IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiff, vs. AVX CORPORATION, et al., Defendants. COMMONWEALTH OF MASSACHUSETTS, Plaintiff, vs. AVX CORPORATION, et al., Defendants.	)	CIVIL ACTION NO. 83-3882-Y (Consolidated)
LUMBERMENS MUTUAL CASUALTY COMPANY, Plaintiff, vs. AVX CORPORATION, et al., Defendants.	)	CIVIL ACTION NO. 84-2082-Y

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LUMBERMENS MUTUAL CASUALTY COMPANY, et al.,	)	
Plaintiffs,	)	
vs.	)	CIVIL ACTION
CORNELL-DUBILIER ELECTRONICS COMPANY, et al.,	)	NO. 84-2044-Y
Defendants.	)	

FIREMAN'S FUND INSURANCE CO.,	)	
Plaintiff,	)	
vs.	)	CIVIL ACTION
RTE CORP. and AEROVOX, INC.,	)	NO. 85-2842-W
Defendants.	)	

DEPOSITION OF WILLIAM B. PAPAGEORGE, produced, sworn and examined on behalf of Plaintiff United States of America, April 15, 16 and 17, 1986, between the hours of eight o'clock in the forenoon and five o'clock in the afternoon of that day, at the law offices of Messrs. Lewis & Rice, 611 Olive Street, St. Louis, Missouri 63101, before KATHRYN T. O'NEILL, a Registered Professional Reporter and a Notary Public within and for the State of Missouri.

A P P E A R A N C E S

The Plaintiff United States of America was represented by Ms. Ellen M. Mahan and Ms. Karen L. Florini, Trial Attorneys, U. S. Department of Justice, Environmental Enforcement Section, Land and Resources Division, Room 2630, Box 7415, Washington, D. C. 20044-7415.

The Plaintiff Commonwealth of Massachusetts was represented by Ms. Susan M. Bernard, Assistant Attorney General, Environmental Protection Division, One Ashburton Place, Boston, Massachusetts 02108.

The Defendant AVX Corporation was represented by Mr. Brian T. Kenner of the law firm of Messrs. Nutter, McClennen & Fish, Federal Reserve Plaza, 600 Atlantic Avenue, Boston, Massachusetts 02110.

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The Plaintiffs Lumbermen's Mutual Casualty Co. and American Motors Insurance Co. was represented by Mr. Francis J. Connell, III of the law firm of Messrs. Drinker, Biddle & Reath, 1100 Philadelphia National Bank Building, Philadelphia, Pennsylvania 19107.

The Plaintiff Firemen's Fund Insurance Co. was represented by Mr. Gary D. Centola and Mr. Paul P. Stewart of the law firm of Messrs. Rivkin, Radler, Dunne & Bayh, Eab Plaza, Uniondale, New York 11556-0111.

The Defendant Aerovox, Inc. was represented by Ms. Marjory D. Robertson of the law firm of Messrs. Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 20037.

The Defendants RTE Corporation and Aerovox, Inc. was represented by Mr. Daniel B. Winslow of the law firm of Messrs. Sherin and Lodgen, 100 Summer Street, Boston, Massachusetts 02110.

The Plaintiff Aetna Casualty & Surety Company was represented by Mr. Daniel L. FitzMaurice of the law firm of Messrs. Day, Berry & Howard, CityPlace, Hartford, Connecticut 06103-3499.

The Defendant Federal Pacific Electric Company was represented by Mr. Howard T. Weir, III of the law firm of Messrs. Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D. C. 20036.

The Defendant Belleville Industries, Inc. was represented by Mr. David A. McLaughlin of the law firm of Messrs. McLaughlin & Folan, 44 County Street, New Bedford, Massachusetts 02740.

Monsanto Company was represented by Mr. Stephen H. Oleskey of the law firm of Messrs. Hale and Dorr, 60 State Street, Boston, Massachusetts 02901. Also present on behalf of the firm was Ms. Judith Beck, Legal Assistant. Also present on behalf of Monsanto was Mr. Thomas M. Bistline, Assistant Litigation Counsel.

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IT IS HEREBY STIPULATED AND AGREED by and between Counsel for the Plaintiffs and Counsel for the Defendants, that this deposition may be taken in shorthand by KATHRYN T. O'NEILL, a Registered Professional Reporter and Notary Public, and afterwards transcribed into typewriting and signed by the Witness.

o-O-o

WILLIAM B. PAPAGEORGE,

of lawful age, being produced, sworn and examined on the part of the Plaintiff United States of America, deposes and says:

DIRECT EXAMINATION

QUESTIONS BY MS. MAHAN:

Q. Good afternoon, Mr. Papageorge. Sorry to keep you waiting. Could you please state your name for the record?

A. William B. Papageorge, P-a-p-a-g-e-o-r-g-e.

Q. And could you give us your current address?

A. 321 Pebble Valley Drive, St. Louis, Missouri 63141.

Q. Do you have any plans to move from that address at any time in the near future?

A. No.

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Q. Could you tell me what your present position is?

A. I'm manager, occupational health, for Monsanto Chemical Company, an operating unit of Monsanto Company.

Q. And how long have you held that position?

A. Since the first of the year.

Q. Prior to that, what position did you hold with Monsanto Company?

A. I was director, environmental operations, for Monsanto Industrial Chemicals Company, an operating unit of Monsanto Company.

Q. And that was from what period of time, to the first of the year?

A. Oh, let me think; about the first of early '83, to the end of '85.

Q. Let's work backwards then. What was your position just prior to that?

A. I was director, environmental operations, for Monsanto Chemical Intermediates Company, an operating unit of Monsanto Company.

Q. And that was from what period of time to '83?

A. 1977, fairly late, to the end of 1983.

Q. Prior to that position in '77, what position did you hold with Monsanto Chemical Company?

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A. At that point in time there was no Monsanto Chemical Company. I was manager of product acceptability for Monsanto Chemical Intermediates Company, an operating unit of Monsanto Company.

Q. From when was that to 1977?

A. I think it was about the middle of 1976 to near the end of 1977.

Q. And as manager of product acceptability, what were your duties and responsibilities?

A. I was to consider any issues relating to a group of products involving their proper labeling, their proper packaging, incidences during transit, use in our customers' plants, communicating to the customers all the information we had concerning that product, and try to keep abreast of any regulations, any information that might be involved regarding that group of products.

Q. Can you tell me what that group of products was?

A. Oh, in Monsanto we called them chemical intermediates. They are chemicals produced for use by industry. To my knowledge, none of them ended up as what you might call consumer products. They were used to make other chemicals, which in turn became the ultimate product.

Q. How many -- approximately how many were there

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of these chemical intermediates?

A. I never kept a record, a list. I'm going to have to guess 100 to 200.

Q. Can you give us just a few examples of what they would be?

A. I'll try. Styrene, acrylonitrile, benzene, ethylene, chlorobenzenes -- there were several of those -- moleic anhydride, sulfuric acid, muriatic acid, caustic soda, phosphorus trichloride.

Q. Okay.

MS. OLESKEY: Enough?

Q. (BY MS. MAHAN) I think that is enough. I think that's a good example. How many people did you have under your control when you held this position, how many employees?

A. Which position was this?

Q. This was manager of product acceptability.

A. I had just the part-time use of a secretary.

Q. I mean, were there any people within that -- was it a division that you managed, or was it just a particular function?

A. It's a function, and I was the person assigned that function.

Q. Polychlorinated biphenyls, were they considered chemical intermediates at that point?

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A. Not in Monsanto's terminology; I can't speak for the rest of the world.

Q. So, polychlorinated biphenyls would not have been within your function from '76 to '77?

A. That is correct.

Q. Prior to 1976, what position did you hold at Monsanto?

A. I was manager of product acceptability for Monsanto Industrial Chemicals Company.

Q. And what products did that include?

A. Polychlorinated biphenyls were some of the products.

Q. Is there a category such as chemical intermediates? Was that the category?

A. These are industrial chemicals.

Q. Industrial chemicals. What else besides PCBs were included?

A. We had a series of hydraulic fluids, heat transfer fluids, water treating chemicals, paper treating chemicals, the ingredients that went into industrial cleaning solutions.

Q. Did Monsanto use any of these chemicals itself? Did it make the chemicals for its own use?

A. Yes.

Q. And did it also make these chemicals for

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sale?

A. Yes.

Q. When did you begin in that job of manager of product acceptability for industrial chemicals?

A. I believe it was about 1973.

Q. Was that job also a function where it was your job to do, and you had no employees underneath you?

A. That is correct.

Q. Prior to 1973, what position did you hold with Monsanto?

A. I was manager, environmental protection, for the organic chemicals division of Monsanto Chemical Company.

Q. From that period of time to '73, did you hold that position?

A. I believe it was about 1971 to 1973.

Q. Did that differ from the position of manager of environmental control?

A. Only in title.

Q. Were you manager of environmental control just prior to this job?

A. Yes.

Q. From what period of time to what period of time did you hold that position?

A. I think from January, 1970 to some point in

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time in 1971.

Q. What was the distinction between those two positions, environmental protection and environmental control?

A. I don't know who, but someone decided we could protect the environment; but really we couldn't control it, so the word just seemed better, "protection."

Q. Was it just a word change?

A. Yes.

Q. There were no responsibility changes?

A. No.

Q. Were there any different chemicals that were under your responsibilities in either of those positions?

A. I don't recall just when, but at some point in that period of time I began to -- I was assigned additional chemical products that Monsanto was manufacturing. I believe it might have been about 1972 or thereabouts.

Q. Would these be new chemicals that Monsanto was formulating?

A. Not new, no; existing.

Q. PCBs were within the organic chemicals division?

A. Yes.

Q. Prior to January of 1970, what position did

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you hold with Monsanto?

A. I was plant manager of Monsanto's plant in Anniston, Alabama.

Q. From what period of time to 1970 did you hold that position?

A. 1965 to the end of 1969.

Q. What were your duties in that position as plant manager of Anniston?

A. I was responsible for everything that took place in the plant from hiring employees, training employees, maintaining the equipment, producing the chemicals, packaging them, shipping them, everything.

Q. When you became manager of environmental control in 1970, did you change locations?

A. Yes.

Q. Where did you move to?

A. To St. Louis, Missouri.

Q. Did you move to the headquarters of Monsanto?

A. Yes.

Q. As manager of environmental control, what were your duties and responsibilities?

A. I was to become familiar as I could with an evolving that we called the PCB issue, presence in the environment, the need for toxicity studies, the considerations regarding end uses, impact on the

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environment, impact on health, anything that might be related to PCBs, their uses and disposal.

Q. Did you have any coordination responsibilities within Monsanto?

A. It was primarily a coordinating responsibility, yes.

Q. And what different departments did you coordinate on the PCB issue as you have called it?

A. There was the marketing administration people, the sales group, the manufacturing people, research and development, the labeling people, the legal people, public relations, advertising, shipping, distribution, medical.

Q. Monsanto had in-house medical personnel?

A. Yes.

Q. And what was their responsibility, in-house medical personnel?

A. Well, they were to advise the Monsanto management on matters relating to health, toxicity, industrial hygiene.

Q. Within Monsanto?

A. Yes, and their customers and their products.

Q. Did those responsibilities as manager of environmental control change at all when you became manager of environmental protection?

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A. No.

Q. Could you just briefly describe your educational background?

A. I have a bachelor of science in chemical engineering degree from Washington University in St. Louis. I have a master of science degree in chemical engineering from Washington University, St. Louis. I have taken postgraduate chemical engineering courses at what at that time was Oklahoma A & M and is now Oklahoma State, and I have attended business management courses at Washington University in St. Louis and at the American Management Association in New York City.

Q. When did you begin working for Monsanto?

A. Where or when?

Q. When?

A. When? 1951.

Q. And what was your title at that point?

A. Project engineer or design engineer or something like that.

Q. Do you remember how long you were in that position?

A. About two years.

Q. What position did you move to after that project engineer position?

A. Assistant production supervisor or some such

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title; it may not be the exact words.

Q. From what period of time?

A. Oh, this is about 1953 to '55.

Q. In 1955, what position did you move into with Monsanto?

A. At about that time I was assigned to the maintenance department at that manufacturing site that I was working at.

Q. And what site was that?

A. That was the St. Louis plant of Monsanto's John F. Queeny plant.

Q. And that was from 1955 until when?

A. Well, the assignment was 1951. That was my initial --

Q. The original assignment?

A. Yes. After that I left that plant in about 1964.

Q. Were you still in the maintenance department at the time you left that plant?

A. No.

Q. When did you move from the maintenance department at the St. Louis plant?

A. Let me think. About 1958, '57, somewhere in that period.

Q. And what job did you hold after that?

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A. I became a superintendent in the plant's technical department, the engineering department.

Q. And as superintendent, how many people did you oversee, supervise?

A. Oh, it varied from six to 12, roughly.

Q. And you held that from 1958 until when?

A. About 1958 to about '62. My memory isn't that good, but somewhere in that period.

Q. And in '62, what job did you move into at Monsanto?

A. I was a general superintendent of the services group distribution department, the utilities operation, the warehousing operation, all services that support the manufacturing function other than maintenance.

Q. And was that still at the Queeny plant?

A. Yes. Yes.

Q. And how long did you hold that position?

A. Until '64.

Q. And what did you do at that point with Monsanto? What job did you hold?

A. I was transferred to the plant in Sauget, Illinois as a general superintendent of manufacturing at that plant.

Q. And how long did you hold that position?

A. Oh, about a year; about '65, when I was

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transferred to Anniston, Alabama.

Q. In '65, did you become plant manager of Anniston?

A. Yes.

Q. Having reviewed a previous deposition that you gave, I know you have testified on many occasions, so I'm going to limit my question to this. Since 1981, have you ever given any testimony under oath?

A. Yes.

Q. And in what matter was that that you testified?

A. Deposition.

Q. In what case or cases?

A. Let me think back. '81. I'm having difficulty recalling when I participated in depositions in a case involving Waukegan Harbor.

Q. Just for the record, I believe that was in '81.

A. Okay.

Q. Okay.

A. That was close. All right.

Q. Since that time period have you given any depositions?

A. Yes. I have given as best I remember -- let me think. Two more. I don't know how to describe it.

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There's a case in South Carolina, and then there's another one. Golly. I lost my memory here. I'm trying to recall one more. There's one more I know.

Q. Do either of those cases involve Monsanto as a defendant?

A. I believe so, yes.

Q. Both of those cases?

A. Yes.

Q. Do either of those cases relate to PCBs?

A. Yes.

Q. Both of those cases?

A. Yes.

Q. Do you remember the location of the other case where you gave a deposition?

A. Yeah. It was in St. Louis. We were on a -- no, we were not a defendant in that case. That's right. I was in error. The second instance that I have difficulty really recalling, it's a case involving transformers in a building in Florida, and I don't know how else to describe it.

Q. Do you know if that case is still ongoing?

A. Yes.

Q. It is still ongoing?

A. To my knowledge, yes.

Q. Do you know where the case is pending?

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A. No.

Q. With regard to the deposition you gave in South Carolina, is that case still ongoing?

A. As best I can tell. I don't know any -- I haven't heard anything since.

Q. Do you know what the issues in that case are or the circumstances of that case?

A. As I remember, it had to do with PCB and water. I've forgotten if it's surface water or if it's ground water.

Q. And it's your understanding that Monsanto is a defendant in the South Carolina case?

A. What's my understanding.

Q. Have you given any other testimony since 1981?

A. At the moment I don't recall any others.

Q. In your deposition in the South Carolina matter, what was the instance of the inquiry that was made of you in that deposition?

A. They asked me about Monsanto and its manufacture of PCBs, and how we labeled it and how we communicated to customers, Monsanto's program for phasing out of many of the uses of PCBs. That was the general drift of the discussions.

Q. Do you remember what the use of PCBs was in

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the South Carolina case?

A. Yes. It was -- let me think. Capacitors.

Q. What was the substance of your deposition testimony in the Florida case?

A. Along the same lines.

Q. And that case dealt with PCBs in transformers?

A. Transformers, yes.

Q. What's been marked as Exhibit 27, if you would take a look at that, please, have you seen Exhibit 27 before?

A. No, ma'am.

Q. Could you take a look at Exhibit A attached to Exhibit 27?

A. Yes.

Q. Have you seen that listing before?

A. I just saw it this afternoon.

Q. Have you been designated on behalf of Monsanto Company to testify here today?

A. Yes.

Q. And in what categories listed in Exhibit A are you testifying to?

A. Oh, let's see. I could testify to Items 5 through 10.

Q. I'll ask your counsel.

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Is that what he is designated to speak to, those five counts?

MS. OLESKEY: I would say in substance, yes.

Q. (BY MS. MAHAN) Those six categories -- excuse me. All right. Mr. Papageorge, starting with when you first began with Monsanto in 1951, when did you first have any responsibility for PCBs?

A. I find that difficult to answer because I don't know what you mean by "responsibility."

Q. All right. When did you -- let's see if this is any easier. When did you -- I guess when did any of your job responsibilities cover either the manufacture, the sale, or the use of PCBs or PCB-bearing fluids?

A. Well, I was involved as a user of PCBs, for example, in the manufacturing function. Some of the operating units used compressors, and fluids used in those compressors contained PCBs. That's an involvement, probably the earliest involvement on my part.

Q. And that would have been at what period of time?

A. Beginning '53, '54, in that period of time; and later the involvement became different under the maintenance function when we would maintain the equipment that contained PCBs, such as the compressors I mentioned or the heat transfer systems that contained fluids in them

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to transfer the heat; and still later when I was the general superintendent of the services functions as superintendent of the power-generating unit, the utilities department. We had, of course, the transformers and capacitors as well as compressors making up much of the equipment that we worked with. So, there I was not only responsible for operating that equipment, but for maintaining it and checking it out and so on.

Q. Did your responsibilities ever entail cleaning up PCBs?

A. Yes.

MR. WEIR: Objection.

