IN THE CIRCUIT COURT OF THE COUNTY OF HURON

STATE OF MICHIGAN

DALE L. SCHULZ, ET AL,	)	
	)	
VS.	)	FILE NO. 77-002552 NP
	)	
MICHIGAN SILO COMPANY, ET AL,	)	
ROGER A. HALEY, ET AL,	)	
	)	
VS.	)	FILE NO. 77-002593 NP
	)	
MICHIGAN SILO COMPANY, ET AL,	)	
RONALD L. SCHULZ, ET AL,	)	
	)	
VS.	)	FILE NO. 77-002671 NZ
	)	
MICHIGAN SILO COMPANY, ET AL,	)	
RONALD L. HYZER, ET AL,	)	
	)	
VS.	)	FILE NO. 77-002677 NZ
	)	
MICHIGAN SILO COMPANY, ET AL	)	
	)	

DEPOSITION OF COLEMAN WEBER
TAKEN ON BEHALF OF THE PLAINTIFF ROGER A. HALEY

GORE REPORTING COMPANY
408 OLIVE STREET
ST. LOUIS, MISSOURI 63102
241-6750

IN THE CIRCUIT COURT OF THE COUNTY OF HURON

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	)	
VS.	)	FILE NO. 77-002677 NZ
	)	
MICHIGAN SILO COMPANY, ET AL,	)	

DEPOSITION OF COLEMAN WEBER, PRODUCED, SWORN AND EXAMINED ON THE 25TH DAY OF JANUARY, 1983, BETWEEN THE HOURS OF 8 A.M. AND 6 P.M. OF SAID DAY, AT THE MONSANTO COMPANY, 800 NO. LINDBERGH BLVD., ST. LOUIS, MISSOURI, BEFORE GERALYN L. WASHAUSEN, CERTIFIED COURT REPORTER, A NOTARY PUBLIC IN AND FOR THE STATE OF MISSOURI, IN A CERTAIN CAUSE NOW PENDING IN THE CIRCUIT COURT OF THE COUNTY OF HURON, STATE OF MICHIGAN, BETWEEN DALE L. SCHULZ, ET AL, VS. MICHIGAN SILO COMPANY, ET AL; ROGER A. HALEY,

ET AL, VS. MICHIGAN SILO COMPANY, ET AL; RONALD L. SCHULZ, ET AL, VS. MICHIGAN SILO COMPANY, ET AL,; AND RONALD L. HYZER, ET AL, VS. MICHIGAN SILO COMPANY, ET AL.

TAKEN ON BEHALF OF THE PLAINTIFF, ROGER A. HALEY.

- - -

COLEMAN WEBER,

OF LAWFUL AGE, PRODUCED, SWORN AND EXAMINED ON BEHALF OF THE PLAINTIFF, ROBERT A. HALEY, DEPOSES AND SAYS:

DIRECT EXAMINATION

QUESTIONS BY MR. MC GRAW:

MR. JUNGERHELD: I BELIEVE I'LL HAVE MR. WEBER READ AND SIGN THIS ONE, AS WELL.

Q MR. WEBER, WE INTRODUCED OURSELVES TO EACH OTHER JUST BEFORE WE STARTED. JUST TO MAKE SURE WE UNDERSTAND EACH OTHER, I'M JOHN MC GRAW AND I'M REPRESENTING SOME PEOPLE BY THE NAME OF HALEY, AND I WANT TO ASK YOU SOME QUESTIONS ABOUT MONSANTO , PCB'S, AND IN GENERAL A LOT OF DIFFERENT THINGS. AND IF I ASK YOU A QUESTION THAT YOU DON'T UNDERSTAND, YOU DON'T HAVE TO ANSWER IT, JUST SAY YOU DON'T UNDERSTAND IT AND I'LL REPEAT IT OR I'LL ASK THE GIRL TO, THE COURT REPORTER, TO REPEAT IT FOR ME, AND WE'LL JUST TRY TO REPHRASE T FOR YOU, OKAY?

A ALL RIGHT.

Q WE'RE NOT HERE TO CATCH YOU IN ANYTHING, WE'RE

JUST HERE TO GET FACTS AND INFORMATION, OKAY?

A ALL RIGHT.

Q HAVE YOU EVER GIVEN DEPOSITIONS BEFORE?

A YES.

Q IN WHAT KIND OF CASES?

A TWO OF THE CORPORATE MONSANTO.

Q PARDON ME?

A TO CORPORATE LAWYERS THAT REPRESENT MONSANTO.

Q WE'RE IN A DEPOSITION NOW, IS THIS HOW YOU'VE GIVEN A DEPOSITION BEFORE?

A YES.

Q WERE EVER ANY OF THOSE DEPOSITIONS IN A PCB-RELATED ATMOSPHERE OR CASE?

A YES.

Q WHICH CASES WERE THEY?

A THE OUTBOARD MARINE.

Q WHERE WAS THAT PENDING, IF YOU KNOW THE TITLE OF IT?

A OUTBOARD.

Q WAS --

A I DO NOT KNOW.

Q WAS THAT IN WISCONSIN?

A NO. I GAVE THE DEPOSITION IN CHICAGO.

Q WAS THAT SOMETHING ABOUT PCB'S BEING IN THE WATERWAYS AND BEING DEPOSITED IN LAKE MICHIGAN AND AROUND

WATER_PCB-00047694

CHICAGO AND WISCONSIN AND MICHIGAN, DID THAT HAVE SOMETHING TO DO WITH THAT?

A NO. THE CASE THAT I GAVE A DEPOSITION ON HAD TO DO WITH THE OUTBOARD MARINE'S USE OF PCB'S.

Q AND DO YOU REMEMBER WHEN YOU GAVE THAT DEPOSITION?

A LAST YEAR.

Q CAN YOU GIVE US THE DATE?

A I BELIEVE IN MARCH, I'M NOT SURE.

Q WE'RE TALKING ABOUT 1982?

A YES.

Q AND DO YOU REMEMBER THE NAME OF THE PEOPLE THAT WERE SUING?

A IT WAS OUTBOARD MARINE.

Q OUTBOARD MARINE, THEN, WAS SUING MONSANTO?

A THAT'S CORRECT.

Q AND WHO ELSE, IF ANYBODY, DO YOU REMEMBER?

A NO.

Q DO YOU KNOW WHAT THE CLAIM WAS?

A NO.

Q DO YOU KNOW WHO THE LAWYERS WERE FOR OUTBOARD MARINE?

A I DON'T RECALL THE GIRL'S NAME.

Q BUT IT WAS IN CHICAGO?

A YES.

Q DOWNTOWN CHICAGO?

WATER_PCB-00047695

A YES.

Q AND YOU SAID GIRL, IT WAS A LADY ATTORNEY?

A YES.

Q IN HER OFFICE?

A NO. IN OUR ATTORNEY'S OFFICE.

Q WHO WAS YOUR ATTORNEY IN CHICAGO?

A JIM "SHRINK."

Q "SHRINK"?

A I'M NOT SURE OF THE NAME.

Q DO YOU KNOW HOW TO SPELL IT?

A NO.

Q WAS THAT CASE CONCLUDED, DO YOU KNOW?

A I DON'T KNOW.

Q WHAT WAS YOUR TESTIMONY GENERALLY ABOUT IN THAT CASE? I DON'T WANT YOU TO GO THROUGH YOUR TESTIMONY THERE, BUT I MEAN, WERE YOU TALKING ABOUT SALES, WERE YOU TALKING ABOUT THE MANUFACTURING, OR WERE YOU TALKING ABOUT THE CHEMICAL MAKEUP?

A I ANSWERED WHATEVER QUESTIONS THE ATTORNEYS HAD.

Q WHAT IS YOUR AGE NOW, MR. WEBER?

A I'LL BE FIFTY-ONE.

Q AND WHERE WERE YOU BORN AND RAISED?

A I WAS BORN IN ST. LOUIS, MISSOURI.

Q AND WHERE DID YOU GO TO SCHOOL? IN ST. LOUIS?

A WHAT SCHOOL?

WATER_PCB-00047696

Q OKAY. DID YOU GO INTO COLLEGE AFTER HIGH SCHOOL?

A YES.

Q WHAT COLLEGE DID YOU GO TO?

A I AM A GRADUATE OF THE UNIVERSITY OF MISSOURI AND I HAVE A MASTER'S DEGREE FROM ST. LOUIS UNIVERSITY.

Q IN WHAT?

A THE UNDERGRADUATE DEGREE IS IN CHEMISTRY AND A MASTER'S IN BUSINESS ADMINISTRATION.

Q AND WHEN DID YOU GO TO WORK FOR MONSANTO?

A 1961.

Q AND YOU HAVE BEEN HERE EVER SINCE?

A YES.

Q NO PERIODS IN BETWEEN WHERE YOU LEFT AND CAME BACK?

A NO.

Q WHAT WAS THE NATURE OF YOUR JOBS DURING THOSE PERIODS OF TIME?

A BETWEEN--

Q '61 AND NOW.

A IN GENERAL?

Q YES.

A I WAS INVOLVED IN THE QUALITY ASPECT OF THE CHEMICAL THAT I WAS IN CHARGE OF PLUS THE GOVERNMENT REGULATIONS.

Q THAT'S SINCE '61 UP UNTIL NOW?

A YES.

Q WHAT CHEMICAL WERE YOU INVOLVED WITH?

A MANY.

Q ALL RIGHT. NOT ANY ONE PARTICULAR GROUP OR SINGULAR CHEMICAL?

A NO. WHATEVER BUSINESS GROUP I WAS ASSOCIATED WITH AT THAT PARTICULAR TIME.

Q WERE YOU ASSOCIATED AT ANY TIME DURING YOUR CAREER WITH THE AROCLORS?

A YES.

Q WHEN WAS THAT?

A WHEN I BECAME PRODUCT ACCEPTABILITY MANAGER FOR THE SPECIAL CHEMICAL DIVISION IN OCTOBER OF 1975.

Q PRIOR TO 1975 HAD YOU ANYTHING TO DO WITH AROCLORS?

A NO.

Q DID YOU, HOWEVER, KNOW HOW THE AROCLORS WERE MADE UP?

A THE MANUFACTURE OF THEM?

Q YES.

A NO.

(DISCUSSION OFF THE RECORD)

Q DID YOU AT ANY TIME DURING YOUR CAREER WITH MONSANTO INVOLVE YOURSELF WITH THE SALE OF AROCLORS PRIOR TO '75?

A NO.

Q AND JUST TO JUMP AHEAD, IN '77 THEY STOPPED

WATER_PCB-00047698

SELLING IT, DIDN'T THEY?

A WE PHASED OUT OF THAT, THAT'S CORRECT.

Q SO FROM '77 ON THERE ARE NO AROCLORS BEING MANUFACTURED, PRODUCED AND SOLD BY MONSANTO?

A THAT'S CORRECT.

Q SO THERE'S BEEN A TWO-YEAR PERIOD WHERE YOU REALLY WERE INVOLVED, '75 TO '77?

A THAT'S CORRECT.

Q DID YOU AT ANY TIME, I MIGHT BE GETTING INTO DETAILS, NOW, INSTEAD OF GENERALITIES, BACK IN THE SIXTIES, SAY, EARLY SIXTIES UP TO SEVENTIES, HAVE ANYTHING TO DO WITH THE QUALITY AS A QUALITY MANAGER OF PCB'S OR AROCLORS?

