

A Generally, yes.

Q And information such as the type that was in the closing the loop memo that was marked as Exhibit No. 5?

A Yes, that kind of information, I would put in the same classification.

Q How did you go about seeing that that type of information was in fact provided to the customer?

A Again, I cannot recall specific conversations

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with specific steps.

Q I am not asking for specific conversations. I am asking for ways in which you assured yourself that the type of knowledge that you felt was important was being communicated to the customers.

A By reviewing with the Marketing people the steps of implementation.

Q When you say the Marketing people, are you talking about the salespeople, such as Mr. Johnson?

A Yes.

Q And his group of salesmen?

A Yes.

Q What else?

A And also I would in conversation, and again, I am not sure exactly what the organization was at that particular time, but I would encompass product people in that as well.

Q Is that Mr. Davis?

A Yes, when he was involved.

Q Any other ways?

A I would review data on the characteristics of replacement products.

Q For what purpose?

A Their solubility to the use, their lubrication

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ability, their fire-resistance, their compatibility with other materials to ensure that they would be good products, good effective products.

Q Was one of the important considerations in attempting to keep as much of the business as possible to come up with compatible replacements that could be added to what was being presently used by the customers?

A I don't recall that being a major factor.

Q Was it a factor?

A I just don't recall if it was or not.

Q Do you recall that at various times between 1969 and the end of 1970 that findings were being made at different places in the United States of PCBs in the environment?

A All I can recall is a very, a growing knowledge because in several areas throughout this period of time with this significant amount of new data being developed --

MR. SCHINK: Her question is do you recall PCBs being found in various places in the United States during this period.

MS. OLIVER: At various times.

MR. SCHINK: At various times. You have mentioned one location so far, a California report. Do you recall PCBs being found in other locations during the time you

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were involved in marketing functions, I suppose that is the question.

BY THE WITNESS:

A I recall being aware of work that was done in Sweden which found PCBs.

BY MS. OLIVER:

Q When did you become aware of that work?

A Sometime after the Chronicle article, but I don't know exactly.

Q Were you aware that anybody from Monsanto went over to Sweden to talk to scientists who made that finding or claim?

A Yes. Sometime, I am aware that sometime during the time I was there, there were people who visited.

Q Did you have discussions with those people?

A I don't recall specific discussions.

Q At any time after reading the San Francisco Chronicle article, did you recommend or suggest any actions by Monsanto to determine if industrial wastes were the cause of PCBs being found in the environment?

A I have no recollection.

Q Do you know if anybody at Monsanto did?

A I don't have a recollection, I don't have a recollection.



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Q Before the drafting of the letter marked as Exhibit No. 1, did you have any contact with customers concerning findings of PCBs?

A Not that I recall. I don't recall.

Q Other than Exhibits No. 1 and 2, do you recall any contacts that you had with customers concerning PCBs?

A I don't recall.

Q Do you know what was done with the inventories of fluids that Monsanto had that were being reformulated?

A No, I do not.

Q Whose responsibility was it?

A I could only speculate. I can't answer that.

Q Was it part of your responsibility to decide whether Monsanto should sell off its inventory of 1254 and 1260 fluids before selling reformulated fluids?

A I would have had input. I don't know about responsibility.

Q What were your inputs?

A I don't recall.

Q Do you know there was one?

A No.

Q Do you know what was told customers with respect to their inventories of fluids with 1254 or 1260?

A Only what is in --

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MR. SCHINK: The question is do you know?

BY THE WITNESS:

A No, no, no.

BY MS. OLIVER:

Q Was there a policy established or a decision made within Monsanto to tell customers whether or how to dispose of PCB fluids they were using?

A I don't recall.

Q Do you know of any sampling done at customer plants to determine PCB content in effluent, done by Monsanto?

A I don't remember specific customers or specific sampling, no.

Q Do you recall that a program was begun within Monsanto to go out to customers to find out if they had PCB in their effluent?

A I only recall that one of the things we were, one of many new business ventures that was being looked at during this period was whether there was an opportunity for Monsanto to get into the reclamation business. There were some samplings related to that, but I just don't remember what that was.