Q. (BY MS. MAHAN) They did?

A. Yes.

Q. And how would that have come about in your -- I guess you said you started in '53 having some contact with that?

A. Yes.

Q. How would that come about?

A. Well, if there's any spillage from the units, quite analagous to an oil drippage to our automobile, the idea was to soak it up in something that would absorb it and put it in the right container, and it would be hauled to a landfill. That's an example of a cleanup. Really, this is the primary form that cleanup would take in the

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uses that I was involved with.

Q. And that was starting in 1953, that cleanup practice?

A. Yes.

Q. Did that cleanup practice change at all from that point?

A. No. We improved the conditions by installing -- later as we became aware of the environmental impacts, installing curbs around the equipment to isolate and keep it from moving. That was the principal feature. And for the large unit, the manufacturing unit, we installed underneath the unit a basin in to catch any major spills that might have occurred. Those are two engineering-type additions or changes that were made.

Q. Do you remember when those changes were implemented?

A. Yes. Those began about 1970.

Q. Both the curbing and the basin?

A. Curbing and the basin, yes.

Q. When did you first become involved in the manufacture of PCBs?

A. When I arrived at the Anniston, Alabama plant.

Q. That was in 1965?

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A. '65, yes.

Q. The Anniston plant then manufactured PCBs?

A. Yes.

Q. Did the Anniston plant manufacture all types of PCBs?

A. Yes.

Q. Now, you testified that at the end of 1969, you changed positions at -- changed locations with Monsanto; is that correct?

A. That is correct.

Q. And you became the manager of environmental control at that time?

A. Yes.

Q. Who decided that you would become the manager of environmental control, other than yourself, of course?

A. I can only share with you that I was interviewed by two individuals within Monsanto whose business groups that they managed marketed PCBs. I don't know which of the two made the decision, but I do know that I ended up reporting to one of them. So, I can speculate as to who made the decision.

Q. Who were these two individuals?

A. A Mr. Howard Burgen and a Mr. James Springate.

Q. And what business groups did they supervise?

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A. Mr. Burgen had the -- I don't recall the name for his entire group, but reporting to him were the -- a group that marketed and managed functional fluids business. Mr. Springate had the plasticizers business group.

Q. And who did you end up reporting to?

A. Mr. Burgen.

Q. Now, do you know if they set up this position and then chose you for it in that reagrd?

A. Yes.

Q. Were there other applicants for that position?

A. I don't know.

Q. Did you actively apply for that position, or were you requested to take it?

A. My supervisor at the time suggested that I might be interested, that he had been asked to contact me, and he suggested that I might go to St. Louis and interview, which I did in December, '69.

Q. Now, at that time before you went to interview, what did you understand this position to be?

A. It wasn't an awful lot of knowledge. At best I remember it was described as, "There is an evolving issue relating to" -- and we didn't use the word "PCBs" -- "the Aroclors that you manufacture, and since it's divided

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between the two business groups, we need someone who can let the left hand know what the right hand is doing, and we think that you can help us. Would you be interested?" And I took the position, "Well, if somebody thinks I can help, I'll try."

Q. This was a new position then that was being created?

A. Yes.

Q. And when you interviewed or at the time that you accepted the position, what were you told that your responsibilities would be?

A. Well, very much like the way I described the environmental control job previously: to stay abreast of the developments relating to PCBs, advise the different managers of the different functions as to the role they could play, the work they might be doing, the information they might be generating, call them to group discussions as appropriate, and advise Mr. Burgen and Mr. Springate what actions appeared to be appropriate and get their approvals.

Q. Did you have any authority to direct either of those gentlemen to take actions?

A. No.

Q. Were you more in an advisory capacity to these gentlemen?

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A. Primarily, yes.

Q. When did Monsanto first become interested in the effects of Aroclors on the environment, or aware, if you would prefer that word?

MR. McLAUGHLIN: I didn't get the last few words.

MS. MAHAN: Or aware if he prefers that word.

A. I believe in about 1968, Monsanto representatives were aware of some studies, some reports that came out of Sweden regarding the detection of the materials that appeared to be PCBs, and they were found in samples that to Monsanto were quite surprising.

Q. (BY MS. MAHAN) I'm sorry. What do you mean by that?

A. Such as children's hair, pine needles, feathers from an eagle out of a museum; that was the listing that was made available to Monsanto. I think that was about 1967-68, somewhere in there, and the work, as I understand it, was performed in 1966, somewhere along in there.

Q. Do you know how Monsanto became aware of these reports?

A. As best I recall, our European Monsanto people got a copy of a translation reporting these results. Just how they did this, I don't know.

WATER_PCB-SD0000068735

Q. And at that time in those reports was it specified what type of PCBs were showing up?

A. No. The copy I saw was rather confusing. In fact, they kept referring them to as polychlorinated "biphenols," which confused Monsanto because we didn't make such a chemical, but at the same time there were people telling us, "This is your chemical."

The analytical methodology was still evolving using a rather sophisticated analytical method for that period of time, the gas liquid chromatography. So, since Monsanto made the polychlorinated biphenyls, it, of course, became of interest to Monsanto, and they started looking into analytical methods.

Q. And when did you first learn of those reports?

A. It was about the middle of 1969 that I was told about it.

Q. Do you know in what regard or when it was, why it was that you were told about it in 1969?

A. Well, my supervisor at the time said that -- these aren't his exact words -- that our analytical laboratory was able to confirm that this material that was being confused with other chemicals like DDT and DDE appeared to be a polychlorinated biphenyl, and since we manufactured it, we certainly had an interest into how did

WATER_PCB-SD0000068736

it get into the samples that were reported? That was the initial message to me.

MS. MAHAN: Mark this 34.

[Government Deposition Exhibit No. 34 marked for identification.]

Q. (BY MS. MAHAN) If you could, take a look at what's been marked as Exhibit 34.

MR. CONNELL: Miss Mahan, can I suggest so that the record is clear that you identify on the record what the document is?

MS. MAHAN: I was just going to do that.

MR. CONNELL: Or describe the document on the record. Pardon me.

MS. MAHAN: For the record, Exhibit 34 contains the reel and frame number KER030, frames 517F through 523L.

Can you identify this document that's been marked as Exhibit 34?

A. I can. Should I?

Q. Yes. Could you identify it for the record?

A. Well, this exhibit consists of two press releases issued by Monsanto, one on April 10, 1970, and the other on July 16, 1970.

Q. Have you seen these press releases before?

A. Yes.

WATER_PCB-SD0000068737

Q. Were you involved in the preparation of these press releases?

A. Yes.

Q. I'll draw your attention to the fourth line on the front page.

MR. BISTLINE: Do you want to specify a frame number?

MS. MAHAN: Frame number 517F --

A. The fourth line.

MS. MAHAN: -- which would be the April 10th press release.

The sentence that begins, "The company began a six-point program in 1969," could you describe that six-point program that the company began?

A. Well, first and foremost was the development of analytical methodology specific to the identification of PCBs in different kinds of samples. Another point of the program, as I recall, was to become more knowledgeable of the toxic effects of PCBs, health and environment effects. Number 3, tighten up on our operations to further prevent any escape to the environment.

Q. (BY MS. MAHAN) Monsanto's own operations?

A. Monsanto's. Number 4, keep the customers advised of developments relating to PCBs. Number 5 -- these are not in the exact order nor the exact words.

WATER_PCB-SD0000068738

Number 5 is look for alternative materials. I believe number 6 had something to do with understanding why the lower chlorinated biphenyls weren't being reported as being present in the environment. It had something to do with understanding the biodegradation rates. As best I recall, that was it.

Q. On page 3, which is frame number 519L of Exhibit 34, the very first sentence mentions coordinatio with all customers. Who was given the responsibility under this program to undertake that particular task, coordination with all customers?

A. That was the marketing function.

Q. And whose responsibility would that -- who was supervising the marketing function at that time?

A. At that time there was a Don Olson who had the functional fluids marketing, and I believe it was Walter Schalk, S-c-h-a-l-k, who had the plasticizers marketing.

Q. Now, would Mr. Burgen be Mr. Olson's supervisor?

A. Correct.

Q. And Mr. Springate would be Mr. Schalk's supervisor?

A. Correct.

Q. Was part of the six-point program to provide

WATER_PCB-SD0000068739

a disposal or recycle assistance for discussion?

A. That was an intent, and part of it was achieved. The disposal or the return and disposal of liquid wastes was achieved.

Q. Now, I don't believe you mentioned that as part of the six-point program, though.

A. No. I believe that came out later.

Q. I see.

A. We had several six-point programs.

Q. Was it sort of an evolving program?

A. It was evolving, yes.

MS. MAHAN: I'd like to have this marked as 35.

[Government Deposition Exhibit No. 35 marked for identification.]

Q. (BY MS. MAHAN) What you see being marked as Exhibit 35 contains the reel XER033 and the frame numbers 527F. Wait. I'm sorry. 527F, 528, 529, 531L, 530, 524F, 525 and 526L. If you could, take a look, please, at Exhibit 35, which contains several documents.

MR. McLAUGHLIN: Ellen, could I have that sequence again?

MS. MAHAN: Frame numbers 527F, 528, 529, 531L, 530, 524F, 525 and 526L.

Have you seen these documents identified as Exhibit

WATER_PCB-SD0000068740

35 before?

A. Yes.

Q. And what are these documents?

A. These are summaries of Monsanto's activities which were part of the multi-point program that were used by Monsanto to share with anyone that had any interest in PCBs.

Q. Were these issued with a press release? Do you know?

A. No. I don't recall a press release associated with these.

Q. Did you participate in the preparation of these -- what are they, reports?

A. These are status reports --

Q. Status reports?

A. -- is what we call them them of ongoing activities.

Q. Did you participate in the preparation of these status reports?

A. Yes.

Q. Were these status reports required within Monsanto, or were they for the public?

A. They were primarily intended for other than Monsanto.

Q. And whose idea was it to prepare these status

WATER_PCB-SD0000068741

reports?

A. I guess it was mine. I found myself in the position of responding to requests by telephone and in writing for this kind of information, and I asked the individuals in charge of these programs to write me summaries that I could use and drop it in the mail or read it over the telephone. So, I guess I had a lot to do with this approach.

Q. Now, at the time in early 1970, you held your position as manager of environmental control; is that right?

A. Yes.

Q. And at that same period of time, early 1970, who were you receiving requests for information from on these issues?

A. The customers, universities, Government agencies, both Federal and state and some local, some cities, other producers of PCBs worldwide that were starting to become interested.

Q. Was it within your responsibilities to coordinate with Governmental agencies as well as to coordinate within Monsanto?

A. Yes.

MS. MAHAN: I'd like to have this marked 36.

[Government Deposition Exhibit No. 36 marked

WATER_PCB-SD0000068742

for identification.]

MS. MAHAN: What's being marked as Exhibit 36 contains the reel and frame number XER032 2232F and 2233.

Have you seen this document before, Exhibit 36?

A. Yes, I have.

Q. Were you involved in the preparation of this letter?

A. Yes.

Q. And what is this letter?

MR. McLAUGHLIN: Objection. Just a moment, Ellen. There's not enough documents, and you're not floating them down here, and I would just like to look at this before the questions are asked of the witness in regard to an exhibit I haven't seen. Thank you.

Q. (BY MS. MAHAN) Will you identify Exhibit 36 for us?

A. The exhibit I'm looking at is a form letter dated February 9, 1970, signed by Donald Olsen, director of sales, functional fluids group with Monsanto.

Q. And who was this form letter sent to?

A. This letter was sent to users of hydraulic fluids or heat transfer fluids or dielectric fluids containing PCBs.

Q. And whose idea was it to send this letter?

A. I don't recall any one person. It was a

WATER_PCB-SD0000068743

consensus of a group that included marketing research, manufacturing. I was present. So, it's a group effort, really.

Q. Do you know if this letter was sent to Cornell-Dubilier Electronics in New Bedford?

A. It's either this letter or one very much like it.

MR. McLAUGHLIN: Move to strike the answer.

Q. (BY MS. MAHAN) Do you know if this letter was sent to Aerovox Corporation in New Bedford?

A. It's either this or one that has everything but the last paragraph is different. There are two forms.

MR. McLAUGHLIN: Move to strike the answer.

Q. (BY MS. MAHAN) The other form, what did that contain?

MR. McLAUGHLIN: Objection.

A. There was a letter addressed to the dielectric customers specifically, and the last paragraph referred, as best I remember, to the use in dielectric fluids in capacitors and transformers.

MR. WEIR: Move to strike.

MR. McLAUGHLIN: Move to strike. The document speaks for itself.

MS. MAHAN: So, we are speaking about a different document now.

WATER_PCB-SD0000068744

MR. McLAUGHLIN: That's exactly the point.

Q. (BY MS. MAHAN) That other letter that went specifically to dielectric users, do you remember what the last paragraph dealt with in terms of use of dielectric fluids?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. It referred to the use of some of the PCBs in some of the dielectric fluids that the recipients may or may not have gotten.

Q. (BY MS. MAHAN) May not have gotten?

A. Have purchased or used.

Q. I see. And do you remember what time that letter was sent out?

A. It's the same time, approximately, as the on I'm looking at now.

Q. At this period of time in early 1970, was Monsanto working on developing a less persistent Aroclor?

A. Yes.

MR. McLAUGHLIN: Objection.

MR. WEIR: Objection.

Q. (BY MS. MAHAN) At this same period of time was Monsanto working on methods for disposal of spent Aroclors?

A. Yes.

WATER_PCB-SD0000068745

MS. MAHAN: I'd like to have this marked as Exhibit 37.

[Government Deposition Exhibit No. 37 marked for identification.]

Q. (BY MS. MAHAN) If you could, take a look at what's been marked as Exhibit 37. For the record, Exhibit 37 is MER032 0147F, 01478, 0147SL.

MR. McLAUGHLIN: I'm objecting to the introduction of this exhibit. For the record, it appears that it's been altered from its original state.

MR. WEIR: Join Mr. McLaughlin in that objection.

MR. WINSLOW: Just for the record, are we going to be using the same stipulation as we had for the previous deposition where an objection by one counsel is deemed to be an objection by all --

MR. WEIR: Who wish to join.

MR. WINSLOW: -- who wish to join?

MS. MAHAN: I think that's fine.

MR. CONNELL: I think we already had that agreement on the record today.

MR. WEIR: We did in the prior deposition.

MS. MAHAN: That's fine. Let me make that clear.

Can you identify Exhibit 37 for the record?

WATER_PCB-SD0000068746

MR. McLAUGHLIN: May I have a clarification of the question as original or in its form?

Q. (BY MS. MAHAN) Can you identify this copy of Exhibit 37?

A. It's an interoffice memorandum. The recipient is Donald Olson. The author is Paul Benignus, and it addresses the subject of a modified PCB to be tested for a capacitor application.

Q. Who is Paul Benignus?

A. Mr. Benignus was the individual that was responsible for marketing of dielectric fluids containing PCBs.

Q. If I could draw your attention to the second paragraph on the first page, frame 0147F, the memo states on the second line, ". . .to visit them to do the things we used to do several years ago." Do you know what that refers to, "the things we used to do several years ago"?

A. I can give you my understanding. This is a very close working relationship regarding fluids and the uses in capacitors and the testing with different kinds of other materials that go in the capacitor manufacture.

MR. McLAUGHLIN: I move to strike the answer. It is nonresponsive.

MR. WEIR: No foundation for that answer.

Q. (BY MS. MAHAN) Was there some prior

WATER_PCB-SD0000068747

relationship that existed with the companies that used dielectric fluids that Mr. Benignus was referring to?

A. There was a much closer relationship until the technology had evolved pretty far, and the discussions along those lines diminished, and Mr. Benignus was looking forward to again talking to the technical people and manufacturing people that represented the customers.

MR. McLAUGHLIN: Move to strike.

MR. WEIR: Objection; hearsay.

Q. (BY MS. MAHAN) Did you speak to Mr. Benignus or Mr. Olson about this renewal of this relationship?

A. Yes.

Q. And that is the basis of your knowledge of what Mr. Benignus was referring to in that paragraph?

A. That is correct.

Q. If I could draw your attention to the third paragraph on that same first page, the last two lines state ". . .relieve the industry of the PCB pollution problem via Aroclor 1242B." Is that correct?

A. Yes.

Q. Do you know what Mr. Benignus meant by that?

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

A. At that point in time the perception was that

WATER_PCB-SD0000068748

the higher chlorinated PCBs, as represented by Monsanto's Aroclor 1254 and Aroclor 1260, were the types found in the environment; and, therefore, they were described as the pollution problem. By introducing a material such as the Aroclor 1242B that is mentioned here, it was hoped that this would eliminate or certainly reduce the potential for the higher chlorinated PCBs if released to the environment, would persist to the environment.

MR. WINSLOW: Move to strike.

Q. (BY MS. MAHAN) And how do you know that that is what Mr. Benignus meant by relieving the PCB problem via Aroclor 1242B?

A. Well, that was the general topic of discussion that we in Monsanto were addressing.

MR. McLAUGHLIN: Move to strike it. Not responsive.

Q. (BY MS. MAHAN) Is it fair to say then that that was not just Mr. Benignus' opinion, but the opinion of Monsanto at that time?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MS. MAHAN) Was that your opinion, also, at that time with regard to 1242B?

A. Yes.

WATER_PCB-SD0000068749

Q. Let me draw your attention to the fourth paragraph, the second sentence, which refers to the scrap handling problems.

A. Yes. I see it.

Q. Do you know what Mr. Benignus was referring to by the scrap handling problems?

MS. ROBERTSON: Objection.

MR. WINSLOW: Objection.

MR. WEIR: Objection.

A. Well, the thought that we had at Monsanto based on our understanding of the capacitor customers' disposal situation is that if we could produce a PCB that would not be persistent, the disposal of these capacitors, those that didn't pass a test or those that were spent should not pose a long-term, never-ending presence problem, that eventually the PCBs that were present would degrade.

MR. WINSLOW: Move to strike.

MR. McLAUGHLIN: Move to strike.

Q. (BY MS. MAHAN) Did the scrap handling problems include both liquid Aroclor and solid waste from the dielectric process?

A. Well, they were both, of course, present. The solid scrap disposal was perceived to be the most difficult as compared to the liquid for which we had high

WATER_PCB-SD0000068750

hopes that incineration would be helpful.