A NO.

Q DO YOU KNOW AND ARE WE IN LINE WITH EACH OTHER'S UNDERSTANDING THAT WHEN I SAY AROCLORS OR PCB'S, IT'S THE SAME THING?

A AROCLOR IS MONSANTO'S TRADE NAME FOR THAT TYPE OF COMPOUND, THAT'S CORRECT.

Q ARE THERE ANY OTHER PCB'S UNDER ANY OTHER KIND OF TRADE NAME OR KNOWN NAME IN ANY WAY WHATSOEVER TO DESCRIBE PCB'S MANUFACTURED BY MONSANTO OTHER THAN AROCLORS?

A THERE WAS A LINE OF PRODUCTS WHICH USED THE AROCLOR IN HYDRAULIC FLUIDS, PYDRAUL, AND ALSO THERE IS A LINE OF FLUID, THERMINOL, THAT USED THE AROCLOR, THAT'S BEEN PHASED OUT.

Q BUT WHEN WE'RE SPEAKING OF AROCLORS, WE'RE TALKING ABOUT PCB'S?

A THAT'S CORRECT.

Q WHETHER THEY'RE USED IN HYDRAULICS OR OTHERWISE DIDN'T CHANGE THEM, THEY ARE STILL PCB'S?

A THAT'S CORRECT.

Q DO YOU HAVE ANY IDEA OF THE DIFFERENT CHEMICAL MAKEUPS OF THE POLYCHLORINATED BIPHENYLS YOURSELF?

A YES.

Q WHAT ARE THEY? WHAT'S THE CHEMICAL MAKEUP?

A WELL, PCB IS A POLYCHLORINATED HYDROCARBON WHICH IS AN ACRONYM FOR ABOUT TWO HUNDRED TEN POSSIBILITIES.

Q IN OTHER WORDS, ABOUT TWO HUNDRED NINE OR TWO HUNDRED TEN ISOMERS THAT COULD BE CONTAINED IN A HYDROCARBON?

A POSSIBLE.

Q GENERALLY ARE YOU TALKING IN THE HIGHER CHLORINATED PCB'S OF MAYBE FORTY TO SEVENTY DIFFERENT ISOMERS?

A IT DEPENDS ON THE PRODUCT AND THE PROCESS.

Q AND WHAT ARE THE DIFFERENCES BETWEEN THE AROCLORS, 1216 UP THROUGH 60?

A 12 SAYS IT'S THE POLYCHLORINATED PRODUCT, THE NUMBER BEHIND IT WAS THE TYPICAL CHLORINATION OF THE PRODUCT.

Q THE PERCENTAGE?

WATER_PCB-00047700

A PERCENTAGE, THAT'S CORRECT.

Q 42 WOULD BE 42, 54 WOULD BE 54 PERCENT?

A YES.

Q 60 WOULD BE 60 PERCENT?

A YES.

Q WHAT WOULD BE THE NUMBER 5460, FOR EXAMPLE, A 54 INSTEAD OF 1254 VERSUS 5454?

A I BELIEVE THAT WAS A TERPHENYL THAT WAS CHLORINATED.

Q THE 54 SERIES?

A YES.

Q THE 12 WAS THE POLYCHLORINATED --

A BIPHENYLS, THAT'S CORRECT.

Q AND YOU HAD MENTIONED THAT YOU HAD BEEN INVOLVED IN SOME OTHER LAWSUITS GIVING DEPOSITIONS; WHAT WERE THEY BESIDES THE OMC CASE?

A THAT WAS THE ONLY ONE.

Q THAT WAS THE ONLY ONE?

A YES.

Q WERE YOU INVOLVED IN ANY OF THE PROBLEMS WITH THE GE CASE UP IN MONTANA?

A PARDON ON THE LOCATION?

Q MONTANA.

A NO.

Q HAD TO DO WITH CHICKENS.

A NO.

Q DID YOU KNOW ABOUT THAT SUIT?

A NO.

Q WITH REGARD TO YOUR POSITION WITH THE COMPANY, THEN, DID YOU HAVE ANYTHING TO DO WITH THE PCB'S IN 1960'S THROUGH '70'S IN THE SALES AREA?

A NO.

Q DID YOU, PRIOR TO THIS DEPOSITION, REVIEW ANY MATERIALS IN ORDER TO COME HERE AND RESPOND TO QUESTIONS?

A NO.

Q HAVE YOU EVER READ ANY DEPOSITIONS OF ANY OF THE OTHER MEN THAT WERE INVOLVED IN THIS CASE?

A NO.

Q HAVE YOU DISCUSSED THIS CASE PRIOR TO YOUR DEPOSITION WITH MR. PAPAGEORGE?

A NO.

Q TELL ME WHAT YOUR JOB WAS IN 1975 WITH REGARD TO PCB'S.

A IN 1975 MY JOB WAS PRODUCT ACCEPTABILITY MANAGER FOR THE SPECIAL CHEMICAL DIVISION AND ONE OF THE PRODUCT LINES THAT I HAD INCLUDED THE PCB'S THAT WERE USED IN DIELECTRIC FLUIDS.

Q IF I UNDERSTAND RIGHT, AND CORRECT ME IF I'M WRONG, AT THAT TIME IN '75 THERE WAS NO USE OF PCB'S IN NON-ELECTRIC FIELDS?

WATER_PCB-00047702

A THE ONLY USE OF PCB'S WAS IN THE DIELECTRIC USE.

Q SO WHAT I SAID WAS CORRECT?

A YES.

Q DID YOU EVER GO BACK WHEN FINALLY ATTACHED TO THE AROCLORS IN PCB'S IN '75, DID YOU EVER GO BACK INTO THE HISTORY OF THEM AND HOW THEY WERE MADE AND TO WHOM THEY WERE SOLD?

A I REVIEWED THE INFORMATION ON HOW THEY WERE MADE, BUT I DID NOT REVIEW ANY SALES RECORDS.

Q DID YOU EVER WORK ON PCB'S DURING ANY OF YOUR HISTORY WITH MONSANTO AS TO ENVIRONMENTAL CONTAMINATION BY PCB'S?

A PRIOR TO 1975 I HAD NO ASSOCIATION WITH PCB'S.

Q SIMILARY WITH REGARD TO HEALTH EFFECTS, WHETHER THEY BE ANIMAL LIFE OR HUMAN LIFE OR ANY LIVING THINGS?

A AS I SAID, PRIOR TO 1975 I HAD NOTHING TO DO WITH PCB'S.

Q I'M GOING TO ASK A QUESTION THAT MIGHT SOUND KIND OF DUMB, BUT I WANT TO ELIMINATE SOME OTHER QUESTIONS AND A LOT OF STUFF HERE, THEN; FROM 1961 UNTIL 1965 YOU HAD ABSOLUTELY NO CONTACT WHATSOEVER WITH PCB'S IN ANY FORM WHATSOEVER OR -- STOP RIGHT THERE.

MR. JUNGERHELD: JOHN, YOU SAID '65, DO YOU MEAN '75?

MR. MC GRAW: I'M SORRY, YES, '61 TO '75.

A THAT'S CORRECT.

Q AND YOU MUST HAVE HEARD OF THEM DURING THAT PERIOD OF TIME?

A YES.

Q ALL RIGHT. AND YOU APPARENTLY HAD ABSOLUTELY NO CONTACT WITH ANY OF THE PEOPLE WHO WERE PRODUCING, MANUFACTURING AND SELLING THE PCB LINE?

A THAT'S CORRECT.

Q DID YOU HAVE ANY CONCEPT OF WHAT PCB'S HAD BEEN USED FOR DURING THOSE PERIODS OF TIME BACK BEFORE, WELL, FROM '61 WHEN YOU STARTED UP UNTIL '75?

A PROBABLY WHAT I READ IN THE PAPER OR THAT TYPE OF INFORMATION, BUT NOTHING --

Q NOTHING IN YOUR JOB CIRCLE?

A NOT IN MY JOB AT ALL.

Q HAVE YOU SINCE '75 LOOKED BACK TO SEE WHICH CUSTOMERS HAD BEEN PURCHASING PCB'S?

A NO.

Q HAVE YOU EVER SEEN A CUSTOMER LIST OF PCB PURCHASERS, '61 UP?

A I DON'T RECALL IT.

Q WHEN YOU GOT INTO YOUR JOB IN '75, CAN YOU JUST TELL ME IN A NUTSHELL, I KNOW YOUR TITLE YOU TOLD ME, MR. WEBER, BUT WHAT DID YOU DO, WHAT WAS A DAY TO DAY PROCESS AND PROCEDURE, WHAT WAS YOUR FUNCTION?

WATER_PCB-00047704

A MY FUNCTION WAS TO HANDLE THE QUALITY CONTROL CUSTOMER TECH SERVICE, THAT TYPE OF ISSUES, FOR ALL THE PRODUCTS THAT WERE ASSIGNED TO THE SPECIAL CHEMICAL DIVISION, WHICH INCLUDED -- PLUS THE PRODUCTS THAT WERE ASSIGNED TO -- IN THE FOOD AREA, THE FUNCTIONAL PRODUCTS, WE HAD QUITE A GAMUT.

Q DID YOU AT ANY TIME INVOLVE YOURSELF IN OR WORK WITH THE CHEMISTS AS TO HOW THIS PRODUCT WAS BEING PRODUCED AND WHAT IT CONTAINED?

A AT THE TIME --

Q PCB'S.

A YES, WHEN I GOT INTO MY JOB I DID.

Q HOW DID YOU GET INVOLVED WITH THEM?

A FOR BACKGROUND INFORMATION SO I -- LIKE I WOULD DO ON ANY NEW PRODUCT THAT I WOULD TAKE OVER.

Q SO THAT YOU WOULD BE ABLE TO CONVERSE WITH THE PUBLIC OR THE CUSTOMERS TO WHOM --

A HAVE SOME WORKING KNOWLEDGE HERE AND KNOW THE PEOPLE THAT WERE INVOLVED AND THE ONES THAT WERE THE -- HAD THE EXPERTISE IN THE AREA.

Q DID YOU HAVE DIRECT CUSTOMER CONTACT WHEN YOU CAME INTO THAT JOB IN '75 WITH THE -- THAT IS, CUSTOMERS WHO WOULD PURCHASE PCB'S?

A I HAD ASSOCIATION WITH THEIR REPRESENTATIVES THAT WERE ON -- THAT WOULD BE INVOLVED IN TRADE ASSOCIATIONS

AND THAT TYPE OF BUSINESS.

Q WOULD THEY BE PEOPLE THAT WERE INVOLVED IN OUTSIDE INDUSTRIES THAT WANTED TO MAKE SURE THE PCB COMPOUND OR PRODUCT -- AND COME TO MONSANTO AND TALK TO YOU HERE?

A I WAS NOT INVOLVED WITH ANY OF THE PURCHASES OF CUSTOMERS. MY JOB WAS STRICTLY IN THE ENVIRONMENTAL OR QUALITY OR THAT TYPE OF ISSUE, WHICH DEALT WITH THE SAME TYPE OF PEOPLE AND THEIR ORGANIZATIONS.

Q WOULD YOU GO OUT IN THE FIELD, THEN, AND SEE WHO THESE PEOPLE WERE THAT WERE USING PCB'S?

A NO. I USUALLY TALKED TO THEM IN -- EITHER HERE OR BY PHONE OR IN MEETINGS IN WASHINGTON.