Q Were you involved in the discussions concerning the new business possibilities in reclamation?

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A I was involved in some discussions, but I don't recall specific conversations.

Q Were functional fluids a profitable part of Monsanto business in 1968 when you took over as Director of Marketing?

MR. SCHINK: I object to the form of the question. What do you mean by profitable? Did they make profit on them?

BY MS. OLIVER:

Q Did they make a profit?

A To the best of my recollection, yes, yes.

Q Did they continue to make a profit through 1968, '69 and '70?

A To the best of my recollection, yes.

Q Was there any business lost that you attributed to problems with PCBs during that period?

A I just don't recall.

Q Do you recall it affecting any of the 1970 functional fluids business? Was it as profitable as it was in '68 when you took over?

MR. SCHINK: He wasn't there the end of 1970. I object to that question as foundation.

BY MS. OLIVER:

Q Will you answer?

MR. SCHINK: If you know.

BY THE WITNESS:

A I don't know.

BY MS. OLIVER:

Q You don't know whether the functional fluid business was as profitable when you left Director of Marketing as when you began?

A I do not recall.

Q Do you recall any special considerations given to customers regarding new formulations?

A In what respect?

Q Any.

A No, I don't recall.

Q Were some customers provided a new formulation before others?

A I don't recall.

Q Were there any accounts or customers that you considered important accounts, not to lose during this period of 1968 to 1970?

A I don't recall which ones.

Q Do you recall whether there were any?

A In any business, you would have major accounts, but if that is the drift of your question, then yes, but I don't recall who they were.

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Q Were there any accounts or customers that you considered that you could not lose over the PCB formulations?

A Not that I recall.

Q To your knowledge, was a handbook for salesmen ever prepared relating to the PCB area?

A Not that I recall.

Q Did Dr. Richard ever tell you his belief that in 1970, lower chlorinated PCBs were found in the environment?

A I don't recall.

Q Was it your knowledge in 1970 that lower chlorinated PCBs were biodegradable?

A After the San Francisco article and when PCBs, when the lower chlorinated were not found in the environment, biodegradability was looked upon as one of the explanations for that and I do not remember the results. I just don't remember the results or timing of the testing.

Q Did you ever consider advising customers of the steps taken by Monsanto in its own manufacturing plants to reduce PCBs in their effluent?

A I just don't recall. I don't recall.

Q You don't recall whether that was something you considered advising the customers of or not?

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A That's right. I don't recall.

Q You would consider that type of information on reducing PCBs in the plant effluent the type of information you felt was desirable and should be given customers?

A Yes, yes.

Q Do you know of any customer of Monsanto who was advised in 1970 that Monsanto had sampled and found PCBs in the customer's effluent?

A I don't have any specific recollection.

Q Do you have any recollection?

A No.

Q Is that the type of information you would have been apprised of in these progress reports or status meetings that you attended?

A Or call reports.

Q Or call reports.

A Yes. I am not sure it would be fail safe, but yes, it would be the type of information that I would have opportunity to become aware of.

Q Would you consider it important to advise a customer of whatever knowledge Monsanto had to reduce or remove PCBs from its plant effluent?

MR. SCHINK: Now your question is whatever knowledge. Before you were talking about facts. Now

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you are talking about whatever knowledge.

I object to the form.

MS. OLIVER: Well, you can object.

BY MS. OLIVER:

Q You can answer the question.

THE WITNESS: Could you state it again, because I am not sure I understand it.

(Question read.)

MR. SCHINK: Do you understand the question?

THE WITNESS: I don't understand it.

BY MS. OLIVER:

Q You don't understand the question?

A No, what do you mean by its plant?

Q You would consider it important and desirable in your position in 1970 to advise customers who Monsanto had learned had PCB in its plant effluent of any methods or ways that Monsanto had learned about or developed in its own plant to remove PCBs from effluent, wouldn't you?

MR. SCHINK: The question was important and desirable. You are not trying to restate his previous testimony, are you, Ms. Oliver?

MS. OLIVER: No, I am asking the question.

BY MS. OLIVER:

Q Can you answer?

MR. SCHINK: That is a new question.