Q. Did Mr. Benignus discuss this scrap handling problem with you?

A. Yes.

MR. WEIR: Objection.

Q. (BY MS. MCHAN) Did he discuss it with you in regard to preparing this memo?

A. I don't remember the specific time for this memo. It was part of our general discussions.

Q. And you were a recipient of this memo; is that correct?

A. Yes.

Q. Prior to June of 1970, had Monsanto received any information from its customers about scrap handling problems for Aroclors?

A. Oh, yes.

Q. How did they receive this information? In what way did they receive this information?

A. Primarily through our marketing or sales contacts as they made their calls or visits or via telephone. A discussion eventually would center on, "How do you dispose of your wastes?" And in every case disposal of solid waste was a challenge.

Q. I'll refer you back to that fourth paragraph again where Mr. Benignus discusses the problem of spent or

WATER_PCB-SD0000068751

failed capacitor disposal in normal dumps. Do you know what problem that was?

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) The last line of the fourth paragraph.

A. Yeah, I see that. I don't know how to answer. It was perceived as in some cases the so-called normal dumps were not equipped to handle chemicals. So, we didn't think that that was the right way to go.

Q. Is that what you meant?

MR. McLAUGHLIN: Move to strike.

Q. (BY MS. MAHAN) Is that what you meant by the "challenge of waste disposal"?

MR. WEIR: Objection; no foundation.

A. That is part of it, yes.

Q. (BY MS. MAHAN) What else did you mean by that?

MR. WEIR: Same objection.

A. Well, there is --

Q. (BY MS. MAHAN) Please let me know if I am mischaracterizing anything you have said.

A. I understand. Well, thoughts were given to other ways to dispose of such things as failed capacitors or oily rags or what have you. There was a problem in getting the proper equipment that would do this

WATER_PCB-SD0000068752

efficiently. So, that's one kind of problem associated with solid waste. And also, the other kind of problem that should they be put in sanitary landfills? Should they be put in chemical landfills? You have got to remember at that time we didn't have the landfills that we know of today. They were permitted landfills, but permitted for different reasons, and so we also perceived situations where some of the disposal sites were too close to water, for example, as an example.

MR. WINSLOW: Move to strike.

MS. MAHAN: Off the record.

(Brief recess held.)

Q. (BY MS. MAHAN) Back on the record. If I can draw your attention for a moment back to Exhibit 36, which you refer to as a form letter --

A. Yes.

Q. -- did Monsanto keep a list of addressees for these form letters?

A. Yes.

Q. And who's on those lists of addressees? I mean in general categories.

A. All customers on record at the date of mailing.

MS. MAHAN: Tom, in terms of the records that you produced, was there some kind of a form list of

WATER_PCB-SD0000068753

addressees that you know of?

MR. BISTLINE: Off the record.

(Discussion held off the record.)

MS. MAHAN: We are on the record. I'm asking Mr. Bistline about records that were produced in response to the EPA request.

MR. BISTLINE: In general, where a list was available for a particular form letter, as Mr. Papageorge has characterized it, that list was provided if the letter was sent to one of the parties for whom the EPA requested information.

MS. MAHAN: Oh, I see. I see. All right.

We were speaking earlier about scrap disposal problems of PCB customers. When did Monsanto begin receiving information from its customers about their disposal problems?

A. I would suggest it may have started before I was assigned the job of manager, environmental control, and when I arrived on the scene, which was 1970, it was pretty well established that disposal of solid materials contaminated with PCBs were difficult to dispose of forever as compared to the liquids.

Q. And when you say it was established, was that from information from the customers that it was established?

WATER_PCB-SD0000068754

A. Yes. That's the only place it could come from.

Q. At that --

MR. McLAUGHLIN: Move to strike.

Q. (BY MS. MAHAN) At that period of time in early 1970, was Monsanto requiring any information on disposal from its customers?

MR. McLAUGHLIN: Could I have the question back, please?

(Reporter propounded pending question.)

A. We were not requiring, no.

Q. (BY MS. MAHAN) Was Monsanto requesting any information on disposal from its customers at that time?

A. Yes.

Q. And how were those requests being made? In what form were those requests being made?

A. The requests were made through our field contact and through individuals in St. Louis who had a very close relationship with some of the customers.

Q. Do you remember which customers those were?

A. No, I don't.

Q. When did Monsanto begin to receive requests for information from its customers on disposal of Aroclors?

MR. WINSLOW: Objection.

WATER_PCB-SD0000068755

A. Before I arrived on the scene; I don't know exactly when.

Q. (BY MS. MAHAN) Do you know what form those requests from the customers were received in?

MR. WINSLOW: Objection.

A. Yes. In many cases they were questions such as, "Can Monsanto take back our waste liquids to either recycle or destroy? Can Monsanto dispose of our solid wastes? If not, where should we go with them?" That's the form of the question and comments that we got.

Q. Were these requests by telephone?

A. Some.

Q. Were some in writing?

A. Yes, there were a few in writing.

MS. ROBERTSON: What time period are we talking about?

Q. (BY MS. MAHAN) I think we are still in early 1970.

A. Yes.

Q. Is that your understanding in answering the question?

A. That's my understanding.

Q. Were requests for information on disposal received also during calls made by Monsanto on the plants?

A. Yes.

WATER_PCB-SD0000068756

Q. Did you participate in early 1970 in any calls made on customers of Monsanto's?

A. It was about mid-1970.

Q. So, sometime in 1970 you did participate in calls made to customers?

A. Yes.

Q. Did you visit the Cornell-Dubilier plant in 1970 in New Bedford?

A. Yes.

Q. And what precipitated that visit by you?

MR. WINSLOW: Objection.

MS. MAHAN: What grounds?

MR. WINSLOW: It assumes facts not in evidence that something precipitated the visit.

Q. (BY MS. MAHAN) Did anything precipitate the visit to the Cornell-Dubilier plant in 1970?

A. It was part of Monsanto's program of communicating to customers, and the intent was to do it personally as much as was practical.

Q. Was this PCB customers in particular?

A. Yes.

MR. WEIR: Objection.

A. PCB, yes.

Q. (BY MS. MAHAN) Did you participate in any visits to the Aerovox plant in 1970 in New Bedford?

WATER_PCB-SD0000068757

A. Yes.

Q. And why did you make that visit to the Aerovox plant in 1970?

A. It was part of Monsanto's program.

Q. The program you described in answer to the previous question?

A. Yes.

Q. With whom did you visit the Cornell-Dubilier plant?

MR. WEIR: Objection. You're assuming that he visited with somebody.

Q. (BY MS. MAHAN) Did you go alone to the Cornell-Dubilier plant in New Bedford?

A. No.

Q. Who else went with you from Monsanto?

A. Our field representative, Mr. G. R. Graham. I believe those are his initials; Randy Graham.

Q. Did anyone else go with you to Cornell-Dubilier?

A. No.

Q. How about your visit to the Aerovox plant? Did anyone go with you?

A. Mr. Graham accompanied me.

Q. And no one else?

A. No one.

WATER_PCB-SD0000068758

MS. MAHAN: I'd like to have this marked.

[Government Deposition Exhibit No. 38 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 38, for the record, Exhibit 38 is a one-page exhibit, XER032 1770FL. Could you identify Exhibit 38 for the record?

A. Exhibit 38 is a copy of a Monsanto call report describing a customer visit by the field salesman, Mr. Randy Graham, to Cornell-Dubilier's site in New Bedford, Massachusetts.

Q. And what was the date of that call?

A. June 16, 1970.

Q. Did you participate in that call with Cornell-Dubilier?

A. I did.

Q. Can you recall the substance of your discussions with Cornell-Dubilier on that call?

A. It was a review of the PCB issue and highlighted our discussions that we had just completed in Europe the previous month bringing the people at this site, at this customer's plant, up to date on what Monsanto knew about PCBs.

Q. Now, what previous discussions had you had in Europe?

WATER_PCB-SD0000068759

A. Oh, we met with other producers of PCBs in Europe. We met with a professor in Stockholm at the university there. His name escapes me. This was the supervisor of the scientist who made the initial PCB analyses and discoveries. We spoke with scientists at the university of Utrecht in the Netherlands, with the Minstries in the United Kingdom that associated with birds and fish, wildlife, and with the London chemists, an office which concerned itself with analytical procedures. I believe that pretty well covers it.

Q. In which of those discussions did you relate to Cornell-Dubilier at this visit those European discussions?

A. We related to them everything we knew at that point in terms of what reactions we got from the co-producers of PCBs, and what the university people were finding, and what the wildlife people in the United Kingdom were observing.

Q. Did you discuss with Cornell-Dubilier its disposal of PCBs?

A. Yes.

Q. And what were the substance of those discussions?

A. In essence, that no matter how well industry had done in the past, it had to do even better, that we

WATER_PCB-SD0000068760

had to be careful of where we ended up with the PCBs, and control it, and whatever you do, stay away from water. That's the general theme.

Q. Did you discuss Cornell-Dubilier's proximity to water?

A. Yes.

Q. And what were the substance of those discussions?

A. Oh, I don't remember the details. I do know that they were concerned.

MR. WEIR: Objection. Move to strike; hearsay.

Q. (BY MS. MAHAN) From what conversations do you know that they were concerned?

A. Well, this is my first personal contact with representatives of that customer, and they described for us their practice at the time. As I remember, the proximity of water bodies was mentioned, especially after I said keep it out of the sewer. Keep it away from water. And then they came back --

MR. WEIR: Same objection; move to strike.

Q. (BY MS. MAHAN) And what did they discuss with you about their practices at that time?

MR. WEIR: Same objection.

A. Of course, I don't remember all the details,

WATER_PCB-SD0000068761

but the impression I was left with is that they were using a burial facility of some sort in the vicinity and that they were relying on the sewage system to take care of any material that got into the water.

MR. WEIR: Same objection.

MR. WINSLOW: Move to strike.

Q. (BY MS. MAHAN) Who did you speak to at Cornell-Dubilier? Do you recall?

A. I recall two individuals, a Mr. Hurd and a Mr. Lopes.

Q. Mr. Herd, did you say?

A. H-u-r-d, Hurd, and Lopes. I don't know if I pronounced the name right, L-o-b-e-s, or p-e-s, or something like that.

Q. I believe it's Lopes.

A. Lopes.

Q. Did you tour the Cornell-Dubilier at that time?

A. Yes.

Q. You toured the whole facility?

A. I toured a large building. I don't know if that was their whole facility.

Q. Did you tour the basement --

A. Yes.

Q. -- of that facility? What did you observe in

WATER_PCB-SD0000068762

the basement of the Cornell-Dubilier facility?

A. Well, it was rather wet looking and oily looking.

MR. WEIR: Objection.

Q. (BY MS. MAHAN) What function was the basement serving at that time?

MR. WEIR: Objection; no foundation.

A. I don't know that I -- I don't know that I recall a function associated with the basement.

Q. (BY MS. MAHAN) Was there any manufacturing processing going on in the basement at that time?

A. I don't know.

MR. WEIR: Same objection.

MS. MAHAN: Which is?

MR. WEIR: No foundation as to what was going on there or that this witness knows that there's any -- whether it was a manufacturing process or any other kind of process.

MS. MAHAN: Well, I'm asking what he observed.

MR. WEIR: Well, why don't you ask him that without characterizing it and leading him.

Q. (BY MS. MAHAN) What did you observe in the basement when you went down to the Cornell-Dubilier basement?

WATER_PCB-SD0000068763

A. I don't remember the specifics. All I remember is an oily, wet atmosphere or environment. That's all I really remember.

Q. Did you observe an impregnation process in the basement?

MR. WEIR: Same objection.

A. I can't associate an impregnation process with that specific basement, no.

Q. (BY MS. MAHAN) Have you observed an impregnation process for capacitors before?

A. Yes.

Q. Did you observe any troughs in the floor of that basement?

MS. ROBERTSON: Object. He's testified he doesn't remember seeing it.

MS. MAHAN: I don't think he has testified to that.

MR. WEIR: You have asked him what he's observed, and he's testified to that.

Q. (BY MS. MAHAN) Did you observe any troughs in the basement floor?

A. As I remember, there were. I guess they were troughs.

Q. Is that what you call them?

A. Runways for liquid to flow into.

WATER_PCB-SD0000068764

Q. Did you observe liquid in those troughs or runways?

A. There was some liquid, yes.

Q. Did you observe any oily substance in those troughs or runways?

A. Yes.

MR. WINSLOW: Objection.

MR. WEIR: Same objection.

MS. MAHAN: Which was?

MR. WINSLOW: Characterization.

MR. WEIR: Leading the witness.

Q. (BY MS. MAHAN) Did you observe anything other than water in those troughs or runways?

A. There was an oily-looking material there.

Q. Okay. Thank you. Looking at Exhibit 38, is there anything in that report that does not reflect your recollection of that call?

A. No. I don't see anything here that doesn't meet my recollection.

Q. Did you point out to Cornell-Dubilier the need to discontinue placing material in the sand quarry?

A. Yes.

Q. And why did you recommend that they discontinue that practice?

A. Primarily because I was under the impression

WATER_PCB-SD0000068765

this was not a permitted operation, and it just didn't strike me with the limited information I had as being the right disposal arrangement.

Q. Why did you recommend incineration?

A. I personally prefer incineration as being ultimate disposal. You don't have to worry about subsequent migration and the like.

Q. Do you recall any further discussions not reflected in this report that you had on that call?

A. Well, we did discuss the status of Monsanto's analytical methodology development and the status of the toxicity studies that were underway, the general subject of PCBs that aren't reflected in detail here. The author of this apparently intended that first sentence to cover everything I discussed.

MR. WEIR: Objection; move to strike.

MS. MAHAN: Which portion did you want to strike of that answer?

MR. WEIR: He has characterized what the author apparently or apparently did not intend.

MS. BERNARD: Could we have that answer read back?

(Reporter propounded previous question.)

MS. MAHAN: Was it the last portion?

MR. McLAUGHLIN: Yes.

WATER_PCB-SD0000068766

MS. MAHAN: So you limit your objection to the last portion?

MR. WEIR: Yes, the last sentence.

Q. (BY MS. MAHAN) Okay. At that same period of time, did you make a visit to the Aerovox plant in New Bedford?

A. Yes.

Q. And that was a visit that you testified you made with Randy Graham?

A. Yes.

Q. Did you have any discussions with the Aerovox personnel at that visit?

A. Yes.

Q. And what did you discuss with Aerovox personnel?

A. Everything Monsanto knew at that point in time about PCBs, its studies, both analytical and health-wise, and the summary of our discussions held at our recent European trip.

MR. WINSLOW: Move to strike the answer.

MS. MAHAN: The entire answer?

MR. WINSLOW: Yeah.

MS. MAHAN: On what grounds?

MR. WINSLOW: On the grounds that it's a narrative, and it's nonresponsive.

WATER_PCB-SD0000068767

MS. MAHAN: I believe I asked him what he discussed.

MR. WINSLOW: He said he told them everything that Monsanto knew. That's narrative, and it's not responsive. I want to know what he said.

MS. MAHAN: Well, don't you think that's more appropriate for your cross?

MR. WINSLOW: Okay. Well, I just note my objection for the record.

Q. (BY MS. MAHAN) Do you recall who you met with at Aerovox on that visit?

A. I only recall one name; Mr. Tuttle.

Q. Would that be Clifford Tuttle?

A. Clifford Tuttle. There were others, but I don't remember their names.

Q. Do you recall discussing Aerovox's disposal of PCBs?

MR. WEIR: Objection; leading the witness.

Q. (BY MS. MAHAN) Did you discuss Aerovox's disposal of PCBs?

A. Yes.

Q. Did you discuss that with Mr. Tuttle?

A. Yes.

Q. And what did Mr. Tuttle tell you about Aerovox's disposal of PCBs?

WATER_PCB-SD0000068768

A. As best I understand it, all of their wastes were going to some burial ground in the vicinity.

Q. All of their liquid and solid wastes?

A. Liquid as it involved the oils and PCBs, not liquid as it involved water wastes. Water wastes were going down the sewers is the impression I was left with.

MR. WEIR: Move to strike so much of the answer as, "It was my impression that . . . ."

MR. McLAUGHLIN: Ellen, before we proceed, could we possibly have a time period? This is still a mid-1970 visit?

THE WITNESS: Yes.

Q. (BY MS. MAHAN) Do you recall any more specific date of the visit to the Aerovox facility?

A. It would be in the June period.

Q. Was it at the same time that you visited the New Bedford Cornell-Dubilier plant?

A. We made a circuit of the Northeast customers in a one-week period or so.

Q. Did you tour the Aerovox facility when you made that visit?

A. Yes.

Q. Did you tour the impregnation portion of the Aerovox facility when you made that visit?

A. Yes.

WATER_PCB-SD0000068769

Q. And what did you observe at the impregnation portion of the Aerovox facility?

A. I saw their facilities they used for impregnating their capacitor -- I don't know how to describe them -- chambers and conveying systems and workers that were sealing the units as they came out of the impregnating chambers, the degreasing of the units to remove the oily material that clings to the outer surfaces.

Q. Do you recall what level of the building that was in?

A. No.

Q. Did you tour the grounds of the Aerovox facility?

A. I don't remember any grounds.

Q. Did you discuss with anyone at Aerovox their proximity to a water body?

A. Yes.

Q. Who did you discuss that with?

A. With Mr. Tuttle and his team.

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection; move to strike.

MR. McLAUGHLIN: Objection to the characterization of the word "team."

A. Well, his staff. I don't know.

WATER_PCB-SD0000068770

MR. McLAUGHLIN: Well, I think that's just the point.

Q. (BY MS. MAHAN) With Mr. Tuttle you discussed the proximity to the water body?

A. Mr. Tuttle was a member of the audience. I don't know if he specifically spoke or others spoke.

Q. Do you recall what you told them about their proximity to a water body?

MR. McLAUGHLIN: Objection to the form "with them." You haven't identified "them" yet.

Q. (BY MS. MAHAN) Mr. Tuttle and the others, do you recall what you told Mr. Tuttle and the others about their proximity to the water body?