Q ALL RIGHT. SO AS TO HOW THE PRODUCTS, PCB, WERE ACTUALLY BEING USED IN THE FIELD, YOU, YOURSELF, DIDN'T GO OUT IN THE FIELD DIRECTLY TO THE CUSTOMERS WHO PURCHASED AND LOOKED AND DISCOVERED HOW THEY WERE USING THEM?

A NO.

Q THEY WOULD EITHER HAVE TO TELL YOU OR YOU WOULD HAVE TO INQUIRE OF THEM AND FIND OUT?

A THAT'S CORRECT.

Q DURING THAT PERIOD OF TIME AFTER YOU GOT INTO 1975, YOU MENTIONED YOU WENT TO WASHINGTON. WHAT DID YOU GO TO WASHINGTON FOR?

A WE WERE WORKING WITH THE ELECTRICAL INSTITUTE

WATER_PCB-00047706

AT THAT TIME TO HELP THEM ON THE PHASE-OUT OF THE DIELECTRIC FLUIDS AND ALSO TO WORK WITH THE EPA AGENCY ON THE PHASE-OUT OF PCB'S.

Q WHAT WERE YOU DOING WITH THE EPA?

A WE WERE SUPPLYING THEM WITH WHATEVER INFORMATION THAT THEY -- THAT WOULD BE HELPFUL AND WHAT THEY NEEDED. I GAVE TESTIMONY IN WASHINGTON TO REPRESENT MONSANTO BEFORE THE EPA AGENCY, ED TRAIN.

Q MR. TRAIN?

A RIGHT. BUT BASICALLY TO AID THEM IN WHATEVER THEY NEEDED.

Q WAS YOUR TESTIMONY THERE AT A TIME IN ABOUT THE 1976 AREA, BEFORE THE EPA?

A THEY HAD -- THAT SEEMS TO BE THE RIGHT TIME FRAME.

Q AND BASICALLY AT THAT TIME MONSANTO AND THE EPA AND GOVERNMENT AGENCIES AND ENFORCEMENT AGENCIES WERE ATTEMPTING TO GET SOME SORT OF A DATE FROM MONSANTO TO PHASE OUT THE PRODUCTION OF PCB'S?

A NO.

Q WAS THE NATURE OF YOUR TESTIMONY THERE TO SUCH AN EXTENT TO ADVISE THEM THAT MONSANTO WAS WORKING TOWARD THE PHASE-OUT PROJECT AND NEEDED MORE TIME WITHIN WHICH TO WORK IN ORDER TO FIND SUBSTITUTES FOR THE CUSTOMERS AND WORK WITH THE CUSTOMERS?

A NO. THE CUSTOMERS WERE ASKING US FOR MORE TIME

TO FIND SUBSTITUTES THAT WOULD GIVE THEM THE SAME FIRE RESISTANCE AND PERFORMANCE IN THE DIELECTRIC INDUSTRY THAT THE AROCLORS DID.

Q AND WAS THIS YOUR FUNCTION, THEN, ON BEHALF OF MONSANTO, TO EXPLAIN THAT TO THE EPA?

A I WAS PART OF A TEAM THAT WAS INVOLVED WITH THE EPA.

Q WHAT WAS YOUR FUNCTION WITH THE EPA, THEN?

A TO -- AS A COORDINATOR, TO HELP ANSWER QUESTIONS AND SUPPLY ANY INFORMATION THEY REQUESTED.

Q AND TO POINT OUT THAT YOU'RE WORKING TOWARD THE PHASE-OUT?

A THE PHASE-OUT WAS A MANAGEMENT DECISION THAT WAS BASED ON A COMBINATION BETWEEN THE INDUSTRIES AND EPA.

Q OKAY. HOW MANY TIMES WOULD YOU HAVE GONE DOWN THERE TO DO THAT? I SAY DOWN THERE, HOW MANY TIMES DID YOU GO TO WASHINGTON, D.C.?

A ON THE PCB ISSUE?

Q YES. AND TESTIFY?

A I DID NOT TESTIFY. I WENT TO WASHINGTON FOR MANY MEETINGS ON AN AVERAGE OF TWO TO THREE TIMES A MONTH.

Q DID YOU EVER TESTIFY BEFORE THE -- ANY OF THE AGENCIES?

A NO. EXCEPT FOR THE -- TO GIVE THE POSITION PAPER AT THIS MEETING WITH MR. TRAIN, WHICH WAS NOT TESTIMONY.

WATER_PCB-00047708

Q AND DID YOU EVER TAKE WITH YOU FROM MONSANTO PREPARED LETTERS, PREPARED MEMORANDA, PREPARED DOCUMENTS OF ANY KIND OR DESCRIPTION TO GIVE TO THE EPA ON BEHALF OF YOURSELF AND/OR MONSANTO OR YOUR CUSTOMERS?

A ANY DOCUMENTS THAT WERE TRANSMITTED TO EPA WERE MONSANTO DOCUMENTS THAT WERE PREPARED TO ANSWER THEIR SPECIFIC REQUEST.

Q PERIODICALLY WOULD EPA WRITE TO MONSANTO, THEN, AND SAY "HERE'S WHAT WE'RE LOOKING FOR AND WE WANT YOUR EXPLANATION AND TO ANSWER DIFFERENT QUESTIONS"?

A YES.

Q AND MONSANTO, THROUGH SOMEBODY HERE, WOULD ANSWER THE EPA?

A YES.

Q AND THIS WAS GOING ON HOW FREQUENTLY FROM '75 THROUGH '77, AND MAYBE EVEN INTO THIS DATE?

A THE ONLY TIME FRAME I CAN SPEAK OF IS WHEN I WAS INVOLVED, AND WE REPLIED TO THE QUESTIONS THAT THE AGENCY ASKED FOR, WHICH, YOU KNOW, IT'S FAIRLY ROUTINE.

Q ARE THERE -- IS THERE A RECORD KEEPER THAT WOULD HAVE THESE DOCUMENTS TRANSFERRED BACK AND FORTH BETWEEN MONSANTO AND EPA?

A ANY DOCUMENT THAT I TRANSMITTED TO EPA WAS USUALLY ACCOMPANIED BY A COVERING MEMO AND THAT WOULD BE IN YOUR FILES, IF THE FILES WERE RETAINED.

WATER_PCB-00047709

Q WHAT FILE WOULD YOU, IF YOU WANTED TO GET THAT INFORMATION, TO WHOM WOULD YOU GO TO AND WHAT WOULD YOU CALL IT?

A ALL THE FILES THAT I HAD ASSOCIATED WITH PCB'S WERE TRANSFERRED TO DR. JOHN CRADDOCK IN JUNE OF 1980.

Q WHO IS DR. JOHN CRADDOCK?

A DR. CRADDOCK IS THE MANAGER OF -- I'M NOT SURE OF HIS CORRECT TITLE, BUT ENVIRONMENTAL PRODUCT SAFETY AND ENVIRONMENTAL ISSUES, I BELIEVE.

Q AND HE'S EMPLOYED BY MONSANTO?

A YES.

Q IS HE STILL WITH MONSANTO?

A YES.

Q AND HE WOULD HAVE ALL OF THOSE DOCUMENTS THAT YOU WOULD HAVE BEEN INVOLVED WITH THEN?

A I TRANSFERRED THE FILES TO DR. CRADDOCK; WHAT HE DID WITH THEM, I DON'T KNOW.

Q ARE YOU PRESENTLY INVOLVED IN ANY OF THAT?

A NO.

Q WHEN LAST DID YOU WORK WITH THE PCB'S?

A I PHASED OUT AS DR. CRADDOCK BECAME MORE INVOLVED IN THE PERIOD I WOULD SAY JUNE TO SEPTEMBER OF 1980.

Q SO REALLY YOU HAVE GOT A PERIOD OF '75 THROUGH '80 THAT YOU WORKED IN THAT AREA?

A THAT'S CORRECT.

WATER_PCB-00047710

Q AND WAS YOUR INVOLVEMENT PRIMARILY IN QUALITY CONTROL AND ENVIRONMENT?

A MY ASSOCIATION WITH THE PCB'S WAS STRICTLY AS A COORDINATOR TO GET THE INFORMATION TO PEOPLE THAT REQUIRED IT AND MY EFFORT IN THE QUALITY ASPECT WAS THE SAME AS ANY OTHER PRODUCT WHEN WE WERE MANUFACTURING THEM FROM '75 TO '77.

Q IN OTHER WORDS, THAT THE PRODUCT ITSELF WAS MANUFACTURED AND MAINTAINED QUALITY STANDARDS?

A MET THE PERFORMANCE CRITERIA FOR USE IN THE DIELECTRIC FLUIDS.

Q DID YOUR PERIOD OF TIME, '75 TO '80, HAVE ANYTHING TO DO WITH HOW PCB'S WERE REACTING IN THE ENVIRONMENT?

A YES, BECAUSE I HAD TO ANSWER ANY QUESTIONS THAT CAME UP DURING THAT TIME.

Q WHAT STUDIES, IF ANY, DID YOU GET INVOLVED WITH WITH REGARD TO THE ENVIRONMENTAL IMPACT OF PCB'S?

A THE -- WHATEVER STUDIES WERE UNDER WAY AT THE TIME I TOOK OVER THE JOB, AT THAT PHASE, PLUS THE BACKGROUND INFORMATION ON THE -- INFORMATION THAT WAS AVAILABLE AT THAT TIME.

Q WHERE WAS THIS INFORMATION COMING FROM?

A WE HAD AN ENVIRONMENTAL SCIENCE GROUP THAT WAS INVOLVED IN THOSE -- IN THAT PHASE OF IT.

Q WAS THIS AN ENVIRONMENTAL SCIENCE GROUP THAT HAD BEEN IN BEING FOR SOME TIME PRIOR TO YOUR TAKING OVER IN '75?

A YES.

Q DO YOU KNOW HOW LONG THEY HAD BEEN INVOLVED OR WHEN THEY BEGAN?

A MY GUESS IS MAYBE 1970 FORWARD OR EARLIER.

Q WHO WAS IN CHARGE OF THAT GROUP?

A DR. JIM MIEURE.

Q M-U-I --

A M-I-E-U-R-E.

Q AND HE'S STILL WITH THE COMPANY?

A YES.

Q ANYBODY ELSE UNDER HIM THAT YOU CAN REMEMBER?

A WHATEVER EMPLOYEES WERE WITH HIM AT THAT TIME, I CAN'T RECALL, BECAUSE I DEAL WITH THAT GROUP TODAY ON OUR OTHER PRODUCTS.

Q YOU DEAL WITH THE SAME GROUP?

A SAME PEOPLE, SOME OF THE SAME -- THE SAME GROUP, THAT SAME FUNCTION.

Q ALL RIGHT. WHEN YOU CAME INTO THAT GROUP IN 1975, WAS YOUR FUNCTION TO TAKE OVER FROM MIEURE --

A NO.

Q -- OR TO WORK WITH HIM?

A I DID NOT TAKE OVER FROM JIM MIEURE. HE WAS ENVIRONMENTAL SCIENCE.

Q AND WHAT WAS YOUR JOB WITH REGARD TO HIM?

A THAT HE WAS ONE OF THE AVAILABLE RESOURCES TO

USE IN THE AREA OF OUR PRODUCTS.

Q IN THE ENVIRONMENT?

A YES.

Q WAS HE STRICTLY INVOLVED WITH ENVIRONMENTAL RESEARCH?