BY THE WITNESS:

A As a Marketing person, I would always feel it is desirable to provide to customers general information on how to handle our products and how to make our products more effective in their operations, and as I said, the kind of information that I don't remember -- that exhibit number --

BY MS. OLIVER:

Q Exhibit No. 5?

A Yes. That kind of information, I think is good customer rapport. I really, I don't know how to go beyond that.

Q Maybe I can clarify the question.

Would you consider it important from your position to advise customers who Monsanto had learned had PCBs in their plants' effluent of the type of information, types of information provided in Exhibit 5? That is my question.

A Desirous, yes. I don't mean to get hung up on semantics.

Q Would you find it desirous to give them that information?

A Yes, absolutely.

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Q Would you see that they got it?

A Again, we are talking in general, but yes, I would very much take a role to see that a customer got good information.

(Brief recess had.)

BY MS. OLIVER:

Q Other than Exhibits 1 and 2, Mr. Olson, did you participate in drafting of any other letters to customers?

A Not that I recall.

(Olson-OMC Deposition Exhibit No. 6 marked for identification, 11/24/81, TLU.)

BY MS. OLIVER:

Q Mr. Olson, I would like you to take a look at what is marked as your deposition Exhibit No. 6 which is dated August 27, 1970, a letter over the signature of Norman T. Johnson.

Do you recall seeing that before today?

A I don't recall seeing that, no.

Q Mr. Johnson would have sent that letter with your knowledge, I take it, or prepared the letter with your knowledge?

A I would assume that.



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Q Do you know why in August of 1970, Mr. Johnson is authoring a letter, preparing a letter indicating that a new formulation for Pydraul F-9 has been developed?

A I don't recall specifically, no.

Q Do you recall a reformulation of Pydraul F-9?

A I recall only generally that it was being reformulated.

Q Do you know why?

A No, I don't know.

Q This letter provides that during the next 90 days, as inventory is depleted in warehouses around the country, the new formulations will be shipped to fill your orders.

Does that refresh your recollection of the policy followed within Monsanto concerning the deletion of inventories before providing customers with new reformulations?

MR. SCHINK: Are you asking with respect to Pydraul F-9 or generally?

MS. OLIVER: Any of the reformulations.

BY THE WITNESS:

A It does not help my recollection.

BY MS. OLIVER:

Q To your recollection, you were not involved in

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preparing that letter, Exhibit No. 6?

A I don't recall it, no.

Q That was during the period when you were Director of Marketing in August of 1970?

A I don't know exactly when I left, but I would assume that I was still there, yes.

Q You mentioned a document that you reviewed yesterday was a memorandum you prepared to Mr. Mason on the methods of introducing reformulated Pydrauls?

A Yes.

Q Why was that memorandum written?

A I do not recall.

Q It was not normally your line of command to report directly to Mr. Mason, was it?

A No, it was not.

Q Mr. Bergen was your immediate supervisor?

A That is right.

Q You don't recall Mr. Mason asking for a report from you?

A I do not recall.

Q Is it your testimony that your review of that memorandum yesterday did not refresh your recollection as to the methods of introducing the new formulation of Pydrauls?

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A That is correct.

Q Was part of your responsibility as Director of Marketing to develop new business opportunities for functional fluids?

A I did not have the specific new business responsibility. I had a person who reported to me who I believe had a combination marketing research job as well as he was looking at trying to determine if there was new business opportunity in the reclamation area.

Q Who is that person?

A Don Pogue.

Q He reported to you?

A The best of my recollection, he reported to me.

Q Did Mr. Pogue project for you this reclamation business opportunity, is that his responsibility for you?

A That was one area he was looking at. I believe he had other projects, too.

Q Did you ask him to look at that area?

A I don't recall if I asked him.

Q Was he working on that business opportunity area of reclamation when you became Director of Marketing?

A No, my recollection is that he was not in that assignment. He came into that assignment, I think, sometime after I did.

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Q Did you --

A Or very close.

Q Did you ask him to undertake that assignment?

A I don't remember whether when I came that decision had already been made or not.

t4 Q Do you know why the decision had been made to look into that area?

A No, I don't recall.