MR. McLAUGHLIN: Same objection.

MS. MAHAN: Well, he testified that there were others there.

MR. McLAUGHLIN: I don't know if they are employees of the City of New Beford or the New Haven Railroad.

MR. OLESKEY: If you think you're right, just press the question, and we will make a lot more progress.

Q. (BY MS. MAHAN) Did you discuss the proximity of the water body with Mr. Tuttle and others?

A. Yes.

Q. And what did you tell them?

WATER_PCB-SD0000068771

A. I don't recall the exact words, but my advice was, "Don't get PCBs in water, whatever you do."

MR. McLAUGHLIN: Move to strike.

MR. WEIR: Repeat so much of the answer as after, "I don't recall the exact words."

MS. BERNARD: Could we have the answer read back?

(Reporter propounded previous answer.)

MR. WINSLOW: Move to strike so much after the word "words."

MS. MAHAN: On what grounds?

MR. WINSLOW: It's speculative. He says he does not recall.

MS. MAHAN: He does not recall the words.

MR. WINSLOW: And then he goes on to say something that's speculative. I'm making my objection for the record. You can continue.

MR. OLESKEY: If you have any concern, ask him if he can recall the substance, and we will get on with it.

Q. (BY MS. MAHAN) Do you recall the substance of what you told Aerovox about their proximity to water?

A. I do.

Q. Could you tell us what that was?

A. My concern and advice related to the presence

WATER_PCB-SD0000068772

of PCBs in water and that I recommended that every effort should be made to keep it out of water.

MR. McLAUGHLIN: Move to strike.

MS. MAHAN: Do you have grounds for that?

MR. McLAUGHLIN: Yes.

MS. MAHAN: Which are?

MR. McLAUGHLIN: Which are my concerns that Mr. Oleskey and I have before his advice was well given, but it wasn't taken. The question was, what did he say, and he gave a state of mind as part of his answer.

Q. (BY MS. MAHAN) What is the substance of what you told them about their proximity to water?

MR. McLAUGHLIN: Objection.

A. I don't understand what you mean by "substance." I know I told these people --

MR. OLESKEY: The gist, Bill, the guts of it.

A. "Keep PCBs out of water." I don't know how else to say it.

MR. McLAUGHLIN: I object to the form of the question. Move to strike.

Q. (BY MS. MAHAN) Is there anything else that you recall from your discussions with Aerovox?

A. No.

Q. Do you know why a call report apparently does not exist of that particular call to the Aerovox facility?

WATER_PCB-SD0000068773

MS. ROBERTSON: Object.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. No.

Q. (BY MS. MAHAN) Do you know whether a call report does exist for that visit?

A. No, I don't.

Q. Was it a practice for Mr. Graham, do you know, to make a call report of each of these visits?

MS. ROBERTSON: Objection.

A. I do not know what his practice was.

Q. (BY MS. MAHAN) Okay. Do you know in the marketing department whether the practice was to make a call report of each of these visits?

MR. WINSLOW: Objection.

A. No, I don't know the practice.

Q. (BY MS. MAHAN) Have you ever seen a call report of this mid-1970 visit to the Aerovox facility?

A. I don't remember.

Q. You don't remember?

A. I don't remember seeing one.

MS. MAHAN: I'd like to have this marked.

[Government Exhibit No. 39 marked for identification.]

Q. (BY MS. MAHAN) You can take a look at

WATER_PCB-SD0000068774

Exhibit 39, which for the record is XER032, frame number 0763F, 0764L.

Could you state for the record what this Exhibit 39 appears to be?

A. It consists of two pages. One is a copy of a letter dated September 28, 1970, addressed to Mr. Robert Crabbe of Aerovox Corporation, and signed by Randall Graham, senior fluid specialist for Monsanto.

Q. Does this letter refresh your recollection about anyone else that you might have met with at Aerovox?

A. I don't recognize Mr. Crabbe.

Q. If I could draw your attention to the first paragraph of this letter where Mr. Graham refers to your disposal problem for scrap Aroclor or transformer askarel, do you recall at your plant visit to Aerovox discussing their scrap Aroclor or transformer askarel problem?

A. Yes.

Q. And do you recall -- I'll draw your attention again to the first paragraph -- discussing the environmental pollution problem?

A. Yes.

Q. Did you discuss at that plant visit in mid-1970 the construction of an incinerator by Monsanto?

A. Yes.

Q. And what did you discuss with the Aerovox

WATER_PCB-SD0000068775

personnel about that incinerator?

A. We discussed Monsanto's plans for developing, designing, erecting an incinerator that was capable of disposing of PCBs and providing that service to our customers for liquid wastes.

Q. Do you recall discussing with Aerovox the Rollins-Purle Company's incinerator?

A. Yes.

Q. And what was the substance of that discussion?

MR. WINSLOW: If we could just have for the sake of clarity who at Aerovox he was having the discussion with before we start going into what the substance of the discussion was.

Q. (BY MS. MAHAN) Well, we are talking about the mid-1970 plant visit; is that right?

A. That is right.

Q. And you testified that you recalled discussing with Mr. Tuttle?

A. That is right?

A. Yes.

Q. And no one else's name?

A. That is right.

Q. Do you recall discussing with Mr. Tuttle the Rollins-Purle Company's incinerator?

WATER_PCB-SD0000068776

A. Yes.

Q. And what were the substance of those discussions, the gist?

A. We were aware that the Rollins people had an incinerator located in New Jersey. They were claiming that the incinerator was capable of destroying PCBs, and we reserved final judgment until we had a chance to review their operations; and, therefore, we couldn't recommend it at that point in time to our customers.

Q. After reviewing this letter, does this refresh your recollection at all about any further discussions you had with Aerovox in mid-1970?

A. No, it doesn't.

Q. After the mid-1970 visits to Aerovox and Cornell-Dubilier, did you have any follow-up contacts with either of these companies, particularly on their disposal problems?

MR. WEIR: Objection to the characterization.

Q. (BY MS. MAHAN) Particularly on their disposal of PCBs.

A. I recall many discussions with Mr. Tuttle.

Q. What period of time are you talking about?

A. Oh, from the middle 1970's on through 1975, mid-1970.

I don't know what I said, but I meant to say from

WATER_PCB-SD0000068777

the visit which occurred in the summer of 1970, until far into the year 1975, I had many contacts with Mr. Clifford Tuttle.

MR. McLAUGHLIN: Move to strike.

MS. MAHAN: What portion?

MR. McLAUGHLIN: All the answer. It's a rambling narrative. "I didn't mean to say this. I didn't mean to say that." If you want to start all over again, but I don't think any jury is going to be able to follow.

MS. MAHAN: How about if we read back the answer? I don't think it was rambling. I don't think his answer was rambling.

(Reporter propounded previous question and answer.)

MS. MAHAN: Do you want me to start all over?

MR. McLAUGHLIN: Do whatever you like.

MS. MAHAN: I'd like to have this marked Exhibit 40.

[Government Deposition Exhibit No. 40 marked for identification.]

Q. (BY MS. MAHAN) What's being marked as Exhibit 40 is XER032, frame number 0034. Could you identify Exhibit 40, please?

A. This is a letter dated August 25th, 1970, to Mr. Curtis Lopes, Cornell-Dubilier Electric Company, and I

WATER_PCB-SD0000068778

am the author.

Q. Do you recall sending this letter to Mr. Lopes?

A. Yes.

Q. If I could draw your attention to the last sentence in the first paragraph, what was the concern that you expressed about the landfill you were discussing?

MR. McLAUGHLIN: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MS. ROBERTSON: Object.

A. As stated in the letter, it's too close to a river, and the chemicals could eventually leach out by water and find their way to the river.

MR. WEIR: Objection; move to strike.

MS. MAHAN: He was taking that right from the letter.

MR. WINSLOW: That's right. The document speaks from itself.

MR. WEIR: I don't believe he authored it.

MR. McLAUGHLIN: Yes, he did. That's all right.

MS. MAHAN: Yes, he did.

Does your recollection of that concern differ at all from what you have in this letter?

WATER_PCB-SD0000068779

A. No.

Q. Do you know if Cornell-Dubilier ever used this particular facility?

A. I do not know.

Q. Do you recall ever discussing this facility with Curtis Lopes other than in this letter?

A. No, I don't.

Q. No, you don't recall?

A. That is right.

Q. Do you recall if you sent a similar letter to someone at the Aerovox facility?

A. I don't recall.

MS. MAHAN: Mark that.

[Government Deposition Exibit No. 41 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 41, which is XFP003, frame 1991, and I can't read the last letter. Could you identify this for the record, Exhibit 41?

A. This is a letter dated September 18, 1970, addressed to Mr. Curtis Lopes, Cornell-Dubilier, signed by Randall Graham.

Q. Do you note that your name is mentioned in the first paragraph of this letter?

A. I see that, yes.

WATER_PCB-SD0000068780

Q. Do you recall making that request that's indicated in this letter of Randall Graham?

A. Yes.

Q. And what specifically did you request Mr. Graham to do?

A. I asked Mr. Graham to relay to Mr. Lopes Monsanto's program for receiving scrap or contaminated PCBs and destroying them via incineration.

Q. Were you referring to liquid Aroclor only?

A. Liquid only.

Q. Do you recall ever having any further conversation with Curtis Lopes about receiving Aroclor for incineration at Monsanto?

A. I do not.

Q. Do you know if Cornell-Dubilier ever used those services for Monsanto?

A. Yes, they did.

Q. And did they?

A. They did.

MS. MAHAN: Let's mark this.

[Government Deposition Exhibit No. 42 marked for identification.]

Q. (BY MS. MAHAN) You can take a look at Exhibit 42, please. Could you identify Exhibit 42 for the record?

WATER_PCB-SD0000068781

A. It's a copy of a call report prepared by Randall Graham dated October -- the date of the call was October 1st, 1970, to Cornell-Dubilier's plant in New Bedford, Massachusetts.

Q. Did you accompany Mr. Graham on this call?

A. No.

Q. Do you recall discussing this call with Mr. Graham?

A. Yes.

Q. And what were the substance of those discussions with Mr. Graham?

MR. WEIR: Objection; hearsay.

A. He reported back to me before this was typed that he had had his discussions. They were looking for ways to properly dispose of material, were seeking Monsanto's opinion regarding that site, that burial site. That's all I can recall.

Q. (BY MS. MAHAN) Do you recall giving Mr. Graham your opinion on the burial site that's referenced in here?

A. I repeated what I had mentioned prior, that I didn't like the use of the quarry.

Q. And who had you mentioned that to prior?

A. I don't remember specific names, but to representatives of the company that wanted to use it.

WATER_PCB-SD0000068782

Q. The Cornell-Dubilier Company?

A. I don't remember that.

Q. Do you know if Mr. -- I'm sorry. Do you know if Mr. Graham ever conveyed your thoughts to Cornell-Dubilier?

A. Yes, he did.

MR. WINSLOW: Move to strike.

MS. MAHAN: On what grounds?

MR. WINSLOW: Foundation.

Q. (BY MS. MAHAN) Did Mr. Graham ever tell you that he conveyed that message to Cornell-Dubilier?

A. Yes.

MR. WEIR: Objection; hearsay.

Q. (BY MS. MAHAN) Turning your attention to the paragraph marked "PCB Committee Meeting" --

A. I see it.

Q. -- the last sentence, it starts, "Obviously."

A. I see it.

Q. Did Mr. Graham discuss with you whether Cornell-Dubilier was prepared to spend that money for disposal?

MR. WEIR: Objection; hearsay.

A. I don't remember that detail.

Q. (BY MS. MAHAN) Do you know if Mr. Graham called upon the Aerovox facility at this same time,

WATER_PCB-SD0000068783

October 1st of 1970?

A. No, I do not.

Q. You never discussed with him whether he also called upon the Aerovox facility at that time?

A. He called on Aerovox, but I don't remember the dates.

Q. Do you know whether he called on Aerovox in the fall of 1970?

A. Not specifically, no.

Q. You don't know?

A. No.

Q. Now, at this period of time, the fall of 1970, did Monsanto have any policy about selling PCBs to customers who refused to clean up or to control their PCB wastes?

A. I'm not aware of any such policy, no.

Q. Did Monsanto have a policy about providing recommendations as to the disposal methods for liquids and solid PCB wastes?

A. Yes.

Q. And what was that policy?

A. With respect to liquids, we recommended strongly that they be incinerated. With respect to water, we recommended very strongly they keep it away from water, and with regard to solid materials with PCBs, we

WATER_PCB-SD0000068784

recommended permitted landfills away from water.

Q. Now, when you refer to solid materials contaminated with PCBs -- was that your language?

A. Yes.

Q. What kind of materials do you refer to?

A. Well, there are such things as rags and gloves from the manufacturing process, capacitors that fail to pass the tests. There were clays used to filter the capacitor fluid before it was impregnated into the units, any material used to absorb any spills, all of which are solid as distinguished from free-flowing liquid.

Q. At this time in the fall of 1970, was Mr. Graham under your direction in visiting facilities?

A. No.

Q. Whose direction was he under?

A. He was reporting to Mr. Benignus.

Q. Mr. Graham was no longer an employee of Monsanto; is that correct?

A. That is correct.

MS. MAHAN: Let's mark this.

[Government Deposition Exhibit No. 43 marked for identification.]

Q. (BY MS. MAHAN) If you could, take a look at Exhibit 43, which is XCD007, frame 1080.

Mark this.

WATER_PCB-SD0000068785

[Government Deposition Exhibit No. 44 marked for identification.]

Q. (BY MS. MAHAN) Have you ever seen Exhibit 43 before?

A. I don't recall it.

Q. If I could draw your attention to paragraph 3 of Exhibit 43 --

MR. WEIR: Is that the paragraph numbered 3?

MS. MAHAN: Paragraph numbered 3. Thank you.

Does that change your recollection at all about Monsanto's policy with regard to a customer who refused to clean up or control PCB wastes?

A. I'm not aware of a policy. That doesn't mean one doesn't exist.

Q. Would there have been a policy like that with regard to PCBs that you would --

MR. WEIR: Objection to the form of the question.

Q. (BY MS. MAHAN) -- if I could finish it -- that you wouldn't have known about?

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

A. It's possible. The marketing group had developed a policy, and I may not have been told of it.

Q. (BY MS. MAHAN) Back to Exhibit 43 for a

WATER_PCB-SD0000068786

moment. If you'll look at what's numbered as paragraph 6 --

A. I see it.

Q. -- are you familiar with the wording of the labels that are referred to in paragraph 6?

A. Yes.

MR. WEIR: Objection. He hasn't testified he's ever seen the document.

Q. (BY MS. MAHAN) I'm referring to the wording of the labels that are referred to in paragraph 6, and you say you are familiar with that wording?

A. Yes.

MR. McLAUGHLIN: I object, also, on the foundation that these are not the same labels, and some other labels he may have seen.

Q. (BY MS. MAHAN) Are you familiar with the red labels that Monsanto provided to its customers in October of 1970?

A. I'm familiar with the red labels relating to scrap PCBs that Monsanto provided.

Q. And are you familiar with the wording on those labels?

A. Yes.

Q. Do you recall what the wording on those labels is?

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MR. McLAUGHLIN: Objection.

A. These are not the exact words, but they refer to the materials being identified as potential pollutants, environmental pollutants. Every effort should be made to keep them out of the environment.

MR. McLAUGHLIN: Move to strike.

A. That's the general message, yes.

Q. (BY MS. MAHAN) That's to the best of your recollection? All right. If you'll look at what's been marked as Exhibit 44, have you ever seen Exhibit 44 before?

A. I don't remember it.

Q. If I could draw your attention to the paragraph numbered 2 on Exhibit 44, which --

Excuse me. By the way, this is XFP001, frame 0905F. The last sentence of paragraph number 2 in particular --

A. I see it.

Q. -- were you familiar with the suggestion as to the depth of burials --

A. No.

Q. -- referred to there?

A. No.

MS. MAHAN: Mark this 45.

[Government Deposition Exhibit No. 45 marked

WATER_PCB-SD0000068788

for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 45, please, have you ever seen Exhibit 45 before?

A. I don't remember it.

Q. If I could draw your attention to the paragraph numbered 1 -- this document for the record is XCD 007, number 1053. Were you aware of a request made by Monsanto for the total volume of wastes from Cornell-Dubilier Electronics?

A. Yes.

Q. And how did that request come about?

A. Monsanto was very interested in designing disposal units, and in order to design the proper size, we needed to know from our customers their intent to use that facility and the amount of material they might set for destruction.

Q. And were you involved in making the decision to request this information from Cornell-Dubilier Electronics?

A. I am the one that asked Mr. Graham to gather this information for me.

Q. Did you direct Mr. Graham to gather it only from Cornell-Dubilier Electronics?

A. No.

Q. Who else did you direct Mr. Graham to gather

WATER_PCB-SD0000068789

the information from?

A. All dielectric PCB customers.

Q. And would that include the Aerovox Company?

A. Yes.

Q. Drawing your attention to paragraph 3, paragraph numbered 3 --

A. I see it.

Q. -- are you familiar with these guidelines for PCB control?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. I'm not familiar with this particular set, but I'm familiar with the idea expressed.

MR. WINSLOW: Move to strike.

Q. (BY MS. MAHAN) I guess I need clarification on that. This is not the way that you would lay out the guidelines for PCB control?

MR. WEIR: Objection as to the form.

MR. WINSLOW: Object.

Q. (BY MS. MAHAN) Are these the guidelines that you would use for proper PCB control?

MR. WEIR: Again, objection to the form, particularly the use of the word "would."

Q. (BY MS. MAHAN) You can go ahead and answer.

A. Yes.

WATER_PCB-SD0000068790

Q. How do they differ in form? Do they differ in form from the way you would lay out the guidelines?

MR. WINSLOW: Objection.

A. I didn't intend to mislead you. By "perform," I meant specifically followed by a line and followed by another thought. In general, the thoughts are what I would share with the customers, but not necessarily in this order and within those words.

MR. WINSLOW: Move to strike.

Q. (BY MS. MAHAN) The guidelines that are laid out here, would those be Monsanto's guidelines for PCB control?

MR. WEIR: Objection to the form of the question.