A HE WAS INVOLVED IN THE ENVIRONMENTAL SCIENCE ASPECT, WHICH DEALT WITH RESEARCH AND ANALYTICAL METHODOLOGY.

Q WERE THERE ANY OTHER PEOPLE BESIDES JIM MIEURE THAT YOU GOT INVOLVED WITH WHO HAD BEEN WORKING IN THAT FIELD ON ENVIRONMENTAL IMPACT?

A YES. WHOEVER WAS IN HIS GROUP.

Q BUT HIS WAS THE ONLY GROUP, THEN, OF MONSANTO? I'M THINKING OF MAYBE OTHER SPLINTER GROUPS OR OTHER --

A NO, THAT WAS THE BASIC -- THAT WAS MY MAIN CONTACT.

Q AND DID THEY PROVIDE YOU, AT THE TIME IN 1975, WITH -- FROM 1970 UP TO 1975 WITH DOCUMENTATION, TESTS, REPORTS, MEMORANDUMS, ANY KIND OF MATERIALS WITH REGARD TO WHAT THEY HAD BEEN DOING SO THAT YOU COULD FAMILIARIZE YOURSELF WITH WHAT --

A I HAD COPIES OF THE REPORTS WHICH WE SUBMITTED TO THE AGENCIES.

Q REPORTS THAT WERE SUBMITTED TO EPA?

A YES.

Q WAS JIM MIEURE REPORTING TO THE EPA FROM 1970 ON?

A I DON'T -- I DON'T KNOW.

Q DID YOU SEE DOCUMENTS THAT SO INDICATED THAT THERE WERE REPORTS AND/OR MEMORANDUMS AND LETTERS PASSING BACK AND FORTH BETWEEN MONSANTO'S MIEURE OR HIS GROUP AND THE EPA?

A ANY COMMUNICATION TO EPA THAT WE WERE INVOLVED WITH WAS IN MY CURRENT FILES, I WAS FAMILIAR WITH AT THAT TIME.

Q WAS THERE SOME SORT OF A FILE WITH SOME NOMENCLATURE ON IT THAT YOU COULD SAY TO HIM MIEURE, "LET ME HAVE YOUR RECORDS AND FILES FROM '70 ON UP TILL '75 SO THAT I CAN READ THEM, FAMILIARIZE MYSELF WITH THEM AND UNDERSTAND IT SO I CAN NOW STEP IN IN '75"?

A NO. AT THE TIME I GOT WHATEVER DOCUMENTS SEEMED PERTINENT TO ANSWER SPECIFIC INFORMATION AND REQUESTS.

Q CAN YOU GIVE US SOME IDEA OF WHAT THEY WERE GENERALLY CATEGORY OR OTHERWISE?

A NO, BECAUSE AT THAT TIME I TOOK OVER A WHOLE GROUP OF NEW PRODUCTS, SO I DID THE SAME THING ACROSS THE BOARD, AND SINCE THAT TIME I HAVE ASSUMED OTHER NEW PRODUCTS AND I DON'T RECALL.

Q APPARENTLY, THEN, THERE WAS AT LEAST A NUMBER OF DIFFERENT DOCUMENTS THAT YOU REVIEWED IN '75 THAT MIEURE HAD ACQUIRED, PRODUCED, OR OTHERWISE FOR MONSANTO?

A WELL, ANYTHING THAT JIM MIEURE HAD DONE, PLUS

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WHATEVER OTHER DOCUMENTS WERE AVAILABLE BOTH INSIDE AND OUTSIDE OF MONSANTO THAT WERE PERTINENT AT THAT TIME I REVIEWED TO GET THE BACKGROUND.

Q WAS THERE ANY FORMAL CONCLUSION, IN 1975, THAT YOU FOUND THAT MIEURE'S GROUP HAD REACHED RELATIVE TO ANY EFFECTS ON THE ENVIRONMENT OF PCB'S?

A WHAT PARTICULAR EFFECTS?

Q ANY EFFECT.

A WELL, THAT'S PRETTY HARD TO ANSWER UNLESS I HAVE A --

Q IN SHORT, HERE YOU ARE, MR. WEBER, AND IT'S '75, YOU'RE NOW INVOLVED IN THE ENVIRONMENTAL IMPACT OF PCB'S, HERE'S A GROUP, MIEURE, THAT'S BEEN WORKING WITH IT FOR FIVE YEARS, YOU SAY "WELL, WHAT'S YOUR CONCLUSION, WHAT HAVE YOU REACHED IN THE LAST FIVE YEARS?" DID YOU HAVE ANY INPUT FROM MIEURE OR HIS GROUP AS TO WHAT MONSANTO HAD BEEN DOING UP TO THAT TIME AND THEIR CONCLUSIONS AS TO THE EFFECTS, IF ANY, ON THE ENVIRONMENT FROM PCB'S?

A ON ANY STUDIES THAT ARE DONE YOU HAVE A SPECIFIC PURPOSE IN MIND AND IT DEPENDS ON THE STUDY ON WHAT THE CONCLUSION IS. I CAN'T REALLY SPEAK IN GENERALITIES ON THE THINGS, UNLESS YOU ASK ME A SPECIFIC QUESTION, I'LL TRY TO ANSWER IT.

Q SEE, MY PROBLEM, THOUGH, IS I WASN'T INVOLVED IN THE GENERALITIES OR SPECIFICS, SO I'VE GOT TO TALK IN

GENERALITIES UNTIL YOU GIVE ME SOME FEEDBACK AS TO LIKE MIEURE'S GROUP, WHAT DID THEY PROVIDE YOU WITH, FOR EXAMPLE?

A WELL, THEY WERE INVOLVED IN THE ENVIRONMENTAL ASPECT OF PCB'S ON THE THING AND WE -- THE DATA IS PUBLIC, IT'S BEEN GIVEN TO THE EPA, IT'S BEEN PUBLISHED.

Q ALL RIGHT. BUT THESE ARE -- DATA THAT'S BEEN GIVEN TO THE EPA WAS DATA FURNISHED BY MONSANTO?

A AND OTHERS.

Q ALL RIGHT. AND THEN EPA WOULD, IN SOME WAY OR FASHION, PERHAPS, PUBLISH SOME OF THIS INFORMATION?

A THEY DID.

Q WOULD THEY PUBLISH ALL OF IT OR WOULD THEY TAKE WHAT THEY WISHED OUT OF THE VARIOUS SOURCES, INCLUDING MONSANTO, AND PUBLISH A COMPOSITE, RATHER THAN QUOTE MONSANTO VERBATIM?

A THE EPA REPORTS WERE PREPARED LIKE ANY OTHER REPORTS WHERE THEY WOULD GIVE THE FACTS AND THEN INCLUDE REFERENCES, IF YOU NEED REFERENCES FOR A SPECIFIC FACT, YOU COULD GET IT.

Q BUT MONSANTO WOULD BE GIVING THE EPA VARIOUS NUMBER OF DOCUMENTS WITH THEIR VIEWS AND WHAT THEY HAVE DONE, AND THEN THE EPA WOULD DETERMINE OUT OF THAT MATERIAL WHAT THEY WANTED TO PUT INTO AN EPA REPORT?

A THEY WERE THE EDITORS.

Q YES. SO WHERE WOULD WE GET THIS INFORMATION THAT

WAS PRODUCED BY MONSANTO AND SENT TO THE EPA, THAT ORIGINAL PRODUCTION OF RECORDS TO EPA, NOT THE COMPILATION BY EPA?

A WELL, THE EPA HAS A LIST OF DOCUMENTS THEY RECEIVED FROM MONSANTO. I'M NOT SURE. I'D HAVE TO ASK DR. CRADDOCK, WHO HAS THAT RESPONSIBILITY NOW, IF HE HAS THAT LIST. I DON'T KNOW.

Q WHEN YOU TURNED THE MATERIAL OVER TO DR. CRADDOCK, WOULD THERE HAVE BEEN A LIST OF ALL OF THE MATERIALS THAT EPA WAS FURNISHED BY MONSANTO?

A WHEN I TURNED OVER THE FILES TO DR. CRADDOCK IT CONTAINED MY INVOLVEMENT FROM 1975 TO 1980.

Q WHICH WOULD INCLUDE WHAT YOU HAD PICKED UP FROM JIM MIEURE FROM '70 TO '75?

A IT COULD HAVE BEEN -- WHATEVER WAS THERE ON THE BACKGROUND AND THE CURRENT INFORMATION.

Q SO DR. CRADDOCK SHOULD HAVE A FILE THAT LITERALLY WILL GO BACK TO 1970AND THEORETICALLY OR POSSIBLY PICK UP ALL OF THE MATERIAL THAT MONSANTO DEVELOPED AND SENT OUT TO EPA AS WELL?

A I DON'T KNOW. YOU'LL HAVE TO ASK CRADDOCK.

Q. BUT HE'S THE SOURCE FOR THAT INFORMATION?

A YES.

Q OKAY. DID YOU EVER GET YOURSELF INVOLVED IN THE HEALTH EFFECTS OF PCB'S IN THE ENVIRONMENT?

A IN WHAT RESPECT?

Q IN ANY RESPECT.

A OTHER THAN THE REPORTS AND INFORMATION AND TRANSMIT THIS TO PEOPLE THAT ASKED QUESTIONS ON IT.

Q ALL RIGHT. DID ANYBODY ASK ANY QUESTIONS ON THE HEALTH EFFECTS OF PCB'S?

A ARE YOU TALKING ABOUT MAMMALIAN, AQUATIC, OR ENVIRONMENTAL?

Q ALL OF THEM, YOU CAN HIT THEM ONE AT A TIME.

A WELL, WHATEVER INFORMATION WAS AVAILABLE IN EACH CATEGORY, THAT WE ANSWERED A SPECIFIC REQUEST TO THE BEST OF OUR ABILITY.

Q DID YOU HAVE -- DID YOU MAKE UP REPORTS, THEN, ON THESE REQUESTS?

A NO. NORMALLY THEY JUST WANTED AN ANSWER, A VALUE; IF THEY WANTED A REPORT AND WE HAD IT, WE WOULD PASS IT ON TO THEM OR WE WOULD PASS ON THE INFORMATION EPA HAD.

Q WHO ARE YOU TALKING ABOUT, "THEY," WHEN YOU REFER TO "THEY" ALL THE TIME?

A WHOEVER THE INQUIRER WAS.

Q WHO COULD THOSE INQUIRERS BE?

A ANYONE, PICK UP THE PHONE, AND IT COULD BE ANYONE.

Q WERE YOU COORDINATING EFFORTS INTERCOMPANY AS TO DIFFERENT DEPARTMENTS IN MONSANTO, SOME DEPARTMENT OR SOME SCIENCE DEPARTMENT OR MEDICAL DEPARTMENT OR SALES DEPARTMENT CALL YOU UP AND SAY, "WE'VE GOT SOME PROBLEM WITH

PCB'S IN THE ENVIRONMENT, WHAT HAVE YOU FELLOWS FOUND OUT ABOUT IT?"

A WELL, IF ANY DEPARTMENT NEEDED INFORMATION OR IF I NEEDED INFORMATION, I WOULD TRY TO GET THE BEST SOURCE AVAILABLE SO THAT WE COULD GIVE THE BEST ANSWER THAT WE HAD, AND SO, YES, THERE WAS COORDINATION BETWEEN THE DEPARTMENT OF MEDICAL ENVIRONMENTAL HEALTH AS WELL AS ENVIRONMENTAL SCIENCE GROUP TO RESPOND TO WHATEVER QUESTIONS WERE ASKED.