(Olson-OMC Deposition Exhibit No. 7 marked for identification, 11/24/81, TLU.)

BY MS. OLIVER:

Q Is Exhibit No. 7 the memorandum that you referred to previously, written by you to J. Mason, dated May 5, 1970?

A Yes, it is.

Q This memorandum refers to completed reformulations of Pydraul 625, AC and AC (Winter Grade), and the reformulation of Pydraul F-9 hasn't been completed and testing is under way.

Do you recall as of May 5, 1970, any other reformulations of Pydraul products which would be developed?

A I don't recall. No, I do not recall.

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Q Page 2 under Item No. 3, Customer Contaminant, you refer to:

"Pydrauls are used by the **metal**-working industries, specifically steel, aluminum, **die**-casting and foundries."

What Pydrauls are you referring to?

MR. SCHINK: Are you asking for the specific numbers?

MS. OLIVER: No.

BY MS. OLIVER:

Q Do you recall?

A I can't recall totally. I recall that Pydraul 312 was and A-200 was, and I just barely don't remember beyond that.

Q Were you referring in No. 3 to the Pydrauls other than the Pydrauls AC, AC (Winter Grade), 625 and F-9 that had been reformulated?

A I don't know.

Q You don't recall?

A Correct, I don't recall.

Q Were you referring to all the Pydrauls?

A In which part, ma'am?

Q The first sentence.

A I don't recall.

Q The second sentence in Part 3 refers to:



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"The alternatives that we have available to provide improved containment on a short-term basis are limited but, on a longer-term approach, may present business opportunities to us for the control of all types of hydraulic fluids."

Mr. Olson, what do you mean by the alternatives that we have available to provide improved containment on a short-term basis are limited?

A I don't remember.

Q In this memorandum on Page 2, you also list the customers which have developed reclamation programs for capture and reuse of fluid and one of the companies listed there are Johnson Motors and other companies have been deleted.

What was the purpose of advising Mr. Mason of the reclamation program at customers' plants?

A I was trying to point out steps that were being taken to assist in the total containment of PCBs.

Q What were the other customers besides Johnson Motors that you included here?

A I do not recall.

Q How did you get the information about the customers that you included?

A From our Marketing people who contacted them.

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Q From Mr. Johnson and his group?

A I would say Johnson would have been a key person, yes.

Q Did you ever talk to Mr. Damiani about his contacts with customers in the period 1968 to1970?

A Yes, but I don't recall specifics.

Q Did you discuss what information he was providing to his customers on PCBs?

A I don't recall specifically.

Q Did you meet with all the salesmen, field salesmen in 1968 through '70?

A Yes.

Q Did you meet regularly with them?

A We had Marketing meetings where all would come and I would travel with most of the sales representatives, but I don't remember.

Q To customers' plants?

A More often to customers' buying locations rather than plants, but it encompassed both, yes.

Q Did you ever discuss at these Marketing meetings, what information was being provided to customers about PCBs?

A I just don't recall.

Q Were you aware by the time you left the Functional

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Fluids Group of the development of a fluid called A-200B?

A I don't remember.

Q Have you read any depositions of any Monsanto people given in this case?

A No, I have not.

Q Have you ever given a statement to anybody which was written down or transcribed or recorded concerning your involvement with the PCB problem at Monsanto?

A Not that I recall.

Q Were you aware of any work done in the reclamation field by an entity called Biodize?

A I don't recall.

Q Do you recall any work done by EnviroChem in the period of '68 and '70 with respect to Pydraul customers?

A I don't recall.

Q Have you ever heard of those two entities before?

A Yes.

Q They are Monsanto subsidiaries?

A I am not clear whether Biodize still is, but EnviroChem is. At one point in time, Biodize was.

Q At the salesmen's meetings or the Marketing meetings that you held or attended in 1968 to 1970,

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what topics were discussed?

A I don't recall when the meetings were or what was discussed.

Q Were they regular meetings?

A My impression is that I would have had one each year.

Q Was Mr. Johnson under your supervision during the entire time you were Director of Marketing?

A Yes, he had two different positions.

Q What were his two different positions?