A. These guidelines would reflect a part of Monsanto's total effort.

Q. (BY MS. MAHAN) At that time period?

MR. WINSLOW: May I have the question and the answer back, please?

(Reporter propounded previous question and answer.)

MS. MAHAN: Let's mark this Exhibit 46.

[Government Deposition Exhibit No. 46 marked for identification.]

Q. (BY MS. MAHAN) Take a look at Exhibit 46,

WATER_PCB-SD0000068791

which is XFP003 2054FL. Could you identify Exhibit 46 for the record?

A. This is a copy of a form letter dated December 15th, 1970. It's on Monsanto letterhead signed by Randall Graham.

Q. Do you know who this form letter was sent to?

A. It was sent to customers on record at the time of dielectric PCB fluids.

Q. Would that have included Cornell-Dubilier?

A. Yes.

MR. WEIR: Objection to the form of the question.

Q. (BY MS. MAHAN) Did that include Cornell-Dubilier?

A. Yes.

Q. Did that include Aerovox?

A. Yes.

Q. Were you involved in the negotiation with Rollins-Purle referred to in the second paragraph?

A. No.

Q. Do you know if that program was ever put into effect, the program referred to in the second paragraph?

A. I don't recall an industry-wide program, no.

Q. At about this time, the end of 1970 -- and we are no longer referring to that exhibit -- was Monsanto

WATER_PCB-SD0000068792

undertaking any kind of program to tour its customers' facilities for environmental control?

A. No.

Q. Were its marketing people directed to review environmental controls at its customers' facilities?

A. Yes.

Q. And who were they directed by to do that?

A. Mr. Burgen to Mr. Olson to Mr. Benignus to Mr. Graham.

Q. Why were they instructed to do that?

MR. WINSLOW: Objection.

MR. WEIR: Objection; lack of foundation.

Q. (BY MS. MAHAN) Were you involved in the decision to have these facilities toured for environmental controls?

A. Yes. It was suggested that we owed this to our customers to keep guiding them in terms of continued controls. Don't let it slip.

MR. WINSLOW: Move to strike.

MS. ROBERTSON: Move to strike.

MR. WEIR: Objection; nonresponsive.

MS. ROBERTSON: Move to strike everything after "yes."

MS. MAHAN: Let's mark this Exhibit 47.

[Government Deposition Exhibit No. 47 marked

WATER_PCB-SD0000068793

for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 47, which for the record is XER032 1174F, can you identify Exhibit 47?

A. It's a copy of a call report. The date of the call was February 2, 1971. The call was made by Randall Graham to Cornell-Dubilier's plant in New Bedford, Massachusetts.

Q. Do you recall ever receiving this call report?

A. Yes.

Q. Do you recall discussing this call with Mr. Graham?

A. Yes.

Q. Do you recall discussing this call with anyone other than Mr. Graham or in addition to Mr. Graham?

A. I don't remember other individuals.

Q. Did you or anyone at Monsanto that you know make any response to this particular call?

MR. WEIR: Object to the form of the question.

A. I don't remember.

Q. (BY MS. MAHAN) Do you remember taking any action as a result of this call or call report?

MR. WEIR: Same objection.

WATER_PCB-SD0000068794

A. I was aware of Mr. Graham's observations before this call report was typed. He told me over the telephone.

MR. WEIR: Objection. Move to strike; hearsay and non-responsive to the question.

Q. (BY MS. MAHAN) Were you aware of this call report before you ever saw it. Were you aware of the call before you ever saw the call report?

A. Yes.

Q. And how were you aware of the call?

A. Mr. Graham called me by telephone to inform me of his observations.

Q. And what did Mr. Graham tell you on the telephone?

MR. WEIR: Objection; hearsay.

A. That he was very disturbed at the conditions of the plant. In fact, they were worse than when I saw it the previous summer.

MR. WEIR: Objection. Move to strike.

MS. MAHAN: On what grounds?

MR. WEIR: It's hearsay, and he's characterizing what another individual told him.

MS. MAHAN: He's repeating what another individual told him, but --

Did your discussion with Mr. Graham concern you?

WATER_PCB-SD0000068795

A. Yes.

Q. In what way did it concern you?

MR. WINSLOW: Objection.

A. It seemed that the customer wasn't doing what he indicated he would do, and it was my duty to inform the bosses, and I made certain that Mr. Randall Graham's bosses were aware of this, and they were.

MR. WEIR: Objection. Move to strike.

Q. (BY MS. MAHAN) Now, when you say that a customer wasn't doing what they had -- I'm sorry, what they had said they would do? I'm not sure I know what you're referring to.

MR. WEIR: Is there a question pending?

Q. (BY MS. MAHAN) Could you explain to me what you were referring to?

A. As in every discussion, the impression I was left with is that they understood the message of cleaning up their operations, and in this case I was led to believe that they would do things differently and better, and obviously from Mr. Graham's report, they had not done anything differently or better.

Q. Now, who --

MR. WEIR: Move to strike; speculation, hearsay.

Q. (BY MS. MAHAN) Had anyone at

WATER_PCB-SD0000068796

Cornell-Dubilier told you that they were going to clean up their operation or do better?

A. Sure.

Q. And did -- was that what led to your belief?

A. Yes.

Q. And who was it that told you that?

A. I don't remember the audience and the specific person, no.

Q. Was it during your June of 1970 visit to Cornell-Dubilier?

A. Yes.

Q. Were there any subsequent conversations with Cornell-Dubilier before this call?

MR. WEIR: Before what call?

Q. (BY MS. MAHAN) This February, '71 call between you and Cornell-Dubilier.

A. Yes. There were some telephone calls asking for approval to incinerate at Rollins-Purle and that type of question. Yes, there was a dialogue, a continuing dialogue.

Q. Looking specifically at Exhibit 47, does this at all refresh your recollection about your observations at the Cornell-Dubilier plant?

A. Well, it refreshes my memory regarding their cellar.

WATER_PCB-SD0000068797

Q. In what way?

A. It points out here that the impregnation department was located there, and --

MR. WEIR: Objection, and move to strike.

MS. BERNARD: Let the witness finish the answer.

MR. WEIR: I'm sorry. I apologize.

A. It refers to the cellar where the impregnation department is located. I'm reading from this. I just don't remember that unit.

Q. (BY MS. MAHAN) I see. Did Monsanto take any action as a result of Mr. Graham's call and call report?

A. I don't know. I don't remember.

MS. MAHAN: Let's mark this as 48.

[Government Deposition Exhibit No. 48 marked for identification.]

Q. (BY MS. MAHAN) Drawing your attention back to Exhibit 47, where it reads, "Attention Bill Papageorge," I believe Mr. Graham recommends that you may want to tour this plant?

MR. WEIR: Objection as to the characterization of the document.

Q. (BY MS. MAHAN) The document states, "You may want to tour this plant during second quarter." Do you recall if you did tour that plant during the second

WATER_PCB-SD0000068798

quarter?

A. I don't believe I did.

Q. Do you know why you didn't?

A. Not specifically; just the calendar wasn't open.

Q. I'll have you look at Exhibit 48. Exhibit 48 is XFP002 1487F. Can you identify Exhibit 48?

A. Yes. It's a letter dated February 16, 1971, on Monsanto letterhead, addressed to Mr. George Alexander, Cornell-Dubilier, New Bedford, Massachusetts, signed by Randall Graham.

Q. Does Exhibit 48 refresh your recollection as to whether Monsanto took any action based on the February 2nd, '71 call report?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

A. I don't recall seeing this particular letter at that point in time.

Q. (BY MS. MAHAN) I'm sorry. You said you don't recall?

A. I don't recall it.

Q. Do you recall that the letter was sent out?

MR. WEIR: Objection.

A. No. I just don't recall this particular letter.

WATER_PCB-SD0000068799

Q. (BY MS. MAHAN) Do you recall having any discussions with Mr. Graham about whether to send such a letter?

A. No. He didn't ask. He didn't mention that he would.

Q. Do you recall having discussion with any of Mr. Graham's supervisors about whether to send such a letter?

A. No. We did not talk about any letter that I recall.

MS. MAHAN: Well, I'm at a good stopping point. Off the record.

(Deposition adjourned until 9:00 a.m. April 15, 1986.)

MS. MAHAN: Why don't we go on the record. Before we get started this morning, in an effort to kind of keep things moving along a little better, under the Rules all your objections are preserved except as to the form of the question. So, any observations you make with regard to, for instance, hearsay and so forth, it's not necessary for you to make them in the deposition. Under the Federal Rules, they are preserved.

When you do make objections as to the form of the question, you need to specify the grounds, or else I'll have to ask you what the grounds are so I can try to clear

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up the question so we can take care of the question. Motions to strike are not necessary. If I try to use any of the deposition in a court proceeding, then you can make your appropriate motions. So, only those objections as to form stating the grounds are really necessary, and hopefully, that will move things along. Okay.

Good morning, Mr. Papageorge.

A. Good morning.

Q. Mr. Papageorge, how many times do you recall that you visited the Cornell-Dubilier plant in New Bedford?

A. I just recall one visit.

Q. And when was that?

A. In the summer of 1970.

Q. Excuse me. In the summer of 1970?

A. Yes.

Q. How many times do you recall did you visit the Aerovox facility in New Bedford?

A. Just once.

Q. And when was that?

A. Same time.

Q. And you made no other visits to either of those facilities that you recall?

A. Not that I recall.

Q. Mr. Papageorge, do you know who Jim Bryant

WATER_PCB-SD0000068801

is?

A. Yes.

Q. And who is he?

A. I think I can better describe the man at what he did at that time. Mr. Bryant was a member of the marketing department in Monsanto that marketed PCB fluids. He was located in the St. Louis office, and worked for Mr. Paul Benignus and assisted Mr. Randall Graham regarding customer service.

Q. Do you recall when Mr. Bryant became involved in the New Bedford customers?

A. I don't recall the exact month and year. It seems to me it was -- no, I don't remember.

MS. MAHAN: Let me this have marked as Exhibit 49.

[Government Deposition Exhibit No. 49 marked for identification.]

Q. (BY MS. MAHAN) I'm going to show you Exhibit 49, which for the record is XER032 0183F, and ask you if you can identify that Exhibit 49?

A. This is a copy of a Monsanto interoffice memorandum dated March 25th, 1971, authored by Mr. N. T. Johnson, and mailed to six marketing department representatives within Monsanto.

Q. Does Exhibit 49 refresh your recollection as

WATER_PCB-SD0000068802

to when Jim Bryant became involved in the New Bedford customers?

A. No. This tells me that when Mr. Randy Graham left Monsanto, his assignment was divided amongst these six individuals. Mr. Bryant was involved with customers of dielectric fluids containing PCBs prior to that.

Q. All right. If you could take a look at the second page of Exhibit 49, the paragraph marked Aerovox Corporation --

A. I see it.

Q. -- were you aware of PCB pollution in the pump room and capacitor seal room at Aerovox Corporation?

A. Yes.

Q. And how were you aware of that pollution?

A. Mr. Randall Graham --

MR. WEIR: Objection.

A. -- informed me of that.

Q. (BY MS. MAHAN) When did Mr. Graham inform you of that pollution?

MR. WEIR: Objection.

A. During the period 1970-'71, on a sporadic basis.

Q. (BY MS. MAHAN) And what did Mr. Graham say to you about that pollution?

MR. WEIR: Objection.

WATER_PCB-SD0000068803

A. He informed me that the conditions at the site were not improving as we would like to have seen them.

Q. (BY MS. MAHAN) Did he inform you what those conditions were that were not improving?

A. Just the general and visible presence of PCBs.

Q. In those areas that are specified in Exhibit 49?

A. Yes.

Q. I'm sorry. The pump room and capacitor seal room area that is specified in Exhibit 49?

A. Yes.

Q. And what did he say in particular to you about that pollution?

MR. McLAUGHLIN: Objection.

A. I don't recall the exact words, but the understanding I had is that it appeared that they were not controlling PCBs as we recommended.

Q. (BY MS. MAHAN) Was that the gist of what Mr. Graham told you?

A. That is correct.

Q. If you'll note in Exhibit 49, Mr. Graham indicates that you should tour the facility. Did you tour the facility in April and May of that year?

WATER_PCB-SD0000068804

A. I intended to, but never got to it.

Q. Why weren't you able to do that?

A. Some other pressing matters came up. I don't recall.

Q. Was Monsanto concerned about that pollution problem at Aerovox?

MR. WINSLOW: Objection.

A. Certainly.

Q. (BY MS. MAHAN) If you'll look at the second paragraph in Exhibit 49 marked Cornell-Dubilier, again you'll note that it's recommended that you visit the facility in April of that year.

A. I see.

Q. Did you visit the facility in April of that year?

A. No.

Q. Was it for the same reasons you didn't visit the facility in April?

A. That is correct.

Q. And did you ever visit either facility after that time?

A. No, not that I recall.

Q. Do you know why there are no call reports in the Monsanto files with regard to the Aerovox Corporation for that period of time, '70 and '71?

WATER_PCB-SD0000068805

A. I do not.

Q. Do you know if anyone else from Monsanto visited the Aerovox and Cornell-Dubilier facilities around that time, which is March of '71?

A. I don't recall, no.

MS. MAHAN: I'd like to have this markec as 50.

[Government Deposition Exhibit No. 50 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 50, which is XCD007 1090, can you identify that exhibit for the record, Exhibit 50?

A. It's a copy --

MR. WEIR: Why don't you ask him if he recognizes it?

Q. (BY MS. MAHAN) Well, I can ask him that later. Can you identify it?

A. It appears to be a copy of some kind, and I can't identify it. I would guess from the names I see here that it's the Aerovox people -- I'm sorry, Cornell-Dubilier people. It appears to be an interoffice memorandum of theirs dated May 21, 1971.

Q. Have you ever seen Exhibit 50 before?

A. I don't recall seeing this.

Q. Does Exhibit 50 refresh your recollection as

WATER_PCB-SD0000068806

to whether anyone from Monsanto visited those facilities, Cornell-Dubilier or Aerovox, during early 1971?

MR. WINSLOW: Objection.

A. Yes, it does.

Q. (BY MS. MAHAN) And in what way does it refresh your recollection?

A. It was a typical marketing call by Mr. Bryant, who had replaced Mr. Graham.

Q. So does it appear to you that someone from Monsanto did visit the Cornell-Dubilier facility?

A. Yes.

MR. KENNER: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) Do you recall any such visit by Mr. Bryant to Cornell-Dubilier independent of Exhibit 50?

A. I recall many visits, but not any specific visits.

Q. And you were not with Mr. Bryant at this call on Cornell-Dubilier?

A. That is correct.

Q. Do you know if Mr. Bryant visited the Aerovox facility at this same period of time?

MR. KENNER: Objection; asked and answered.

WATER_PCB-SD0000068807

For the record, my name is Brian Kenner. I represent AVX Corporation.

MS. ROBERTSON: Objection.

Q. (BY MS. MAHAN) Do you know when it was that Monsanto replaced Aroclor 1242 with 1016?

A. It was about the latter part of 1971. I believe it was about September, October.

Q. And what precipitated that change-over by Monsanto?

MR. WINSLOW: Objection.

A. It was based on our understanding that the environmental samples that were reported as PCBs reflected the higher chlorinated types of PCBs. In order to reduce the amount in the environment, our laboratory people looked for a material that had the same amount of chlorine as Aroclor 1242 to maintain the fire-resistant properties, and at the same time had all the other properties that Aroclor 1242 had. So, they ended up with this material, which we eventually called Aroclor 1016.

Q. (BY MS. MAHAN) And what was the difference between Aroclor 1016 and Aroclor 1242?

A. Aroclor 1016 is a refined Aroclor 1242 from which the five chlorine and higher chlorine-containing PCBs were removed, and the attempt was made and we succeeded in increasing the amount of trichlorobiphenyls

WATER_PCB-SD0000068808

in the final mixture so that the chlorine content was still close to 42 percent. It was 41 plus percent.

Q. And what properties were you looking for in 1016 that didn't exist in 1242?

A. The only properties that didn't exist in 1016 that did in 1242 were the presence of higher chlorinated biphenyls, PCBs.

Q. And did that affect the biodegradability of 1242?

A. Yes, it did.

Q. In what way?

A. The PCBs that were present in 1016 were demonstrated in laboratory studies to degrade rather rapidly.

MS. MAHAN: Okay. I'd like to have this marked 51.

[Government Deposition Exhibit No. 51 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 51, please, can you identify Exhibit 51?

A. Exhibit 51 is a copy of a letter dated September 20, 1971, on Monsanto letterhead addressed to the attention of Mr. Ron Herrington, Aerovox Corporation, New Bedford, Massachusetts, signed by Jim Bryant.

MS. MAHAN: For the record, Exhibit 51 is

WATER_PCB-SD0000068809

XAE002 2313, 2314 and 2315.

Have you ever seen any of the pages of Exhibit 51 before?

A. I definitely recall seeing the attachment to the cover letter, the two-page attachment.

Q. And when did you see the two-page attachment to the cover letter of Exhibit 51?

A. Sometime in the summer of 1971.

Q. Who put together the two-page attachment to the cover letter of Exhibit 51?

MR. WEIR: Object to the form.

A. This was done by Monsanto's research department personnel.

Q. (BY MS. MAHAN) Did you have anything to do with putting that exhibit together?

A. No.

Q. Is this two-page attachment a document by Monsanto?

A. Yes.

Q. Are there any differences between how you described the difference between 1016 and 1242?

MR. McLAUGHLIN: Can I have the question back?

Q. (BY MS. MAHAN) Let me start that one over again. Is there any distinction between the attachment to

WATER_PCB-SD0000068810

Exhibit 51 and the way that you just previously described the differences between Aroclor 1242 and 1016?

MR. WINSLOW: Objection to form.

MR. WEIR: Objection.

Q. (BY MS. MAHAN) Do you understand the question?

MS. OLESKEY: Perhaps you can ask him, Ellen, if he can indicate on the specification sheet what the differences are between the two Aroclors.

MS. MAHAN: If any.

MS. OLESKEY: If any.