Q ALL RIGHT. WOULD YOU HAVE GENERALLY THE CONTROL OVER ALL OF THESE DIFFERENT SOURCES IN MONSANTO?

A I WASN'T -- I DIDN'T HAVE CONTROL, BUT I WAS THE COORDINATOR TO TRY TO PULL TOGETHER THE INFORMATION WE HAD SO WE COULD RESPOND.

Q TELL ME THE NAME OF THE DEPARTMENTS AND UNITS WITHIN MONSANTO THAT YOU COORDINATED SO THAT YOU COULD GET THE COMPOSITE ANSWER FOR AN OUTSIDER.

A WELL, IN GENERAL I WOULD GO TO THE PERSON THAT -- IF IT WAS A QUESTION ON TOXICITY, I WOULD TALK TO OUR STAFF TOXICOLOGIST, IF IT WAS A QUESTION ON AQUATIC, I'D TALK TO THE PERSON THAT WAS INVOLVED IN THAT PARTICULAR AREA. I DO THAT TODAY ON OUR PRODUCTS. I TRY TO FIND THE BEST SOURCE AND GET THE BEST INFORMATION TO THEM.

Q OKAY. THAT'S WHAT I GUESS I'M TRYING TO FIND OUT, WHAT ARE THE NAMES OF THESE DEPARTMENTS AND SOURCES TO WHOM YOU GO?

A WELL, THERE IS A CORPORATE DEPARTMENT OF MEDICINE AND ENVIRONMENTAL HEALTH, WE HAD -- AT THAT TIME WE HAD MONSANTO INDUSTRIAL CHEMICAL COMPANY ENVIRONMENTAL SCIENCE GROUP, WE HAD OUR RESEARCH PEOPLE, WE HAD --

Q WHAT RESEARCH PEOPLE, NOW?

A MONSANTO SPECIAL CHEMICAL DIVISION RESEARCH GROUP. DISTRIBUTION, IF THERE IS A QUESTION ON TRAFFIC OR WAREHOUSES, WHATEVER CORPORATE GROUP OR COMPANY GROUP HAD THAT RESPONSIBILITY.

Q DID YOU, AS THAT COORDINATOR, GET IN TOUCH WITH OUTSIDERS WHO WOULD MAKE INQUIRIES, DIRECT CONTACT BETWEEN YOU AS A COORDINATOR AND OUTSIDERS?

A YES.

Q AND I MEAN OUTSIDERS, NON-EMPLOYEES OF MONSANTO.

A YES.

Q WITH WHOM DID YOU GET IN CONTACT FROM THE OUTSIDE, NON-EMPLOYEES?

A WHOEVER CALLED INTO MONSANTO OR WROTE.

Q WHO?

A IT COULD BE OUR DIELECTRIC CUSTOMERS, STATE AGENCIES, EPA, UNIVERSITY, WHOEVER WAS AFTER INFORMATION.

Q WHEN SOMEBODY FROM THE OUTSIDE MADE THIS CONTACT, WOULD IT BE USUALLY AND GENERALLY BY WRITTEN INQUIRY?

A BOTH, WE HAD TELEPHONE AND LETTERS.

Q GENERALLY WAS IT WRITTEN, SOMEBODY WOULD WRITE IN

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AND SAY "HERE'S MY PROBLEM, I'D LIKE YOU TO WRITE BACK"?

A NO. MOST OF THE TIME THEY PICKED UP THE PHONE TO GET AN ANSWER.

Q IF YOU DID GET AN INQUIRY IN WRITING, WOULD YOU USUALLY ANSWER THEM IN WRITING?

A ABSOLUTELY.

Q IF YOU WANTED TO GO GET THE LETTERS THAT WERE WRITTEN IN FROM OUTSIDERS AND THE MONSANTO REPLIES, TO WHOM WOULD YOU GO TO GET THAT INFORMATION?

A I WOULD HAVE TO ASK JOHN CRADDOCK SINCE HE'S RESPONSIBLE FOR THAT AREA NOW.

Q AND IF YOU WERE TO GET A CALL ON THIS, WOULD YOU HAVE A PAD OF PAPER THERE BY WHICH YOU WOULD IDENTIFY THE PERSON CALLING AND MAKE A MEMORANDUM AS TO THAT CALL AND THE INQUIRY?

A VERY SELDOM.

Q IF THEY CALLED, WOULD YOU ALWAYS BE ABLE TO GIVE THEM THE ANSWER AS TO EVEN TECHNICAL MATTERS THAT WERE INVOLVED?

A WE DO OUR BEST TO ANSWER WHATEVER QUESTION IT WAS. NOT ALL THE TIME WERE WE ABLE TO ANSWER IT.

Q DID YOU MAKE A MEMORANDUM TO A FILE OR A MEMORANDUM TO SOMEBODY, A SUPERIOR TO YOU OR INFERIOR TO YOU, TO PROCESS THE INQUIRY?

A SOMETIMES I WOULD WRITE TO THE PERSON TO ASK

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THEM FOR THE SPECIFIC DATA THAT WE NEEDED TO ANSWER THE -- TO REPLY TO THE QUESTION.

Q SO AT LEAST THERE WOULD BE SOME LETTERS AND CORRESPONDENCE FROM OUTSIDE INQUIRIES AND CORRESPONDENCE FROM MONSANTO BACK TO THEM --

A YES.

Q -- AS TO THE EFFECTS OF PCB'S IN THE ENVIRONMENT?

A WE'D RESPOND TO WHATEVER QUESTION THEY WOULD ASK.

Q GENERALLY YOU WOULDN'T GET THE CALL OR IT WOULDN'T BE TRANSFERRED TO YOU, THOUGH, WOULD IT, UNLESS IT HAD SOMETHING TO DO WITH THE ENVIRONMENTAL EFFECTS OF PCB'S IN YOUR JOB AT THAT TIME?

A NO. I WOULD GET ANY CALL THAT THE -- ASSOCIATED WITH ANY PRODUCT IN THE SPECIAL CHEMICAL DIVISION INCLUDING THE AROCLORS.

Q IF IT DEALT WITH JUST THE AROCLORS, WOULD IT ALWAYS BE FUNNELED OVER TO YOU?

A NO.

Q WHO ELSE WOULD ANSWER QUESTIONS WITH REGARD TO AROCLORS?

A ALL OUR MARKETING PEOPLE THAT WERE INVOLVED IN THE SALE OF THE DIELECTRIC FLUIDS.

Q AND AT THAT TIME, AGAIN BACKING UP JUST TO MAKE SURE, THERE WERE NO PEOPLE IN THE NON-ELECTRIC FIELD? WELL, THERE COULD HAVE BEEN, LET ME BACK THAT UP.

WERE THERE ANY PEOPLE IN THE NON-ELECTRIC FIELD CALLING YOU ABOUT THE EFFECTS IN THE ENVIRONMENT OF PCB'S?

A ANYBODY THAT HAD CALLED.

Q EVEN THOUGH THE COMPANY STOPPED MANUFACTURING OR RATHER STOPPED SELLING TO NON-ELECTRICS IN '70, THE STUFF WAS STILL OUT THERE IN THE COMMUNITY?

A THE AROCLORS WERE STILL THERE, THAT'S CORRECT.

Q YES. AND THEY COULD BE AROCLORS IN STORAGE AND NOT YET USED OR THEY COULD BE AROCLORS THAT WERE USED IN VARIOUS MIXTURES AND STILL INVOLVED IN THE OUTSIDE BUSINESS WORLD?

A YES.

Q AND DID THAT ALSO INCLUDE THE PCB USAGE IN PLASTICIZERS AND RESINS AND OTHER NON-ELECTRICS?

A I WASN'T INVOLVED IN THAT AREA. I CAN'T ANSWER THAT.

Q SO YOU DIDN'T GET ANY REPORTS OR COMPLAINTS OR INQUIRIES FROM NON-ELECTRIC USERS IN THE '75 THROUGH '80 AREA WHEN YOU WERE INVOLVED?

A WELL, THE QUESTIONS THAT USUALLY CAME IN, WE HAVE AN AROCLOR SUCH-AND-SUCH OR WE HAVE A PCB OR THEY WERE TO ASK SPECIFIC INFORMATION ABOUT THE CHEMICAL IN GENERAL.

Q BUT WOULD THIS INCLUDE NOT ONLY DIELECTRICS BUT ALSO NON-ELECTRIC PEOPLE INQUIRY?

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A IT COULD.

Q DO YOU EVER HAVE ANY -- DO YOU HAVE ANY RECOLLECTION OF ANYBODY CALLING IN ABOUT THE USE OF AROCLORS AS A -- IN A PLASTICIZER?

A YES.

Q DO YOU REMEMBER WHO THOSE PEOPLE WERE?

A NO.

Q WOULD THERE HAVE BEEN RECORDS MADE AS TO THOSE INQUIRIES?

A UNLESS -- IF IT WAS WRITTEN INQUIRY, A WRITTEN LETTER WOULD HAVE GONE BACK TO THEM. THERE MIGHT HAVE BEEN SOME TELEPHONE NOTES AT THAT TIME, BUT NOTHING SPECIAL OR ANY DIFFERENT THAN ANY OTHER PRODUCT.

Q WAS THERE ANY POLICY OR PRACTICE OF MONSANTO AT ABOUT THAT TIME DURING THOSE YEARS THAT YOU WOULD SEND OUT A WARNING OF SOME KIND OR A CAUTIONARY NOTE OF SOME KIND TO THE CUSTOMER ABOUT THE USE OF AROCLORS?

A YES.

Q WOULD THESE LETTERS OR MEMORANDUMS, WHATEVER YOU WANT TO CALL THEM, BE SENT OUT AS AN INQUIRY WAS BEING MADE?

A NO.

Q WOULD THEY BE SENT OUT TO JUST ALL CUSTOMERS OR CUSTOMER LISTS OR HOW WOULD YOU DO THAT?

A WELL, THE ONLY SALES WE MADE AT THAT TIME WERE

TO THE DIELECTRIC PEOPLE, OUR DRUM LABEL HAD A WARNING STATEMENT ON IT.

Q BUT IF A NON-ELECTRIC GUY CALLED IN AND STILL HAD SOME MATERIAL ON A SHELF OR WAS STILL USING IT AS A PLASTICIZER, PAINT OR RESIN OR WHATEVER, WOULD HE, ON MAKING HIS INQUIRY, GET ANY KIND OF A LETTER ABOUT THE USE OF PCB'S AND THEIR EFFECT ON THE ENVIRONMENT?

A WE WOULD SUPPLY HIM THE INFORMATION WE HAD ON THE PCB'S, IF HE WAS INTERESTED IN DISPOSAL, WE RECOMMENDED INCINERATION.

Q IF THEY WERE LIQUIDS?

A REGARDLESS, WE RECOMMEND INCINERATION. THAT'S OUR GENERAL RESPONSE TO DISPOSAL OF CHEMICALS.

Q HOW WOULD YOU GET RID OF SOLIDS?

A THERE WERE CERTAIN INCINERATORS THAT COULD HANDLE THAT.

Q IF THE MATERIAL WAS USED AS A PLASTICIZER IN EITHER CEMENT FLOORS OR ASPHALT OR BRICK WALLS, HOW WOULD YOU GET RID OF THAT?