A Initially he was the Field Sales Manager responsible for customers. I believe that's when we went to two separate businesses, and he had responsibility for the Industrial Fluids business as an entity and I believe he had salespeople reporting to him directly there for that area.

Q He in turn reported to you?

A Yes.

Q In either of the positions that he held, he reported directly to you?

A That is correct.

Q And in both positions that he held, salesmen reported to him?

A That is correct.

(Olson-OMC Deposition Exhibit No. 8 marked for identification, 11/24/81, TLU.)

BY MS. OLIVER:

Q Mr. Olson, have you ever seen what we have marked as Exhibit No. 8 which is a draft submitted by Mr. Papageorge called Management Plan, Polychlorinated Biphenyl Environmental Problem?

A I saw this document yesterday.

Q Does that refresh your recollection of seeing it before?

A It did not.

Q Do you recall attending any meetings concerning what should be done to manage the PCB problem?

A No, I do not.

Q Do you recall attending any meetings or having any discussions with Mr. Papageorge or anybody else at Monsanto concerning what the objectives and the actions to be taken should be within Monsanto concerning this PCB problem?

A I attended several meetings relating to PCBs, but I can't differentiate any of them.

Q Do you recall at any of these meetings, any objectives?

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Chicago, Illinois 60603

A No.

Q Any actions developed by Monsanto?

A No.

Q That takes care of that.

Do you have any knowledge of the uses of Pydraul A-200?

A Not specifically, no.

Q Do you know generally what it was used for?

A I can't differentiate it today from my memory, from other Pydraul compounds.

Q Did you know in 1970 what Aroclors were in A-200?

A Yes.

Q Do you know today?

A No.

Q Do you recall learning at any time between 1968 and 1970 when you left Functional Fluids that the A-200 fluid had been found in the environment?

A I don't recall.

Q Or that the Aroclors of which A-200 was composed in part was being found in the environment?

A I don't recall.

MS. OLIVER: I don't have anything else.

MR. PATTI: I have just a few.

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CROSS EXAMINATION

BY MR. PATTI:

Q My name is Sebastian Patti. I represent EPA in this matter, Mr. Olson.

During your tenure at the Functional Fluids Group, do you recall Johnson Motors was an important customer of yours?

A Yes, I do recall that.

Q Why would you describe them as an important customer?

A Because they were of significant size.

Q You are talking about volume of products purchased?

A Yes.

Q Do you recall ever having conversations with Mr. Johnson about Johnson Motors?

A I don't recall any specific conversations.

Q Do you recall any conversations between yourself, Mr. Pogue or Mr. Damiani regarding Johnson Motors?

A I can't recall. I just don't recall.

Q Do you recall ever having any conversations with any members of your staff regarding Johnson Motors?

A No, I don't have a recollection.

Q Did you ever go to Johnson Motors' facility

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in Waukegan, Illinois?

A No, I did not.

Q Did you ever meet with any of Johnson Motors' representatives?

A Not to my recollection.

Q I believe you testified earlier that you left the Functional Fluids Group in late 1970 and that you returned to the Food Ingredients and Fine Chemicals Division, is that correct?

A That's right. I would guess it was September when I left, but I don't know exactly.

Q Why did you leave the Functional Fluids Group in September of '70?

A To go to a larger job.

Q Was that in effect a promotion for you?

A Yes, but I don't recall if it was in grade.

MR. PATTI: I don't think I have any further questions.

REDIRECT EXAMINATION

BY MS. OLIVER:

Q Mr. Olson, do you recall any other important customers to Monsanto of Pydraul fluids in terms of volume sold other than Johnson Motors?

MR. SCHINK: The question is simply do you recall


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is the question to be answered, yes or no.

BY THE WITNESS:

A Yes.

BY MS. OLIVER:

Q Who are they?

MR. SCHINK: I will direct the witness not to answer that question pursuant to the understanding we have with the Court regarding identification of customers.

MS. OLIVER: I am not sure we have an understanding with the Court. That has been your position, Mr. Schink.

We will certify the question.

MR. SCHINK: Fine.

BY MS. OLIVER:

Q Do you know if U.S. Steel in Waukegan, Illinois was a customer of Monsanto functional fluids?

A I do not recall.