MR. WINSLOW: I object to that question.

MS. OLESKEY: It's a good question.

Q. (BY MS. MAHAN) Okay. Let's try it all over again. You previously described the differences between Aroclor 1242 and 1016; is that correct?

MR. WEIR: Objection.

MR. KENNER: Objection.

A. I described the chemical differences.

Q. (BY MS. MAHAN) Are there any differences on this exhibit that you have not previously described to me --

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) -- between the two Aroclors?

A. Yes.

WATER_PCB-SD0000068811

Q. Could you at this time?

A. The differences I described are reflected under the column marked "unrestricted information." There is reference about halfway down the page to penta and hexachlorobiphenyls with an asterisk. Under Aroclor 1242, you will note the six to seven percent range. Under Aroclor 1016 it is reduced to 0.4 percent maximum. In other words, most of the them are less than that. That's the difference I was attempting to describe earlier.

Q. Is it fair to say that everything else on the attachment to Exhibit 51 are other distinctions between the two Aroclors?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

A. It is an attempt to point out the distinctions as well as the similarity.

Q. (BY MS. MAHAN) And it was an attempt by Monsanto to point those out?

A. That is correct.

Q. And Monsanto circulated these to its customers?

A. Yes.

Q. Is it true, Mr. Papageorge, that once Aroclor

WATER_PCB-SD0000068812

1016 gets into the environment, it is difficult to tell the difference between 1242 and 1016?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

A. That is dependent on many factors. How close to the source was the sample taken? What kind of environment did the sample find itself in, the standard that the analytical chemist used in his laboratory, and how he chose to report his findings as compared to that standard.

MS. MAHAN: Let's have this marked as Exhibit 52.

[Government Deposition Exhibit No. 52 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 52, can you identify Exhibit 52?

A. It's a letter dated March 24th, 1976, on Monsanto letterhead, addressed to the EIA PCB ad hoc committee, and signed by J. Coleman Weber, a Monsanto employee.

Q. Have you ever seen this letter before?

A. I do not recall seeing it.

Q. What does Mr. Weber describe in this letter?

WATER_PCB-SD0000068813

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

A. He is describing what the analytical chemist might see if he were to analyze samples containing one of three Aroclors, Aroclor 1016, Aroclor 1242, and Aroclor 1254, and he's pointing out the different effects of mixing the three Aroclors and what the chemist might see. And under Item B, he's referring to the presence of the Aroclors in fish tissue, and the effect of time on the PCBs that are present, and what the analyst might see over a period of time.

Q. (BY MS. MAHAN) Does Mr. Weber's description comport with your understanding of the analysis of PCBs?

MR. KENNER: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. Very closely.

Q. (BY MS. MAHAN) Does it comport with Monsanto's observation at that time?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MS. ROBERTSON: Objection.

WATER_PCB-SD0000068814

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. Yes.

Q. (BY MS. MAHAN) Do you know whether Paul Benignus visited the Cornell-Dubilier or Aerovox facilities in the fall of 1971?

A. I know that Mr. Benignus visited those facilities. I do not remember the dates when he visited them. It was several times.

Q. Do you recall discussing with Mr. Benignus his visits to those facilities in the fall of 1971?

A. Yes.

Q. And what do you recall of those discussions with Mr. Benignus?

MR. WINSLOW: Could we take them one at a time, please?

Q. (BY MS. MAHAN) We could start with the first time that Mr. Benignus visited those facilities.

A. My recollection doesn't distinguish between the two, because the understanding I had with my discussions with Mr. Benignus is that both places or either place was not following our recommendations as we understood they were going to.

MR. McLAUGHLIN: Move to strike.

MR. WINSLOW: Move to strike.

WATER_PCB-SD0000068815

MS. ROBERTSON: Ellen, for your information --

MR. McLAUGHLIN: Off the record.

(Discussion held off the record.)

MS. MAHAN: For the record, the stipulation from this point on is that motions to strike nonresponsive answers of witness are reserved. Any objections except as to form of the question are reserved.

MR. KENNER: I'll just state that it has been my understanding this morning from Miss Mahan's comments at the beginning that motions to strike have been reserved all morning; and, therefore, I have declined to make them to nonresponsive answers.

MS. MAHAN: Okay. And I'll just state that I would appreciate when an objection as to form is made, that the grounds be stated just to speed things along. Okay. Now, where were we?

Could you read back the last question and answer, please?

(Reporter propounded previous question and answer.)

Q. (BY MS. MAHAN) Do you recall having discussions with Mr. Benignus in late 1971, concerning the Cornell-Dubilier or Aerovox facilities?

A. Yes.

WATER_PCB-SD0000068816

Q. Do you recall having discussions with Mr. Benignus in late 1971 before he visited those facilities?

A. Yes.

Q. And what transpired in those discussions with Mr. Benignus concerning those facilities?

A. I don't know that I understand the question. The discussions are held either in his office or mine. We are communicating with each other. I'm reinforcing my thoughts as to what should be done, and it's his duty to see that it's implemented, either personally or through his subordinates.

Q. Did you give Mr. Benignus directions at that meeting that you are recalling?

A. I don't know that I would call them directions so much as reviewing and reiterating our recommendations. I was in no position to direct Mr. Benignus.

Q. Did you discuss with him what you had observed at the Cornell-Dubilier and Aerovox facilities?

A. Oh, yes.

Q. And what did you tell him about what you had observed at those facilities?

MR. WEIR: Asked and answered.

MR. WINSLOW: Excuse me. Could we break the observations down to the separate facilities so we know

WATER_PCB-SD0000068817

what observations are attributed to what facility?

MS. MAHAN: That's fine.

What did you tell Mr. Benignus about what you had observed at the Cornell-Dubilier facility in this discussion that we are talking about?

A. I told him that I saw evidence of the release of PCBs in the work area, and that we had discussed that this was undesirable, and I recall using the expression the facilites should appear bone dry to any observer, just as our plants were. I reviewed with him the comments that we made to the representatives of Cornell-Dubilier regarding the kinds of things that Monsanto had tried and found successful, such as curbing, immediate cleanup, buttoning up the systems, closing them tightly, and so on.

Q. Was anyone else in the room when you had this discussion with Mr. Benignus?

A. I don't recall anyone else being present.

Q. Did you discuss with Mr. Benignus Mr. Graham's February 2nd, 1971 visit to the Cornell-Dubilier facility?

A. Yes.

Q. What did you discuss with him about that February 2nd visit?

A. It was primarily my disappointment that progress had not been made, that things appeared to be the

WATER_PCB-SD0000068818

way they were previously. No change was evident.

Q. And what did Mr. Benignus say during this meeting prior to his visit to the Cornell-Dubilier facility?

A. I don't recall the exact words, but my understanding was that he would again re-emphasize with his customer, Cornell-Dubilier, the necessity and wisdom of doing things better, cleaning up.

Q. Was Mr. Benignus Mr. Bryant's supervisor?

A. Yes.

Q. At this meeting with Mr. Benignus, did you discuss your observations from your visit to the Aerovox facility?

A. Well, I don't know that it was the same meeting. It might have been a different meeting, but I did discuss with Mr. Benignus my observations, yes.

Q. Was this prior to the time that Mr. Benignus went to visit the Aerovox facility?

A. Well, Mr. Benignus visited these facilities periodically, and I'm sure I saw him before one of those visits.

Q. Do you know when the first time was that Mr. Benignus visited the Aerovox or CDE facilities?

A. Oh, no. He had been visiting them for 20 years or more. I have no way of knowing that.

WATER_PCB-SD0000068819

Q. Did you discuss with Mr. Benignus in the fall of 1971 his visit to the Aerovox facility?

A. Yes.

Q. And what did you tell him, if anything, about your observations of the Aerovox facility?

A. Again, I don't recall the exact words, but the summary of my discussion would be that I had observed visible signs of PCBs at the facility, that we had informed the representatives of that company that this was undesirable, that Monsanto had some experience in controlling PCBs, and we shared those with them; again, curbing methods, of taking samples without spilling, proper disposal of the solid materials and the like.

Q. Did you tell Mr. Benignus where in the Aerovox facility you had observed these PCBs?

A. I don't recall that I mentioned any specific points. I gave him the general observation.

Q. What visible signs of PCBs had you observed at the Aerovox facility?

MR. McLAUGHLIN: Can we have a time?

Q. (BY MS. MAHAN) In your one visit to the Aerovox facility.

A. I believe the observation I made was that the facility seemed to have what I call an oily appearance. Floors and stairwells had visible signs of oily material

WATER_PCB-SD0000068820

on them.

Q. Did you say previously -- and tell me if I am mischaracterizing -- that you had seen spills during sampling?

MR. WINSLOW: Objection.

A. No. No, I said that there are ways of taking samples without creating spills, and Monsanto had developed a device or a system for doing so, and we were sharing that with our customers.

Q. (BY MS. MAHAN) Had you observed any problem with spills during sampling at either the CDE or Aerovox facilities?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. No.

Q. (BY MS. MAHAN) What is the method that Monsanto had developed to control spills during sampling?

A. It was very simple. It was a piping system in the PCB systems that would permit recirculating or circulating the materials such that we were assured that we would be getting a representative sample rather than something trapped in the system from a previous attempt. The container in which the sample was taken would be rinsed with this material, and instead of depositing the rinsings in a convenient trash container, it would be

WATER_PCB-SD0000068821

poured into a specially-constructed drain, a funnel-type arrangement, which would lead to a collection system, so that all these liquids that were created by this sampling technique throughout the facility would be collected at one point and would be appropriately either recycled or destroyed.

Q. Now, what types of sampling are you talking about? From what types of equipment are they sampling from or are you talking about? I'm sorry.

MR. KENNER: Object to the form. The question is uncomprehensible.

A. It could be any facility that contains the PCBs. It could be a storage tank. It could be a treatment tank where an attempt is made to improve the quality of the PCB before it's eventually used. It could be a distillation column such as occurs at Monsanto where we were making the PCBs, so we would want to know is the quality of the material proper before we send it on to mix with the other finished product? It could be any one of those.

Q. (BY MS. MAHAN) Now, in your discussion with Mr. Benignus concerning the Aerovox facility that we were talking about, was anyone else present at that discussion?

A. I don't remember. That doesn't mean there weren't.

WATER_PCB-SD0000068822

Q. What did Mr. Benignus say to you about his visit or upcoming visit to the Aerovox facility?

A. Well, he assured me that he was going to give his personal emphasis to his contacts at the company and reinforce these recommendations that had been made on more than one occasion.

Q. Do you recall if you ever met with Mr. Benignus and Mr. Bryant concerning visits to the Cornell-Dubilier facility?

A. Oh, yes; not specifically. Our contacts were frequent, day in, day out, on many matters. I don't recall specifically a meeting addressing an upcoming meeting or visit.

MS. MAHAN: Let's have this marked as 53.

[Government Deposition Exhibit No. 53 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 3 for me, please, Exhibit 53 is XCD007 1074. Have you ever seen Exhibit 53 before?

A. I don't recall seeing it.

Q. Do you recall discussing a visit by Mr. Bryant and Mr. Benignus to the Cornell-Dubilier facility on October 6, 1971?

A. I recall the visit, but I don't recall the exact date.

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Q. Do you recall a time period of a visit by Mr. Bryant and Mr. Benignus to Cornell-Dubilier?

A. Yes; in terms of this was the first visit Mr. Bryant made in his new capacity replacing Mr. Graham.

Q. Do you recall discussing with Mr. Bryant or Mr. Benignus Cornell-Dubilier's use of drip trays in the impregnation and production areas of Cornell-Dubilier?

A. Not specifically.

Q. And what was the time period that you recall Mr. Bryant's first visit to the Cornell-Dubilier facility?

MR. WEIR: Object; asked and answered.

MS. MAHAN: I'm sorry?

MR. WEIR: I think he's already answered the question.

Q. (BY MS. MAHAN) Just for clarification, what do you recall the time period of Mr. Benignus' first visit?

A. Early October.

Q. Of what year?

A. '71.

MR. CONNELL: Was that 1971? Was that the answer?

THE WITNESS: Yes.

MR. CONNELL: Thank you.

MS. MAHAN: Mark that.

WATER_PCB-SD0000068824

[Government Deposition Exhibit No. 54 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 54, which is XAE002 2311F and 2311L, have you ever seen Exhibit 54 before?

A. I don't recall ever seeing it.

Q. During October of 1971, did you ever discuss with Mr. Bryant or Mr. Benignus their request to review Aerovox's program for preventing PCB contamination?

A. Yes.

MS. ROBERTSON: Objection.

MR. WEIR: Object to the form.

MR. KENNER: Object to the form.

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) What do you recall of those discussions with Mr. Bryant or Mr. Benignus?

A. It was a continuation of our assessment of how our customers in general were doing, and finally the specific customers, including Aerovox, and our understanding of how well they were doing in their programs, and we had assigned initially Mr. Graham and now Mr. Bryant to make these assessments and conduct these discussions with the customers.

Q. Was October of 1971 the first time that Aerovox's program was being reviewed by Monsanto?

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A. No.

Q. Were there prior occasions where Aerovox's program was discussed with Monsanto?

A. Yes.

Q. Do you know when those prior occasions were?

A. It was the period following our June, 1970 visit and up to the point where Mr. Bryant became involved, and these were done by Mr. Graham.

Q. And what was it that was done by Mr. Graham during that intervening period?

A. Periodic visits and discussions with the appropriate people at the customer's plant.

Q. And do you know if Mr. Graham completed call reports for those visits between mid-1970 and October of 1971?

A. Call reports were made for some, but the preparation of call reports was not mandatory. It was the discretion of the individual making the customer call.

Q. Did you discuss with Mr. Bryant or Mr. Benignus in October of 1971 whether Monsanto would stop selling PCBs to a company that did not clean up its contamination problems?

MR. KENNER: Can I have the question read back?

(Reporter propounded pending question.)

WATER_PCB-SD0000068826

A. I don't recall that part of any discussion.

Q. (BY MS. MAHAN) Did you ever have any discussions at Monsanto about ceasing PCB sales to a company that did not clean up its contamination problems?

A. I was present at discussions regarding this approach, but since it was a marketing decision, I was not present at all discussions or present when and if ever such a policy was developed.

Q. At these discussions at which you were present, who else was present?

A. Just about everyone in Monsanto that was relating to the PCB situation in any manner: research and development people, public relations people, advertising people, marketing, commercial development, some lawyers, business managers, manufacturing representatives.

Q. Was anyone at Monsanto at these meetings advocating the ceasing of sales to customers who did not clean up PCB contamination?

MR. WINSLOW: Objection.

A. Yes. There were some individuals in the room that felt strongly about it. I just don't remember exactly who, but that obviously the point did come up and there were some who decided there were other ways to accomplish the same end point. It was a general discussion of the possibility that could be adopted.

WATER_PCB-SD0000068827

Q. (BY MS. MAHAN) And what do you mean by "felt strongly about it"?

MR. WINSLOW: Objection.

A. That's just a personal reaction to an individual's comments of, "By golly, we should not sell that type of thing."

Q. (BY MS. MAHAN) Is it fair to say when you say they felt strongly, they felt strongly that such sales should be ceased?

MR. KENNER: Objection to the form; leading.

MR. WINSLOW: Object to the characterization.

A. Yes. Some individuals did express that, yes.

Q. (BY MS. MAHAN) And who were the individuals that expressed that?

MR. KENNER: Objection; asked and answered.

Q. (BY MS. MAHAN) Who were the individuals?

A. I don't remember the specific individuals.

Q. Do you remember if it was Mr. Benignus' feeling that PCB sales should be ceased?

MR. KENNER: Objection; asked and answered.

MR. WEIR: Objection.

A. I just don't remember.

Q. (BY MS. MAHAN) Do you remember the names of anyone who were at meetings discussing whether PCB sales should be ceased to customers who had contamination

WATER_PCB-SD0000068828

problems?

A. I can only recall a few. Mr. Benignus certainly was in the room, and Mr. Olson, Mr. Ed John, Dr. Richard, Elmer Wheeler.

MR. KENNER: Would you spell that last name?

THE WITNESS: Wheeler, W-h-e-e-l-e-r.

There were others there, but I can't recall all of them.

MS. MAHAN: Let's mark this.

[Government Deposition Exhibit No. 55 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 55, which is XCD001 0591, have you ever seen Exhibit 55 before?

A. Yes.

Q. In this form?

A. Yes.

Q. Do you know if the same letter went to other customers besides Cornell-Dubilier?

A. Yes.

Q. And did it?

A. Yes.

Q. Do you know who else this letter went to?

A. This letter went to all customers of Monsanto continuing to receive PCB products as of early January,

WATER_PCB-SD0000068829

1972.

Q. Did you participate in Monsanto's decision to send this letter?

A. Yes.

Q. Did you participate in the drafting of this letter?

A. Yes.

Q. And what was your role in the decision to send this letter?

A. Well, I think I ended up writing at least one of the drafts, prepared it for Mr. Bergen's review and approval and eventual signature.

Q. Why did Monsanto send this letter to its customers?

MR. WINSLOW: Objection.

A. This was part of our continuing effort to re-emphasize the fact that it shouldn't enter the environment, and it shouldn't find it's way into food products.

Q. (BY MS. MAHAN) Who else participated in the decision to send this letter to Monsanto's customers?

A. There were others. I don't recall specifically who.

Q. Did Monsanto receive any response from its customers to this letter?

WATER_PCB-SD0000068830

A. I'm not aware of any formal response, no.

Q. Are you aware of any informal responses from Monsanto's customers to this letter?

MR. WINSLOW: Objection.

A. I got some personally.

Q. (BY MS. MAHAN) Who did you receive responses from personally?

A. I don't remember the customers, but at different meetings they would say, "Hey, Mr. Burgen just sent us that letter. There's nothing new there, is there?" "No. It's the message that we have been telling you." That kind of dialogue would take place.

Q. (BY MS. MAHAN) Did you receive any reaction from this letter to Cornell-Dubilier?

A. I don't remember.

Q. Did you receive any reaction from this letter to Aerovox?

MR. WINSLOW: Objection to word "reaction."