A WE RECOMMEND THEN THAT THEY GO INTO A STATE OR FEDERAL APPROVED LANDFILL.

Q SO THAT IF THEY HAD ANY KIND OF A RECEPTACLE OF ANY KIND THAT CONTAINED MATERIALS AND THAT THERE WAS A PLASTICIZER OR RESIN ON THE WALLS, THEN YOU WOULD RECOMMEND THAT THEY TAKE THOSE TO A FEDERAL DISPOSAL AREA?

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A NO. BECAUSE -- WHAT WE RECOMMENDED, IF THE CUSTOMER OR WHOEVER HAD PCB'S HE WANTED TO DISPOSE OF AND WE WOULD RECOMMEND THEN THE PROPER DISPOSAL FOR THAT PARTICULAR PRODUCT OR MATERIAL AT THAT TIME.

Q BUT IF IT WAS SOMETHING OF A -- SOMETHING THAT WOULDN'T BE INCINERABLE, WOULD YOU RECOMMEND THAT THEY GO TO SOME FEDERAL AGENCY TO FIND OUT HOW THEY CAN GET RID OF IT?

A NO, BECAUSE WE HAD, THROUGH THE DEALINGS WITH EPA, HAD A LISTING OF APPROVED LANDFILL SITES AND THOSE ARE THE ONES WE RECOMMENDED.

Q WHERE WOULD BE A LANDFILL SITE FOR THE SOLID WASTE CONTAINING PCB'S IN '75, 6, 7, 8?

A I CAN'T REMEMBER BECAUSE I DON'T HAVE THE LIST ANY MORE.

Q ALL RIGHT. YOU HAD THEN, AT YOUR CONTROL, A LIST OF EPA RECOMMENDED DISPOSAL AREAS OR DUMP SITES?

A THAT'S CORRECT.

Q AND HOW WOULD IT BE ARRANGED THAT THE OWNER OR USER OR POSSESSER OF MATERIALS CONTAINING PCB WOULD GET THEM TO THOSE SITES?

A HE'D HAVE TO WORK OUT HIS OWN ARRANGEMENTS WITH THE LANDFILL OR DISPOSAL OPERATOR.

Q SO IF YOU HAD TO GET RID OF A BRICK WALL, SMALL BRICK STORAGE BUILDING, OR ANYTHING LIKE THAT, YOU'D HAVE TO

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ARRANGE WITH SOME DUMP SITE AND ARRANGE WITH THEM AS TO HOW TO TAKE IT AWAY FROM WHERE IT WAS LOCATED TO THE DUMP AND WHAT TO DO WITH IT AT THE DUMP?

A I WOULDN'T CALL THEM DUMP SITES BECAUSE --

Q LANDFILLS.

A THEY WERE APPROVED, THERE IS A DIFFERENCE, THEY WEREN'T A SANITARY LANDFILL, THEY WERE APPROVED EPA SITES, THAT'S THE ONLY ONES WE RECOMMENDED.

Q OKAY. WHY WAS THERE A DIFFERENCE BETWEEN AN ORDINARY DUMP SITE AND AN APPROVED LANDFILL?

A IN THE DISPOSAL OF CHEMICALS WE ALWAYS RECOMMEND THAT THEY GO TO AN APPROVED LANDFILL FOR CHEMICALS.

Q WHY IS THAT?

A BECAUSE SOME CHEMICALS ARE HAZARDOUS, SOME AREN'T, BUT WE -- THE BEST DISPOSAL THAT WE RECOMMEND IS EITHER INCINERATION OR AN APPROVED LANDFILL.

Q THIS WOULD BE A LANDFILL APPROVED BY THE EPA?

A OR -- AND THE STATE, IN SOME CASES.

Q OKAY. IN ORDER TO GET THOSE THINGS INTO THE LANDFILL, THAT WOULD BE LEFT UP TO THE CUSTOMER AND THE PROPRIETOR OF THE LANDFILL?

A THAT'S CORRECT, BECAUSE HE HAD TO HAVE A PERMIT TO HAUL THE MATERIAL AND NORMALLY HE HAD HIS OWN TRUCK.

Q COULD YOU -- WOULD YOU RECOMMEND AND WERE YOU RECOMMENDING THAT IF SOMEBODY HAD SOME SOLID WASTE OF PCB'S,

THAT THEY JUST TAKE THEM TO AN ORDINARY DUMP SITE?

A NO.

Q YOU'D ACTUALLY TELL THEM THAT YOU CAN'T TAKE THEM TO AN ORDINARY DUMP SITE, YOU HAVE TO TAKE THEM TO APPROVED LANDFILLS?

A WE RECOMMEND THAT THESE WERE THE SITES APPROVED BY EPA AND TELL THEM THAT'S THE PROPER DISPOSAL.

Q IN THE CASE OF ANY MATERIALS CONTAINING PCB'S, THEN THEY COULD NOT BE PUT INTO AN ORDINARY DUMP SITE?

A WE HAVE NO CONTROL OVER THAT, WHAT A PERSON WOULD DO.

Q ALL RIGHT. BUT AS FAR AS THE REGULATIONS WERE CONCERNED, NO PCB CHEMICALS WERE TO BE USED IN ANYTHING OTHER THAN APPROVED LANDFILLS?

A REGULATIONS WERE DEVELOPED IN THAT PERIOD OF TIME, YOU HAVE TO GO BACK TO THE SPECIFIC REGULATIONS ON WHAT YOU CAN AND CAN'T DO.

Q IN '75 THROUGH '80.

A THERE WAS DIFFERENT REGULATIONS AT THAT TIME, THE EPA WAS WORKING ON THE DISPOSAL OF HAZARDOUS PRODUCTS AND CHEMICALS IN GENERAL.

Q YOU REMEMBER THAT AT LEAST IN '75 THROUGH '80 THAT THE ONLY WAY YOU COULD GET RID OF SOLID WASTE WITH PCB'S INVOLVED IN THEM OR IMPREGNATED THROUGH THEM WOULD BE AT AN APPROVED LANDFILL?

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A THERE WAS A PERIOD OF TIME WHEN THE EPA PROPOSED REGULATIONS AND THERE WAS NO APPROVED SITES IN THE UNITED STATES FOR THE DISPOSAL OF PCB'S BECAUSE THE EPA HAD NOT AUTHORIZED ANY OF THEM.

Q SO IF A PERSON DURING THAT PERIOD OF TIME HAD SOME PROPERTY WITH PCB'S ON IT, THEY JUST HAD TO LEAVE THE MATERIAL THERE ON THEIR OWN PROPERTY?

A THAT'S CORRECT.

Q AND THEN SUBSEQUENTLY THE EPA DEVELOPED DIFFERENT DISPOSAL SITES OR APPROVED DISPOSAL SITES?

A MANY OF THEM THAT WERE USED BEFORE WERE APPROVED AGAIN FOR DISPOSAL OF PCB'S.

Q AND IS THE REASON FOR THAT THAT PCB'S COULD BE HAZARDOUS TO THE ENVIRONMENT AND TO HEALTH IN GENERAL?

A NO. THE REASON FOR THAT, THE PCB'S WERE A GROUP OF CHEMICALS THAT HAD LONG TERM, WHAT SHOULD I SAY, WERE IN THE ENVIRONMENT, THEY WEREN'T AS BIODEGRADABLE AS OTHER CHEMICALS ON THAT EFFECT, AND WE JUST FOLLOWED THE REGULATIONS THAT THE GOVERNMENT ISSUED AT THAT TIME.

Q BUT DIDN'T THEY ALSO HAVE SUSPICIONS AT THAT TIME THAT THEY HAD HEALTH EFFECTS, THAT THEY DIDN'T WANT THEM MIXED IN WITH ANY OTHER AREAS THAT MIGHT CONTAMINATE THE LAND AND PEOPLE OR ANIMALS THAT WOULD COME IN CONTACT WITH IT?

A AT THAT TIME THERE WERE STUDIES THAT WERE DONE THAT INDICATED A VERY -- AT CERTAIN DOSE LEVELS YOU GOT A

RESPONSE IN THE TARGET ANIMAL.

Q SO THAT AT LEAST THERE WAS A CONSIDERATION WITH REGARD TO THE DISPOSAL OF PCB'S, IN THAT AREA OF YOUR JOB, THAT THERE WERE POSSIBLE HEALTH EFFECTS AT DIFFERENT DOSES OF PCB'S ON DIFFERENT ANIMAL LIFE?

A I THINK THE EPA APPROACHED THAT CHEMICAL AS THEY DO OTHERS, THAT DEPENDING ON THE REPORTS THAT ARE -- THEY HAVE ON THE ANIMAL STUDIES OR ENVIRONMENTAL STUDIES ON HOW TO HANDLE THE CHEMICAL PROPERLY.

Q AND AS FAR AS YOU KNOW AND MONSANTO KNEW AT THAT TIME FROM YOUR COMING INTO CONTACT WITH IT IN '75, THERE WAS A CONSIDERATION BY THE EPA AND LITERATURE THAT PCB'S DID AFFECT ANIMAL LIFE AND THEIR HEALTH TO A CERTAIN EXTENT?

A THERE WERE STUDIES THAT INDICATED A POTENTIAL ENVIRONMENTAL PROBLEM WITH THE EPA.

Q AND HEALTH HAZARD?

A THERE WAS NO HEALTH HAZARD OTHER THAN HANDLING ANY OTHER CHLORINATED HYDROCARBON.

Q BUT HANDLING A CHLORINATED HYDROCARBON WAS A HEALTH HAZARD?

A NO. IT'S A CHEMICAL THAT YOU NEED TO TAKE CERTAIN CAUTIONS BECAUSE IT'S A CHLORINATED HYDROCARBON BASED ON ANY TOXICITY STUDIES YOU'VE DONE TO SHOW YOU WHAT LEVEL OF PROTECTION OR IF YOU NEED ANY AT ALL.

Q BUT PCB'S DO HAVE A TOXIC LEVEL THAT WILL AFFECT

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THE HEALTH OF ANIMALS?

A THERE IS AN ORAL LD50 ON EACH AROCLOR.

Q WHICH MEANS THAT THERE IS SOME TOXICITY EFFECTS AT DIFFERENT DOSAGES AND LEVELS IN THE ENVIRONMENT?

A WELL, IF YOU HAVE A TOXICITY VALUE ON AN ORAL LD50 OF GREATER THAN 5,000 MILLIGRAMS PER KILOGRAM, IT'S NON-TOXIC, AND SOME LEVEL BELOW THAT COULD BE SLIGHTLY TOXIC AND THE ONLY WAY TO LOOK AT IT IS TO GO TO THE TOXICITY REPORTS.

Q AND ALSO THE TESTS THAT WERE INVOLVED WERE SHORT TERM OR ACUTE TESTS ON ANIMALS RATHER THAN LONG TERM STUDIES, IS THAT CORRECT?

A NO.

Q THERE WERE LONG TERM STUDIES?

A YES.

Q ON WHAT?

A NORMALLY, I DON'T RECALL THE REPORTS, BUT I ASSUME THAT THERE WERE -- ANY CHRONIC STUDIES WERE DONE USUALLY IN RODENTS, RATS AND MICE.

Q WEREN'T THOSE DONE LIKE IN PERIODS OF A FEW MONTHS RATHER THAN OVER A PERIOD OF TEN, FIFTEEN YEARS?