Q Do you know if Van Dale Metallurgical Company in North Chicago, Illinois was a customer of Monsanto functional fluids?

A I don't recall.

Q Do you know if U.S. Gypsum in Waukegan, Illinois was a customer of Monsanto functional fluids?

A I don't recall.

Q I will ask the same question with respect to

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Market Cement Company in Waukegan?

A I can't recall.

Q General Motors - Saginaw Foundry in Waukegan, Illinois?

A General Motors, Saginaw Foundry in Waukegan, Illinois?

MR. SCHINK: You said in Waukegan, Illinois?

MS. OLIVER: In Waukegan, Illinois.

BY THE WITNESS:

A I don't recall.

BY MS. OLIVER:

Q Do you know if General Motors was a customer of Monsanto's functional fluids?

A I believe they were.

Q Do you know if Commonwealth Edison in Waukegan, Illinois was a customer of Monsanto's functional fluids?

A I don't know.

Q Abbott Laboratories in North Chicago, Illinois, were they a customer of Monsanto's --

A I don't know.

Q -- Monsanto's functional fluids?

A Excuse me. I don't know.

Q Do you recall if any Monsanto customers purchased functional fluids that were located in the Lake

Michigan area?

MR. SCHINK: What do you mean by Lake Michigan area, on the shore of Lake Michigan?

MS. OLIVER: On the shore of Lake Michigan.

BY THE WITNESS:

A I do not recall.

MS. OLIVER: I don't have anything else.

MR. SCHINK: Thank you, Mr. Olson.

(Witness excused.)

FURTHER DEPONENT SAYETH NOT. . .

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---|---|---|
| THE UNITED STATES OF AMERICA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| vs. | ) | No. 78 C 1004 |
| | ) | |
| OUTBOARD MARINE CORPORATION AND MONSANTO COMPANY, | ) | |
| | ) | |
| | ) | |
| Defendants. | ) | |

I hereby certify that I have read the foregoing transcript of my deposition given at the time and place aforesaid, consisting of Pages 1 to 103, inclusive, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid, as it now appears.

_____
Donald A. Olson

Subscribed and sworn to
before me this _____ day
of _____, A.D. 19____.

_____
Notary Public.

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134 South La Salle Street
Chicago, Illinois 60603

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UNITED STATES OF AMERICA )
NORTHERN DISTRICT OF ILLINOIS )
EASTERN DIVISION ) SS:
STATE OF ILLINOIS )
COUNTY OF COOK )

I, Thea L. Urban, a notary public in and for the County of Cook and State of Illinois, do hereby certify that DONALD A. OLSON was by me first duly sworn to testify the whole truth and that the above deposition was recorded stenographically by me and was reduced to typewriting under my personal direction, and that the said deposition constitutes a true record of the testimony given by said witness.

I further certify that the reading and signing of said deposition was not waived by the witness and his counsel.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this _____ day of December, A.D. 1981.

_____
Notary Public, Cook County, Illinois.
My commission expires May 31, 1983.

Thea L. Urban
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134 South La Salle Street
Chicago, Illinois 60603

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | |
|---|---|
| THE UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>vs.<br><br>OUTBOARD MARINE CORPORATION and MONSANTO COMPANY,<br><br>Defendants. | No. 78 C 1004 |

**DONALD A. OLSON**
**DEPOSITION CORRECTIONS**

| Page | Line | Reads | Should Read |
|---|---|---|---|
| 10 | 9 | Petroleum Chemicals | Petrochemical |
| 10 | 10 | Petroleum Chemicals | Petrochemical |
| 11 | 4 | phenylalanine | phenacetin |
| 14 | 18 | Skydrauls | Skydrols |
| 16 | 18 | competition | composition |
| 17 | 15/16 | accountants | (uncertain - probably "competitors") |
| 22 | 20 | enacted | acted |
| 71 | 10 | now | not |

Donald A. Olson
Donald A. Olson

SUBSCRIBED AND SWORN to before me this 13 day of January, 1982.

Jane Y. Audrain
Notary Public
JANE Y. AUDRAIN
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS CO.
MY COMMISSION EXPIRES DEC 20 1985

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