Q. (BY MS. MAHAN) Did you receive any contact from Aerovox with regard to this letter?

A. I believe I recall Mr. Tuttle mentioning this as having seen it.

Q. Did you talk personally to Mr. Tuttle about this letter?

A. Yes. I believe I did. I do recall that.

WATER_PCB-SD0000068831

Q. Was this on the telephone?

A. No. This was at some other personal face-to-face contact. I've forgotten the situation, the circumstances, now.

Q. And do you recall what Mr. Tuttle said to you about this letter?

MR. McLAUGHLIN: Could we have a date on this, please?

A. Not the exact words, but the fact that he had received it and assured me that they were aware of this and were striving to that end.

Q. (BY MS. MAHAN) Do you recall when this discussion with Mr. Tuttle took place?

A. Sometime in the early part of 1972.

Q. Do you recall where this conversation took place?

A. I don't recall exactly. It was at a -- I don't remember the exact circumstances. It was at an assembly of customers and others interested in PCBs. That's as close as I can get to it.

Q. Do you recall what you said to Mr. Tuttle concerning this letter?

A. Not really, except that I would support what Mr. Bergen had said.

Q. In this discussion with Mr. Tuttle in early

WATER_PCB-SD0000068832

1972, did you discuss anything else concerning PCBs?

A. Oh, I don't remember. We probably did, but I don't remember.

Q. Do you recall anything else that Mr. Tuttle said to you other than with regard to this letter at that discussion?

A. No.

Q. Do you know what Monsanto's special undertaking is?

A. I believe I do, yes.

Q. And what is Monsanto's special undertaking?

A. It was a document that we asked our customers of PCB-containing dielectric fluids to sign off on before we would ship them PCB fluids for use in capacitors or transformers.

Q. Do you recall when this special undertaking was implemented by Monsanto?

A. Yes; early 1972.

Q. Did you participate in the decision to implement this special undertaking?

A. No.

Q. Who did at Monsanto?

A. That was the managers of the business group that sold the PCB materials.

Q. And what individuals are those?

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A. In 1972, certainly Mr. Burgen was involved, and his marketing director, and I don't remember at the time whether that was Mr. Olson or Mr. Gossage, the marketing director who had the assignment at that time. They were involved, assisted, of course, by attorneys. I believe that represents the Monsanto people that put it together.

Q. Were you consulted at all before the special undertaking was implemented?

A. No.

Q. Did you know the special undertaking was going to be undertaken?

A. I was aware of it, yes.

Q. Who had told you of that?

A. I don't remember the specific individual. It could have been all three or four of them. I don't remember.

Q. Were you told why the special undertaking was being implemented?

A. Yes.

Q. Do you recall who told you why?

A. No, I don't.

Q. What did they tell you with regard to why the special undertaking was being implemented?

MR. KENNER: Object to the form. It assumes

WATER_PCB-SD0000068834

the plural.

A. Well, I'm trying to recall the gist of the conversation. It was Monsanto's desire to make certain PCBs not get into the environment. At the same time Monsanto well understood the difficulty of replacing this fluid. They wanted it clearly understood by the continuing customers of these fluids that they certainly understood the need to keep it out of the environment, and the proper handling; and this was one way, certainly an impressive way, to make certain that the message was understood by the buyer of the material, and those are the conditions that Monsanto felt were appropriate for continued sales.

Q. Do you know if the special undertaking was implemented as a result of observations during site visits?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) Customer site visits?

A. That was one of the considerations, but not the only consideration.

Q. And how did the observations during the customer site visits play into the decision to undertake the special undertaking?

MR. WINSLOW: Objection.

WATER_PCB-SD0000068835

MR. WEIR: Objection.

A. Well, the fact that some of the customers hadn't achieved the conditions that we understood they were striving for was a factor in considering the special undertaking.

Q. (BY MS. MAHAN) How do you know that was a factor in the special undertaking?

A. Only as a result of the desire to make certain that our customers cleaned up their operations, and one way to make certain they understood this was to get them to sign documents. From that point on I have to assume that that was a driving force in this decision. That's a personal observation.

Q. Did you discuss that, the customer site visits, as a factor with any of the people who decided to implement the special undertaking?

A. No. That would not have been a normal role for me to play in this instance.

Q. Did Mr. Bergen ever tell you that his concern about customer site visits was a factor in the special undertaking?

MR. WINSLOW: Objection.

A. I don't recall Mr. Burgen specifically -- some did, but I don't know who.

Q. (BY MS. MAHAN) Some did tell you that the

WATER_PCB-SD0000068836

customer site visits were a factor in the special undertaking?

A. Yes.

Q. Do you know if all of Monsanto's customers agreed to the special undertaking?

A. It was my understanding that they all agreed.

Q. Do you know if Monsanto got any other response from its customers with regard to the special undertaking?

A. I don't know what you mean by "other response."

Q. Other than their agreement to sign on the special undertaking.

A. No. I was not involved in the discussion, so I don't know the details of the customers' reactions.

Q. Did any of the customers contact you with regard to the special undertaking?

A. No.

MS. MAHAN: Mark this.

[Government Deposition Exhibit No. 56 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 56, which is XER032 2004F, 2205, 2206 and 2207L, can you identify Exhibit 56 for the record?

A. Exhibit 56 is a form letter, Monsanto

WATER_PCB-SD0000068837

letterhead, undated, signed by Howard S. Bergen, the director of the specialty products group of Monsanto.

Q. Is there any attachment to Exhibit 56?

A. There is an attachment on Monsanto letterhead entitled, "Special Undertaking by Purchasers of Polychlorinated Biphenyls."

Q. Have you ever seen Exhibit 56 before?

A. Yes.

Q. And when did you see this before?

MR. WINSLOW: When first?

Q. (BY MS. MAHAN) Yes. When did you first see this Exhibit 56?

A. Back in early 1972, when it was finalized.

Q. Do you know when -- well, let me ask you this. Was Exhibit 56 sent out of Monsanto?

A. It's my understanding it was.

Q. Do you know who it was sent to?

A. It was sent to customers of dielectric fluids containing PCBs sold by Monsanto. These were customers on record as of early 1972.

Q. Do you know whether this letter was sent out to customers of Monsanto?

A. I don't recall the exact date, but it was in January, '72.

Q. Did you participate at all in the drafting of

WATER_PCB-SD0000068838

this letter?

A. No.

Q. Did you participate in the drafting of the attachment?

A. No.

[Government Deposition Exhibit Nos. 57 and 58 marked for identification.]

Q. (BY MS. MAHAN) Let me show you 57 and 58. 57 is XER032 1220F to 1221L. 58 is XER032 0487 and 0488L. Can you identify Exhibit 57?

A. Exhibit 57 is a copy of the special undertaking we just described specific to Cornell-Dubilier and signed by officials at Cornell-Dubilier and Monsanto Company.

Q. Have you ever seen Exhibit 57 before?

A. No.

Q. Can you identify Exhibit 58 for the record?

A. It's a copy of the special undertaking form specific to Aerovox Corporation and Aerovox-Canada, Limited, signed by firms of Aerovox Corporation and Aerovox-Canada, Limited and Monsanto Company.

Q. And have you ever seen Exhibit 58 before?

A. No.

Q. Do you know, Mr. Papageorge, when PCB warnings began being placed on customer invoices for

WATER_PCB-SD0000068839

Monsanto?

MR. WINSLOW: Objection.

MS. MAHAN: Grounds?

MR. WINSLOW: Characterization to the word "warnings."

MS. MAHAN: I'll let it stand.

MR. WEIR: I'll object also on the ground that you're leading him.

A. Warnings were placed on customer invoices, the best of my recollection, sometime in 1970, the middle or latter part of 1970.

Q. (BY MS. MAHAN) And do you know why those warnings were placed on customer invoices?

A. As a reminder and to reinforce the messages that were appearing on labels and had been mentioned in letters addressed to the customers previously.

Q. Did you participate in the drafting of those PCB warnings?

A. Yes.

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) In what way did you participate in the drafting of those PCB warnings?

MR. WINSLOW: Objection.

A. Oh, I had a draft paragraph composed, and consulted with other Monsanto people as to the contents of

WATER_PCB-SD0000068840

that paragraph or paragraphs, and had sought and got consensus as to the kind of message that would be appropriate before it was turned over to the supervisors of the accounts receivable department to use on their invoicing.

Q. (BY MS. MAHAN) Who else participated with you in the drafting of these PCB warnings?

MR. WINSLOW: Objection.

A. That would be Mr. Benignus, Mr. Olson, Mr. Wheeler, one of the attorneys -- I don't recall just which -- people in the accounts receivable department. I don't recall the specific individual. That's very likely the group that participated.

Q. (BY MS. MAHAN) Did Monsanto have a name for this particular PCB message other than "PCB warning"?

MR. KENNER: Object to the form.

MR. WEIR: Objection.

MS. ROBERTSON: Objection.

A. I don't know that we ever had a formal name for it. Each individual used his own words, PCB warning, or environmental warning, or the food warning, or animal feed warning. It had many expressions that were used to describe it.

Q. (BY MS. MAHAN) I'm going to ask you to take a look back at what was previously marked as Government

WATER_PCB-SD0000068841

Exhibit No. 8, and that's pages 102025 and 102026. I believe it's dated 10/3/72 -- 10/30/72.

MS. ROBERTSON: Wait a minute. Which one are we on again?

MS. MAHAN: 25 and 26, October of '72, so it would be toward the end. It's October 30.

Mr. Papageorge, do you notice the message that's placed on 01025 and continuing on 01026?

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

A. Yes, I do.

Q. (BY MS. MAHAN) And is that what we have just been referring to as the PCB warning?

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection to form. I don't know what you are referring to.

MR. CONNELL: Miss Mahan, since we don't have copies of this for everyone, I would just request that if at that the beginning of the question, you read the first and the last phrase of what you are referring to.

Q. (BY MS. MAHAN) Mr. Papageorge, starting with the phrase, "This product contains polychlorinated biphenyls," and ending with the word "pharmaceuticals," is that what we have just been discussing and what you understood to be referred to as the PCB warning?

WATER_PCB-SD0000068842

MR. KENNER: Objection to the form.

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MS. MAHAN) Mr. Papageorge, how would you identify the language that begins, "This product contains" and ends on the next page with "pharmaceuticals," how would you identify that language?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. I personally would refer to it as the PCB warning statement.

Q. (BY MS. MAHAN) And did you participate in drafting that statement?

A. Yes.

MS. MAHAN: Okay. Why don't we take a break at this point. It's 10:30.

(Brief recess held.)

Q. (BY MS. MAHAN) Before we broke we were discussing what you have termed a PCB warning statement. That was included on the invoices for PCB customers; is that right? Do you recall that?

A. Yes.

Q. Do you recall receiving any response from Monsanto's customers to the inclusion of that warning

WATER_PCB-SD0000068843

statement?

A. Not specifically, no.

Q. Do you recall receiving any response from Cornell-Dubilier concerning the inclusion of the warning statement?

MR. WEIR: Objection; asked and answered.

Q. (BY MS. MAHAN) Do you recall receiving any response from Aerovox?

A. No.

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

Q. (BY MS. MAHAN) Going back for a moment to the special undertaking that we were discussing earlier, do you know if Monsanto took any steps to determine the economic viability of a company that signed the special undertaking?

MS. ROBERTSON: Objection.

MS. MAHAN: Grounds?

MS. ROBERTSON: Economic valuability, I'm not sure --

MR. KENNER: Viability.

MS. ROBERTSON: I'm not sure what it means.

Q. (BY MS. MAHAN) Do you understand what I mean by "economic viability"?

A. I believe I do.

WATER_PCB-SD0000068844

Q. All right.

A. There was some discussion in my presence, but I don't recall that it got into any kind of depth, at least while I was present.

Q. Do you recall what the gist of that discussion was?

MR. McLAUGHLIN: I object.

A. It had to do with the ability of the customer to truly indemnify Monsanto in the event there was an issue raised, a legal issue raised.

Q. (BY MS. MAHAN) And do you recall if Monsanto took any steps to determine whether a company was economically able to indemnify Monsanto?

A. No, I was not involved.

Q. So, you don't know one way or the other if Monsanto did take any steps?

A. That is correct.

Q. In 1972, did you present a paper at the Doble client conference, D-o-b-l-e?

A. Yes.

Q. What was the Doble client conference?

A. Doble Engineering Company provides transformer services to owners and operators of transformers, and periodically they hold conferences for their clients, and I was invited to be on their agenda to

WATER_PCB-SD0000068845

review PCB's handling and disposal.

Q. Do you recall when that conversation took place?

A. Early 1972 is the best of my recollection.

Q. Who were the attendees at the conference?

A. I don't recall specific individuals or companies, but they represented industries of all kinds as well as the utilities.

Q. Do you recall if anyone from Cornell-Dubilier attended the Doble client conference?

A. I do not.

Q. Do you recall if anyone from Aerovox attended the Doble client conference?

A. I do not recall.

MS. MAHAN: Let's have this marked as 59.

[Government Deposition Exhibit No. 59 marked for identification.]

Q. (BY MS. MAHAN) If you could just take a look at Exhibit 59, which is XCD004 0752 thorugh 0757L, can you identify Exhibit 59?

A. Yes. It's a copy of a presentation I made in 1972 before the Doble client conference entitled or titled, "The Disposal of Scrap Askarel and Solid Waste Contaminated with Askarel."

Q. After the special undertaking was implemented

WATER_PCB-SD0000068846

by Monsanto, do you know if Monsanto's relationship changed with any of its customers?

MR. KENNER: Object to the form.

MR. WEIR: Objection.

A. I don't personally know.

Q. (BY MS. MAHAN) Did you talk to anyone at Monsanto about customer reactions that they were receiving concerning the special undertaking?

MR. WEIR: I'll object. I think we have already been over this ground.

A. There, as I recall, were some very informal casual discussions as far as I was concerned relating to that, customer reaction to the undertaking.

Q. (BY MS. MAHAN) And who did you have these informal discussions with? I'm talking about personnel at Monsanto now.

A. Yes; people in the marketing organization, Mr. Benignus, very likely Mr. Bergen, also, but I'm not too sure of that.

Q. And do you recall what those discussions were about?

A. It was a very brief remark describing customer reaction as they were perceived by Mr. Benignus.

Q. And how did he describe customer reaction?

A. As best I understood, it varied from

WATER_PCB-SD0000068847

disagreement with Monsanto's approach for a ready willingness to sign and proceed to full spectrum reactions.

Q. Did Mr. Benignus discuss the reaction of Cornell-Dubilier to the special undertaking?

A. I don't recall that message specifically, no.

Q. Did he discuss the reaction of Aerovox Corporation to the special undertaking?

MR. WINSLOW: Objection.

A. I don't recall that.

Q. (BY MS. MAHAN) In the early fall of 1972, did you participate in a plant visit at Aerovox?

A. I don't recall visiting Aerovox after 1970. I just don't remember.

MS. MAHAN: Let's have this marked as 60.

[Government Deposition Exhibit No. 60 marked for identification.]

Q. (BY MS. MAHAN) Would you take a look at Exhibit 60? For the record, Exhibit 60 is XER032 0151F through 0182F. Have you ever seen Exhibit 60 before?

A. I don't recall seeing it before.

MR. McLAUGHLIN: What was that? May I have the answer back?

MR. KENNER: "I do not recall seeing it before."

WATER_PCB-SD0000068848

Q. (BY MS. MAHAN) Do you recall a Monsanto visit to Aerovox during September of 1972?

A. Not personally, no.

Q. Do you know what this document was used for?

MR. WINSLOW: Objection.

MR. KENNER: Objection. He's just testified he's never seen it.

Q. (BY MS. MAHAN) Fine. Do you know what this document was used for?

A. I could only speculate.

Q. Could you speculate?

MR. WEIR: Objection.

MR. KENNER: Objection.

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. KENNER: I thought you wanted to move this ahead.

MR. McLAUGHLIN: Yeah.

A. It seems to me that the title of the document indicates that there was a visit made covering the subjects listed of PCB dielectric fluids, mineral oils, castor oils, reference to the Government's report that was issued in the previous May, the reference to the American National Standards Institute committee that was active at

WATER_PCB-SD0000068849

the time, and I note there are copies here of information that was used by Monsanto representatives in a presentation made to the inter-agency task force in Washington, D. C. in May of 1972.

Q. (BY MS. MAHAN) Have you ever seen a document like this for any other Monsanto customer?

MR. KENNER: Object to the form.

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

A. No.

Q. (BY MS. MAHAN) In the fall of 1972, do you know if Monsanto had any kind of a -- strike that -- any kind of a customer relations program that it was instituting?

MR. KENNER: Objection to the form. It's a partial question.

MR. WINSLOW: Objection.

A. I'm not aware of any unique program, no.

MS. MAHAN: Let's get this marked 61.

[Government Deposition Exhibit No. 61 marked for identification.]

Q. (BY MS. MAHAN) I show you Exhibit 61, which for the record is XER032 0208F through 0242. Have you ever seen Exhibit 61 before?

A. I don't recall seeing it.

WATER_PCB-SD0000068850

Q. Did you participate in a visit by Cornell-Dubilier to Monsanto in August of 1972?

MR. WINSLOW: Objection.

A. I participated in a visit with individuals from Cornell-Dubilier. I don't recall the date, nor do I vividly recall who these individuals were.

Q. (BY MS. MAHAN) Do you recall what year that was?

A. No, I don't. The closest I could come, it would have to be '71 and '72.

Q. Did Monsanto hold a symposium on PCBs in 1974?

A. Yes.

Q. And what was that symposium?

MR. WINSLOW: Objection.

MS. MAHAN: Grounds?

MR. WINSLOW: Vague. What was the symposium?

Q. (BY MS. MAHAN) What was the symposium?

MR. McLAUGHLIN: Objection.

A. In 1974, Monsanto had a PCB dielectric symposium which was intended to -- it was really a status report on PCBs as used in dielectric fluids, summary of analytical methodologies, the status report on the search for replacement materials, again a review of the toxicology studies that had been completed prior to that,

WATER_PCB-SD0000068851

and the customers of Monsanto who continued to purchase dielectric fluids were invited to that symposium.