A NO. IF YOU'RE SPEAKING OF A CHRONIC TOXICITY STUDY, THE NORMAL PERIOD OF TIME THEY ARE CONDUCTED IS 24 MONTHS.

Q ALL RIGHT. AND DO YOU KNOW IF THERE WERE ANY

STUDIES ON ANIMALS, RATS OR MONKEYS OR OTHERWISE, THAT WERE DONE FOR A PERIOD OF INGESTION BY DRINKING OR EATING FOR A 24-MONTH PERIOD?

A I'M NOT SURE OF THE 24-MONTH PERIOD, BUT THERE WAS A MONKEY STUDY THAT WAS DONE BY DR. ALLEN IN WISCONSIN AND ALSO MONSANTO CONDUCTED A LONG TERM STUDY IN MONKEYS. THE TIME FRAME I DON'T REMEMBER.

Q MONSANTO CONDUCTED A TOXICITY TEST ON PCB'S ON MONKEYS?

A ON AROCLOR 1254, YES.

Q WHEN?

A I BELIEVE THAT STUDY WAS INITIATED IN 1976.

Q AND BY WHOM?

A BY OUR DEPARTMENT OF MEDICINE AND ENVIRONMENTAL HEALTH.

Q AND WHO WAS ITS HEAD AT THAT TIME?

A WHO WAS ITS HEAD?

Q WHO WAS THE HEAD OF THE MEDICAL --

A DR. GEORGE RAUSCH.

Q SPELL HIS LAST NAME.

A R-A-U-S-C-H.

Q IS HE STILL WITH THE COMPANY?

A YES.

Q WERE THOSE REPORTS PUBLISHED IN ANYTHING?

A I DON'T KNOW.

Q DID YOU SEE THE RESULTS OF THE TESTS THAT WEREW PERFORMED BY THAT DR. RAUSCH?

A HE DID NOT PERFORM THE TESTS.

Q WELL, HIS DEPARTMENT.

A HIS DEPARTMENT DID NOT PERFORM THE TESTS.

Q WHO DID PERFORM THE TESTS FOR MONSANTO?

A IT WAS CONDUCTED AT AN OUTSIDE LABORATORY.

Q WHICH LABORATORY WAS THAT?

A LITTON BIODYNAMICS.

Q SPELL IT FOR ME.

A L-I-T-T-O-N, I THINK IT'S B-I-O-D-Y-N-A-M-I-C-S, LITTON BIODYNAMICS.

Q LITTON BIODYNAMICS?

A YES.

Q WHERE ARE THEY LOCATED?

A IN THE EAST, NEW JERSEY, I BELIEVE.

Q THIS WAS SOMETHING THAT WAS SPONSORED BY MONSANTO?

A YES.

Q PAID FOR BY MONSANTO?

A YES.

Q WERE THERE TESTS RESULTS AND PAPERS AND REPORTS GIVEN BACK TO MONSANTO?

A IN ANY TOXICITY STUDY CONDUCTED THERE WOULD BE A FINAL REPORT THAT WOULD BE ISSUED TO THE DEPARTMENT OF MEDICINE AND ENVIRONMENTAL HEALTH.

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Q DID YOU EVER SEE THAT ONE?

A NO. I WAS NOT -- DID NOT -- I WAS NO LONGER INVOLVED.

Q IN '76?

A WELL, IT'S A TWO-YEAR STUDY, AND IF YOU CONDUCT A TWO-YEAR CHRONIC STUDY, NORMALLY BY THE TIME YOU GET YOUR REPORT IT'S FOUR YEARS.

Q IS THAT THE ONLY ONE THAT YOU KNOW OF THAT WAS CONDUCTED IN A CHRONIC LENGTH OF TIME?

A NO. THERE WERE EARLIER STUDIES DONE BY INDUSTRIAL BIO-TEST LABS.

Q OF WHERE?

A INDUSTRIAL BIO-TEST LABS, THAT WAS IN CHICAGO, ILLINOIS.

Q SPONSORED BY MONSANTO?

A YES.

Q DO YOU KNOW WHEN?

A IN THE EARLY SEVENTIES.

Q WERE THERE ANY IN THE SIXTIES?

A I DON'T RECALL.

Q AND WERE THOSE OF A SHORT TERM NATURE OR WERE THOSE OF A CHRONIC NATURE FOR MORE THAN FOUR OR FIVE MONTHS AT THE MOST?

A THERE WERE SOME -- THERE WAS PILOT STUDIES DONE WHICH WOULD HAVE BEEN OF SHORT DURATION AND THEN THERE WAS

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CHRONIC STUDIES.

Q HOW LONG DID THOSE CHRONIC STUDIES TAKE, WHAT PERIOD OF TIME OF EXPOSURE?

A NORMALLY A CHRONIC STUDY IS 24 MONTHS.

Q DO YOU KNOW IF THOSE ONES BY THE IBT WERE 24 MONTHS?

A I BELIEVE THEY WERE.

Q DO YOU HAVE ANY IDEA OF THE RESULTS OF THE ONES THAT WERE DONE IN NEW JERSEY ON MONKEYS?

A NO. I DID NOT SEE THE FINAL REPORT.

Q WHERE WOULD WE GET A COPY OF THAT FINAL REPORT?

A YOU HAVE TO ASK MONSANTO FOR IT, I WOULD ASSUME, OR CORPORATE LAWYERS.

Q I MEAN, IF YOU WANTED TO GET ONE YOURSELF, TO WHOM WOULD YOU GO TO?

A IF I WANTED TO GET ONE?

Q YES.

A I WOULD ASK DR. CRADDOCK.

Q AND IF HE DIDN'T HAVE IT, THERE WOULD BE SOMEBODY IN RECORDS, THE CENTRAL RECORDS OR SOMETHING OF THAT NATURE THAT WOULD HAVE IT?

A OH, YES.

Q ANY OTHER REPORTS THAT YOU KNOW OF THAT MONSANTO EITHER DID THEMSELVES IN THEIR OWN LABORATORIES OR SPONSORED OUTSIDE LABORATORIES TO DO?

A WELL, WHATEVER -- THERE WAS REPORTS THAT WE DID AND THE INFORMATION WE RECEIVED ON THOSE REPORTS WERE GIVEN TO THE EPA.

Q ALL RIGHT. AND THEY WOULD UTILIZE WHATEVER THEY WANTED OUT OF THEM?

A YES.

(DISCUSSION OFF THE RECORD)

Q DID YOU HAVE ANYTHING TO DO WITH SENDING OUT ANY MAIL WITH REGARD TO THE USE OF PCB'S AND THEIR EFFECT ON THE ENVIRONMENT OR HEALTH TO ANY CUSTOMER LIST?

A AT THE TIME I WAS INVOLVED OUR CUSTOMERS WERE THE DIELECTRIC USERS, TRANSFORMER AND CAPACITOR MANUFACTURERS.

Q AND IF ANY WENT OUT, THOSE WERE THE PEOPLE THAT WOULD RECEIVE ANY KIND OF MAILING LIKE THAT?

A WELL, IF YOU'RE ASKING ABOUT CURRENT CUSTOMERS, THOSE WERE THE ONLY CUSTOMERS WE HAD.

Q YES.

A AND THE INFORMATION COULD HAVE GONE OUT TO ANYONE THAT REQUESTED IT ON -- INFORMATION ON THE TOXICITY REPORTS, BOTH MAMMALIAN OR AQUATIC OR THE ENVIRONMENTAL REPORTS.

Q ALL OF THESE REPORTS THAT YOU AND I HAVE BEEN TALKING ABOUT WITH MONSANTO EITHER THEMSELVES WORKED ON OR HIRED OUTSIDERS TO DO ARE THINGS THAT YOU HAVE MADE AVAILABLE TO OTHER PEOPLE, OUTSIDERS AS WELL, THEY'VE ASKED FOR IT?

A WE TRIED TO SUPPLY INFORMATION THAT WE HAD AVAILABLE TO ANSWER THEIR QUESTIONS, THAT'S CORRECT.

Q IF THEY WANTED -- IF THEY ASKED YOU, "DID YOU EVER DO ANY REPORTS" AND YOU REPLIED, AS YOU DID TO ME, "YES, WE HIRED THE NEW JERSEY FIRM AND IBT AND WE HAVE SOME REPORTS FROM THEM," AND THE OUTSIDERS SAID, "CAN I HAVE THEM?" YOU WOULD GIVE THEM TO THEM?

A NO.

Q WHY NOT?

A BECAUSE WE WOULD GIVE THEM OUR SUMMARY OF THE DATA ON -- THAT WE HAD IN THE REPORT.

Q BY WHICH IT WOULD MEAN THAT MONSANTO WOULD CHOOSE OUT OF THE REPORTS FROM THOSE WHAT THEY WANT TO GIVE TO THE OUTSIDERS?

A WE WOULD NOT CHOOSE, WE WOULD JUST REPORT THE FACTS THAT WERE GIVEN IN THE REPORT AS WE DO TODAY.

Q BUT WOULD THERE HAVE BEEN ANY OBJECTION IF SOMEBODY INSISTED, "I'D LIKE TO SEE THE FULL REPORT"?

A NO. IF THEY -- IF THEY HAD A TOXICOLOGIST THAT WANTED THAT REPORT, WE'D BE GLAD TO SHARE THAT INFORMATION WITH THEM.

Q TECHNICAL PEOPLE SOMETIMES LIKE TO SEE THE BASE BEFORE THEY GET TO THE TOP TO SEE HOW THE RESULT IS.

A WELL, SOMETIMES THE REPORT DOESN'T DO THE INDIVIDUAL ANY GOOD BECAUSE HE DOESN'T UNDERSTAND IT.

Q RIGHT.

A IT'S BEST TO GIVE HIM THE FACTS ON A SUMMARY SHEET, THAT'S WHAT WE TRY TO DO.

Q DID YOU EVER COME IN CONTACT WITH A CHEMICAL CALLED CUMAR, C-U-M-A-R?

A NO.

Q DID YOU EVER HEAR OF IT?

A THE NAME SOUNDS FAMILIAR, BUT I'M NOT FAMILIAR WITH IT.

Q FAMILIAR FROM WHAT SOURCE?

A I BELIEVE IT WAS ASSOCIATED -- IT WAS A FORMULATION CONTAINING AROCLOR.

Q AND HOW DID YOU LEARN THAT?

A PROBABLY IN THE BACKGROUND INFORMATION WHEN I -- OR DURING THE TIME FRAME I WAS INVOLVED IN PCB'S.

Q DID YOU LEARN THAT THERE HAD BEEN A MONSANTO INVESTIGATION INTO CUMAR USED IN SILOS THROUGHOUT THE MIDWEST?

A NO, I DON'T THINK IT WAS A MONSANTO INVESTIGATION.

Q NEVER HEARD OF IT, ANYWAY?

A NO.

Q DID YOU EVER DISCUSS ANY -- ANY INVESTIGATIONS OR REPORTS ON THE USE OF CUMAR IN SILOS WITH ANY MEMBER OF THE MONSANTO ENVIRONMENTAL TEAM?

A NO.

Q WITH MR. -- OR DR. MIEURE?

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A YES. AND THIS WAS HAND-DELIVERED TO HIM IN WASHINGTON, D.C. WE GAVE COPIES TO THE PEOPLE THAT WERE INVOLVED IN THAT MEETING, I READ THAT STATEMENT.

Q YOU MENTIONED, AND IT SAYS RIGHT HERE, "MEETING," IT WASN'T A HEARING WHEREBY YOU WERE SWORN UNDER OATH AND THERE WAS A HEAD OF THE AGENCY THERE OR SOMETHING TAKING TESTIMONY?

A NO.

Q IT WAS JUST A MEETING IN A ROOM?

A THIS WAS A CONFERENCE WHERE THEY GATHERED THE PEOPLE TOGETHER FOR THE PURPOSE OF GIVING A REPORT ON THE STATUS OF THE AROCLORS, THE PCB'S, THE PRESS WERE INVITED.

Q AND IS THIS THE ONLY DOCUMENT THAT YOU HAD WITH REGARD TO THAT MEETING?

A YES.

Q WHEN YOU FINISHED THAT MEETING DID YOU COME BACK AND MAKE A REPORT AS TO WHAT THE RECEPTION WAS OF YOUR PRESENTATION?

A YES.

Q AND TO WHOM WOULD YOU ADDRESS THAT?

A WELL, I REPRESENTED MR. FITZGERALD AT THAT TIME, I WOULD HAVE GIVEN HIM A REPORT, AND OUR MANAGEMENT.

Q AND AS YOU SAY HERE, JACK FITZGERALD, A MONSANTO VICE PRESIDENT AND MANUFACTURING DIRECTOR OF THE OPERATING UNIT?

A YES.

Q WAS HE YOUR SUPERIOR AT THAT TIME?

A NO. THAT WAS 1976, I WORKED FOR EARL HARBISON WHO WAS THE MANAGING DIRECTOR FOR THE SPECIAL CHEMICAL DIVISION, AND HE REPORTED TO FITZGERALD.

Q HOW DO YOU SPELL HARBISON'S NAME?

A H-A-R-B-I-S-O-N.

Q IS HE STILL WITH THE COMPANY?

A HE'S EXECUTIVE VICE PRESIDENT.

Q DO YOU SUBSCRIBE TO AND REGULARLY RECEIVE ANY SCIENTIFIC JOURNALS?

A YES.

Q WHICH ONES?

A I'M IN THE RESEARCH DEPARTMENT, NUTRITION CHEMICAL DIVISION, THERE IS A LOT OF THEM CIRCULATING. WE HAVE A LOT OF JOURNALS HERE.

Q DO YOU KNOW ANY OFF THE TOP OF YOUR HEAD THAT YOU RELY ON AS A GOOD SOURCE MATERIAL?

A WELL, I'M MORE IN THE BUSINESS REGULATORY ASPECT OF IT AND I PICK UP THE JOURNALS THAT HAVE PERTINENT ARTICLES IN THEM.

Q OKAY. WAS YOUR JOB GENERALLY THROUGHOUT YOUR CAREER, INSTEAD OF TECHNICAL OR CHEMICAL OR SCIENTIFIC, AN ADMINISTRATIVE JOB, IF I MIGHT PUT IT INTO A CATEGORY?

A YES. I WAS MORE ADMINISTRATIVE THAN ACTUALLY A

SCIENTIST.

Q WAS IT THAT YOU CONSIDERED THAT PCB'S, IF THEY WERE INVOLVED IN THE ENVIRONMENT, WERE A CONTAMINANT TO THE ENVIRONMENT?

A NO. I HAVE -- MY DEFINITION OF A CONTAMINANT, THE PCB'S COULD HAVE BEEN A PRODUCT, BUT MY DEFINITION OF A CONTAMINANT IS -- IN A PRODUCT THAT IT'S SOMETHING THERE BY CIRCUMSTANCE OR THAT OR IT'S A TRACE QUANTITY, EITHER, IN THE PRODUCT.

Q IT'S SOMETHING THAT SHOULDN'T BE THERE UNDER ORDINARY CIRCUMSTANCES, THEN?

A NO. BECAUSE IN THE MANUFACTURE OF ANY CHEMICAL, THEY'RE -- SOME PEOPLE SAY THAT THE PRODUCT HAS A TRACE IMPURITY, WHICH COULD BE CLASSIFIED AS A CONTAMINANT.

Q THEN IT'S ANY IMPURITY IN AN AREA OR ENVIRONMENT OR A PRODUCT IS A CONTAMINANT?

A WELL, IN ANY PRODUCT OR ANYTHING THAT YOU'RE LOOKING AT SOMETHING IS THERE, DIRT COULD BE A CONTAMINANT.

Q GENERALLY PCB'S ARE MAN-MADE, AREN'T THEY?

A YES.

Q THEY ARE NOT SOMETHING THAT THE GOOD LORD PUT ON THE GROUND TO JUST GO AND SCOOP UP, IT'S A MAN-MADE PRODUCT?

A YES.

Q IF YOU FIND PCB'S IN A FOOD CHAIN, IS THAT A

POLLUTANT OR A CONTAMINANT TO A FOOD?

A IT COULD BE CALLED A CONTAMINANT.

Q IS A -- ARE THE PCB'S THE -- IN CERTAIN DOSAGE TO LIVING THINGS A POISON TO A CERTAIN EXTENT?

A WELL, YOU HAVE THE TOXIC EFFECT INDICATED IN THE ANIMAL STUDIES AT A HIGH DOSE LEVEL.

Q TOXIC MEANS POISONOUS?

A NOT NECESSARILY, IT DEPENDS ON YOUR DEFINITION OF POISON.

Q WHAT'S YOURS?

A WELL, A POISON TO ME WOULD CAUSE DEATH, A TOXIC EFFECT COULD BE SOMETHING ELSE, WHICH IT COULD INCLUDE DEATH.

Q WELL, IT DEPENDS ON IF YOUR -- A SNAKE'S VENON IS POISONOUS, ISN'T IT?

A YES.

Q BUT NOT EVERYBODY DIES FROM A SNAKE BITE, SO IT'S A MATTER OF DEGREE AND DOSAGE, AREN'T WE TALKING ABOUT?

A WELL, THAT'S THE INTERPRETATION. I USED TO, IN MY AREA, TALKING ABOUT TOXIC EFFECT RATHER THAN POISONOUS.

Q OKAY. OKAY. WERE YOU AWARE, WHEN YOU WERE IN THIS POSITION IN '75 TO '80, OF TESTS IN THE LITERATURE THAT SHOWED THAT THERE WAS EFFECT ON REPRODUCTION, ABORTIONS, CONCEPTION, ON ANIMALS?

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A THERE WAS A LOT OF ALLEGED --

Q EFFECT OF PCB'S?

A -- A LOT OF ALLEGED OR INSINUATIONS THAT WERE IN PRESS AND EVERYWHERE ELSE ON THE USE OF PCB'S.

Q I'M TALKING ABOUT SCIENTIFIC JOURNALS, SCIENTIFIC REPORTS.

A WELL, EVEN SOME OF THOSE SCIENTIFIC REPORTS WERE ALLEGED.

Q WERE YOU AWARE OF THE ONES AT THE UNIVERSITY OF MADISON, WISCONSIN?

A ARE YOU TALKING ABOUT DR. ALLEN'S STUDY ON THE MONKEYS?

Q YES.

A YES.

Q DID HE CONCLUDE THERE THAT THEY AFFECTED THE REPRODUCTION AND DEATHS, ABORTIONS, CONCEPTION, IRREGULAR MENSTRUAL CYCLES AND SO ON?

A I DON'T REMEMBER THAT. THE ONLY THING I REMEMBER ON DR. ALLEN'S STUDY WAS AT A HIGH DOSE LEVEL ON THE PRODUCT THAT HE TESTED HE HAD SOME EFFECTS ON THE MONKEY, LOSS OF HAIR, SKIN COLOR.

Q HAS ANYBODY TO YOUR KNOWLEDGE ESTABLISHED A SAFE LEVEL OF PCB INGESTION, EATING AND DRINKING IT?

A NORMALLY IN THAT CASE IT'S THE ORAL LD50.

Q WHICH WAS DETERMINED BY THAT IBT?

A NO. THAT -- COULD HAVE BEEN WHATEVER LABORATORY RAN THAT ACUTE DATA.

Q FOR THE ACUTE EFFECTS?

A THAT'S CORRECT.

Q SHORT TERM EFFECTS?

A SHORT TERM.

Q DOES ANYBODY KNOW WHETHER THERE IS, IN YOUR KNOWLEDGE, A SAFE LEVEL OF PCB INGESTION FOR LONG TERM?

A THE DATA THAT WOULD BE AVAILABLE IN THOSE LONG TERM CHRONIC STUDIES YOU COULD SET A NO EFFECT LEVEL.

Q DO YOU KNOW WHAT A NO EFFECT LEVEL WOULD BE?

A ON THE AROCLORS?

Q YES.

A NO, NOT WITHOUT LOOKING AT THE STUDIES AND GETTING ADVICE FROM OUR STAFF TOXICOLOGIST.

Q WOULD MILK FROM DAIRY COWS CONTAIN PCB'S -- LET ME SAY IT ANOTHER WAY, WOULD PCB'S CONTAINED IN A -- IN MILK FROM A DAIRY COW BE A CONTAMINANT?

A YES.

Q AND WOULD PCB'S FOUND IN BEEF AND IN CATTLE, PIGS AND SO ON, ANIMALS FOR HUMAN EATING, WOULD THAT BE A CONTAMINANT?

A YES.

Q WAS THERE ANYBODY ELSE BESIDES RUSSELL TRAIN THAT YOU TALKED TO AT EPA?

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A I TALKED TO ANYBODY IN THE AGENCY THAT WAS INVOLVED WITH PCB'S AND MY --

Q I'M JUST TRYING TO SEE IF YOU REMEMBER NAMES.

A I'VE DEALT WITH MANY PEOPLE IN THE AGENCY SINCE THEN AND I DON'T RECALL WHICH ONES THEY WERE.

Q DID YOU EVER DEAL WITH ANYBODY IN THE DEPARTMENT OF AGRICULTURE IN WASHINGTON D.C.?

A I MIGHT HAVE CALLED ON THEM IN RELATION TO PCB'S.

Q DO YOU KNOW WHO?

A NO.

MR. MC GRAW: THAT'S IT.

COLEMAN WEBER

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 1983.

MY COMMISSION EXPIRES: _____ 198_.

_____
NOTARY PUBLIC

I, GERALYN L. WASHAUSEN, A NOTARY PUBLIC IN AND FOR THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT PURSUANT TO AGREEMENT OF COUNSEL CAME BEFORE ME AT MONSANTO CHEMICAL COMPANY, 800 NO. LINDBERGH, COLEMAN WEBER, WHO WAS BY ME FIRST DULY SWORN TO TELL THE WHOLE TRUTH OF HIS KNOWLEDGE TOUCHING THE MATTER IN CONTROVERSY AFORESAID; THAT HE WAS EXAMINED ON THE DAY, BETWEEN THE HOURS AND AT THE PLACE IN THAT BEHALF FIRST AFORESAID, AND HIS EXAMINATION WAS TAKEN IN SHORTHAND AND LATER REDUCED TO TYPEWRITING; THAT THE DEPOSITION WAS SIGNED BY THE DEPONENT ON THE _____DAY OF _____1983, AND HIS DEPOSITION IS NOW HEREWITH RETURNED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS ____DAY OF _____1983.

MY COMMISSION EXPIRES FEBRUARY 23, 1983.

_____
NOTARY PUBLIC IN AND FOR THE
STATE OF MISSOURI

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