Q. (BY MS. MAHAN) Did you participate in that symposium?

A. Yes.

Q. And what did you do?

A. As I recall, I spoke on the status report portion of the PCB issue.

Q. And where was the symposium held?

A. In St. Louis. As I remember, it was one of the hotels here in St. Louis.

Q. Were all of Monsanto's --

Off the record.

(Discussion held off the record.)

Q. (BY MS. MAHAN) Back on the record. Were all of Monsanto's dielectric customers invited to the symposium?

A. It was my understanding they were all invited.

Q. Do you recall if anyone from Aerovox attended the symposium?

MR. KENNER: Object to the form.

A. I think I recall Mr. Tuttle being present.

Q. (BY MS. MAHAN) Anyone else from Aerovox?

MR. KENNER: Object to the form. What do you

WATER_PCB-SD0000068852

mean by Aerovox?

Q. (BY MS. MAHAN) Aerovox Industries, Inc.

MR. KENNER: Thank you.

A. I don't recall any others.

Q. (BY MS. MAHAN) Do you recall anyone from Cornell-Dubilier at the symposium?

A. No. I do not.

MS. MAHAN: Let's have that marked.

[Government Deposition Exhibit No. 62 marked for identification.]

Q. Could you take a look at Exhibit 62? For the record, Exhibit 62 does not have a reel and frame number. It has a Bates stamp number in the corner, 9275 and 9276. Have you ever seen Exhibit 62 before?

A. I have not.

Q. Does this appear to be a summary of the symposium we have just been discussing?

MR. WINSLOW: May I have the previous answer back?

MS. MAHAN: "I have not."

MR. WINSLOW: "I have not." Okay.

Q. (BY MS. MAHAN) Does this appear to be a summary of the symposium we have just been discussing?

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

WATER_PCB-SD0000068853

MR. McLAUGHLIN: Objection.

A. It appears to be an attempt by an individual to summarize what happened at the symposium.

Q. (BY MS. MAHAN) Why did Monsanto decide at this time to hold a symposium?

MR. KENNER: Objection.

MR. WINSLOW: Objection.

A. I don't know that there was any compelling reason other than our continued desire to communicate, and we had not had a group of customers in one room for some time since the ANSI Committee had stopped its deliberations, and this was perceived to be a good time to bring them all together again and review the status of the situation.

Q. (BY MS. MAHAN) Did you participate in the decision to hold the symposium?

A. Yes.

Q. With other people at Monsanto?

A. Yes.

Q. Who else at Monsanto?

A. Well, Mr. Benignus was the organizer of this symposium, as I remember, and he asked me if I would participate, if I would be on the agenda, and reviewed the topics, asked for my recommendations, and that was the type of involvement prior to the symposium.

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Q. Were you aware in 1974 of an ownership change in Aerovox?

A. No.

Q. Were you aware in 1973 that there was an ownership change in Aerovox?

A. No.

Q. Were you involved in the PCB ad hoc committee sampling program for PCB customers in 1974?

MR. WINSLOW: Excuse me. Since we are getting into changes of corporate names, could you refer to Aerovox by its proper corporate name for whatever time period you are addressing? It would make the record much more clear.

MS. MAHAN: Okay. I'm not sure that I did that yesterday, so --

MR. WINSLOW: I realize that.

MS. MAHAN: -- from this point on I will attempt to do that.

Could you read back the question?

(Reporter propounded pending question.)

A. I was involved only to the extent I was aware of the program, and I supported the program and encouraged our analytical chemistry professionals to devote the appropriate priority or give it the appropriate priority to make the program successful. So, I was peripherally

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involved.

Q. (BY MS. MAHAN) Could you describe the program to me?

A. As I recall, it was an attempt to get samples from our customers of their effluents brought into our laboratory, and as I remember, there were other laboratories also used with split samples so that we could determine the amount of PCBs present in those effluents.

Q. And do you recall whose idea the program was?

MR. WINSLOW: Objection.

A. It came from industry, but I don't know just which company. It was an industry suggestion.

Q. (BY MS. MAHAN) Do you know if it was suggested by Aerovox Industries, Inc.?

A. I do not know.

Q. Do you know if it was suggested by Cornell-Dubilier?

A. I do not know.

Q. Did Monsanto analyze the samples free of charge?

A. Yes.

Q. Do you know whose idea it was at Monsanto to analyze those samples free of charge?

MR. WINSLOW: Objection.

A. I don't know the specific individual.

WATER_PCB-SD0000068856

Q. (BY MS. MAHAN) Do you know who at Monsanto first received industry suggestion to have this sampling program?

A. No, I do not.

Q. Do you know if it was you?

MS. ROBERTSON: Objection.

A. I don't recall as being the initial contact.

Q. (BY MS. MAHAN) What was the purpose of sampling the PCB companies' effluent in this program?

MR. WINSLOW: Objection; asked and answered.

A. As I recall, it was at least twofold. One is to determine the effectiveness of their control program, and another was to attempt to open, if we could, the feasibility of control at very, very low levels of contamination. Was it feasible?

Q. (BY MS. MAHAN) Do you know if the data was going to be submitted to any Government agency, the results of the sampling analysis?

A. I don't recall that that was discussed. I don't remember.

Q. Was the sampling program a voluntary program among Monsanto's customers?

A. Yes.

Q. Do you know what percentage of Monsanto's customers participated?

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A. I don't. I don't remember. I used to know, but I don't remember.

Q. Do you know whether it was a low percentage or a high percentage?

MR. WINSLOW: Objection.

MR. KENNER: Object to the form.

A. I don't know that I could characterize it as low or high. I would suggest that my recollection is that the representation was encouraging, but not every single site of all the customers was covered.

Q. (BY MS. MAHAN) Do you know whether over half of your customers participated?

A. That's -- yes. Over half of the customers, but in many cases only one plant was represented by that customer.

MS. MAHAN: Let's have this marked.

[Government Deposition Exhibit No. 63 marked for identification.]

Q. (BY MS. MAHAN) Would you take a look through Exhibit 63, please, which for the record is XER032 0035, 0036, 0037, and then beginning with XCD066 0517FL, 0518FL, then back to XER032 0040 through 0044. Have you ever seen these documents before in Exhibit 63?

A. Yes.

Q. Can you identify these documents?

WATER_PCB-SD0000068858

MR. KENNER: Objection. My copy of these documents appears to have words missing on pages 2 and 3. I don't know if that's true of the exhibit that Mr. Papageorge is looking at.

MS. MAHAN: Yes, it is true.

A. This document, the first page is an interoffice memorandum, Monsanto memorandum sent by me to Mr. J. R. Savage, to which I have attached a letter from Mr. Clifford Tuttle to me dated November 1st, 1974, which in turn has attachments including minutes of a meeting of the ad hoc PCB EIA committee, a questionnaire, and instructions on how to complete the questionnaire.

Q. Who is Mr. J. R. Savage?

A. At that time Mr. Savage was the director of manufacturing for the business group that marketed the PCB dielectric fluids.

Q. Do you recall if you received any comments from Mr. Savage on the attached materials?

A. I don't remember them specifically, no.

Q. Did you make any comments to Mr. Tuttle on the attached materials?

A. I suspect I did, but I don't remember them. It would be supportive. I just don't remember the specifics.

Q. If I could draw your attention to the second

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page of the package, which is XER032 0036, do you recall if you answered Mr. Tuttle's questions in this letter?

A. No, I don't recall.

Q. Do you know, Mr. Papageorge, if this was the attachments to your cover memo, if this was the package that was sent out to the customers who were being sampled?

MR. KENNER: I'm sorry. Could you read that back?

A. No, I do not. I don't know what revisions were made.

MS. MAHAN: Read back.

(Reporter propounded pending question.)

MR. FITZMAURICE: Excuse me. Can you point out what documents in this package, including, for example, the Aerovox cover letter?

MR. WEIR: Yeah. What do you mean by "this"?

Q. (BY MS. MAHAN) Okay. Let's start over again. Mr. Papageorge, do you know if the documents that start XCD006 0517FL and continuing to XER032 0044, is the package that was sent to the PCB customers being sampled?

A. No, I do not know.

Q. Who is Ed Stewart?

A. Mr. Stewart was a Monsanto employee at the Monsanto plant in Sauget, Illinois, where PCBs were manufactured, and he was the manager of that unit.

WATER_PCB-SD0000068860

Q. Did Mr. Stewart participate in the sampling program that we have been discussing?

A. Yes, he did.

Q. In what way did he participate?

A. As I recall, he coordinated the program as it involved his plant laboratory, and he also was able to communicate to the participants the proper way for taking samples, and the proper way to ship them, and the details involved with a good sample program.

Q. Do you know if he actually visited the plants?

A. I do not know.

MS. MAHAN: Let's have this marked 64.

[Government Deposition Exhibit No. 64 marked for identification.]

Q. (BY MS. MAHAN) Is Mr. Stewart still with Monsanto?

A. No.

Q. Do you know where he is now?

A. No, I do not.

Q. Do you know who would know at Monsanto where he can be located?

A. I would go to the personnel department and ask.

Q. Okay. If you could take a look at what's

WATER_PCB-SD0000068861

been marked as Exhibit 64, Exhibit 64 is XER032, frame 1210F, and I can't read the last, probably "L." Can you identify Exhibit 64?

A. Exhibit 64 is a copy of a call report. The date of the call is November 20, 1974. The call was made by Mr. Stevenson, a Monsanto salesman.

Q. Was Mr. Stevenson in charge of New Bedford accounts at that point, 1974?

A. Yes.

Q. Do you know at what time he took that account over?

A. I do not remember the exact date. It was late '74.

Q. Does Mr. Stevenson still work for Monsanto?

A. I do not know.

Q. Do you know who Norman Butterworth is?

A. No, I do not.

Q. Have you ever met Norman Butterworth?

A. Not to my recollection.

Q. Were you aware in 1974 that the company's name indicated on the top of this exhibit was no longer Aerovox Corporation?

A. No.

Q. Were you aware that it was Aerovox Industries, Inc.?

WATER_PCB-SD0000068862

A. No.

Q. Let's have this one marked.

MR. WINSLOW: Could I have the last two questions and the last two answers back, please?

(Reporter propounded last two preceding questions and answers.)

MR. WINSLOW: If I could just have the record note my objection to those two questions --

MS. MAHAN: And what are your grounds?

MR. WINSLOW: The company's name. It's assuming facts not in evidence is the ground.

MS. MAHAN: Let's mark this 65.

[Government Deposition Exhibit No. 65 marked for identification.]

Q. (BY MS. MAHAN) Back to Exhibit 64 for just one moment. Did you participate in the call made on November 20, 1974 --

A. No.

Q. -- to Aerovox?

A. No.

Q. If you could take a look at Exhibit 65 now, which is XER032 1211FL, can you identify Exhibit 65?

A. This is a copy of a call report. The date of the call was November 20, 1974. The customer was Cornell-Dubilier, and the call was made by B. H.

WATER_PCB-SD0000068863

Stevenson.

Q. Who is David Wood?

A. David Wood is a Monsanto employee who replaced to some degree Mr. Benignus.

Q. Was Mr. Benignus no longer with the company?

A. Mr. Benignus had retired.

Q. Did you ever discuss this call with Mr. Stevenson or Mr. Wood?

A. I don't remember discussing it.

Q. Did you ever discuss the call indicated in Exhibit 64 with Mr. Stevenson or Mr. Wood?

A. I don't recall doing so.

Q. Going back to the sampling program that we were discussing previously, did you review the results of the sampling program?

A. I recall seeing some results. I don't know if -- I don't recall if I saw all of them.

Q. Did you discuss the results of the sampling program with anyone?

A. I don't remember.

Q. Do you remember if you discussed the results of the sampling program with any customers?

MR. WINSLOW: Objection; asked and answered.

A. No, I do not.

Q. (BY MS. MAHAN) Do you recall what your

WATER_PCB-SD0000068864

reaction was to the results of the sampling program?

A. No.

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Did he say yes or no after that?

MS. MAHAN: He said no.

Let's have this marked as 66.

[Government Deposition Exhibit No. 66 marked for identification.]

Q. (BY MS. MAHAN) Take a look at 66. Exhibit 66 is XER007 1813. Can you identify Exhibit 66?

A. Exhibit 66 is a copy of a letter on Monsanto letterhead dated December 31, 1974, addressed to Mr. Curtis Lopes, Cornell-Dubilier Electronics, New Bedford, Massachusetts. The letter is signed by Edward E. Stewart.

Q. Have you ever seen this letter before?

A. I don't remember it.

Q. Have you ever seen the sampling results reported in this letter before?

A. I don't remember.

Q. Have you ever discussed the sampling results reported in this letter with anyone?

A. I don't remember.

Q. Did you ever discuss the sampling program with Mr. Stewart?

WATER_PCB-SD0000068865

A. Yes.

Q. When did you discuss this sampling program with Mr. Stewart?

A. When it was being organized, as it was being implemented, and when we finally finished the program.

Q. Did you discuss the results of the program with Mr. Stewart?

A. Yes.

Q. When did you discuss those results with Mr. Stewart?

A. I don't remember.

Q. Was there anyone else with you when you discussed the results with Mr. Stewart?

A. I don't remember.

Q. Did Mr. Stewart -- did you and Mr. Stewart discuss his observations during the sampling?

MR. WEIR: Objection.

A. Yes.

Q. (BY MS. MAHAN) When did you discuss his observations during the sampling?

A. I don't remember.

Q. What did Mr. Stewart tell you about his observation during the sampling?

MR. WINSLOW: Objection.

A. I don't remember the details.

WATER_PCB-SD0000068866

MS. MAHAN: Let's have this marked as 67.

[Government Deposition Exhibit No. 67 marked for identification.]

Q. (BY MS. MAHAN) You can take a look at Exhibit 67, which is XER032 0776 and 077L. Can you identify Exhibit 67?

A. Exhibit 67 is a letter on Monsanto letterhead dated December 31, 1974, addressed to Mr. Clifford Tuttle, Aerovox Industries, Incorporated, New Bedford, Massachusetts, and it's signed by Edward E. Stewart.

Q. Have you ever seen Exhibit 67 before?

A. I don't recall it.

Q. Have you ever seen the sampling results reported in Exhibit 67 before?

A. I don't recall them specifically.

Q. Do you recall discussing the sampling results records in Exhibit 67 with anyone?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

A. Yes.

Q. (BY MS. MAHAN) Who do you recall discussing those sampling results with?

A. Mr. Stewart. I don't recall any others.

Q. Do you recall when you discussed the sampling results with Mr. Stewart?

WATER_PCB-SD0000068867

A. It was at about the time of this memorandum, this letter.

Q. What did Mr. Stewart tell you in those discussions?

MR. WINSLOW: Well, can we break these discussions down, please?

Q. (BY MS. MAHAN) What did Mr. Stewart tell you in this discussion that you said was held about the time of this letter?

A. I don't remember it specifically, but I do remember that he told me he had completed his samples, and he got these results, and I don't remember the numbers.

Q. Did you tell Mr. Stewart anything about the results that he reported to you?

A. No.

Q. Did you --

A. Not that I recall.

Q. Excuse me. Did you ask Mr. Stewart any questions about those results?

A. No.

MS. MAHAN: Mark this as 68.

[Government Deposition Exhibit No. 68 marked for identification.]

Q. (BY MS. MAHAN) Would you take a look through Exhibit 68, please? It's XER032 0782, 0783 and 0784. Can

WATER_PCB-SD0000068868

you identify Exhibit 68?

A. I'll try. It appears to be a copy of someone's handwritten notes dated December 5 and December 6, 1974, and the names Curt Lopes and Phil Murray, Cornell-Dubilier, appear at the upper left-hand corner. I don't know who the note taker was.

Q. You don't recognize the handwriting?

A. I do not.

Q. Have you ever seen these notes before?

A. No.

Q. Have you just now read these notes?

A. Yes.

Q. Do they in any way refresh your recollection concerning your discussions with Mr. Stewart relating to his observations during sampling?

MR. WEIR: Objection.

A. No.

MS. MAHAN: Let's mark this 69.

[Government Deposition Exhibit No. 69 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at Exhibit 69, that's XER032 0070 through 0073. Can you identify Exhibit 69?

A. Exhibit 69 is a copy of handwritten notes dated December 4 and 5, 1974. In the upper left-hand

WATER_PCB-SD0000068869

corner there is a reference to Aerovox. The notes seem to be relating to a sampling program.

The third page contains some calculations, and the final page contains a reference to Aerovox Industries, Clifford Tuttle, President, Norman Butterworth, plant engineer, John Hutzler, chief research. There is no author or note taker designated.

Q. Can you identify the handwriting in Exhibit 69?

A. I do not recognize it.

Q. Have you ever seen Exhibit 69 before?

A. No.

Q. After having read Exhibit 69, does it in any way refresh your reaction concerning your conversation with Mr. Stewart related to his observations during sampling?

MR. WINSLOW: Objection.

A. No.

Q. (BY MS. MAHAN) Thank you. Were you a participant in the PCB ad hoc committee?

A. I participated by invitation to make presentations before the committee, but not as a committee member.

Q. Do you know who the committee members were?

A. I don't remember them.

WATER_PCB-SD0000068870

Q. Do you remember any of them?

A. The only one I recall is the chairman, Mr. Tuttle.

Q. That's Mr. Clifford Tuttle?

A. Clifford Tuttle.

Q. Do you recall agreeing to prepare a spill plan for tank cars for the PCB ad hoc committee?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Leading.

A. Yes. I believe I do recall, yeah.

Q. (BY MS. MAHAN) Do you know when that was that you agreed to undertake that task?

A. It was the latter part of 1972 or '73, that time frame.

Q. Was such a plan ever completed?

A. Yes, as best I recall.

Q. Was Monsanto experiencing spills from tank cars during that time period?

A. (The witness shook his head.)

Q. There were no spills from tank cars during that time period? Had there previously been spills from tank cars?

MR. KENNER: Could we have an answer to that question? I didn't hear an answer.

WATER_PCB-SD0000068871

MS. MAHAN: The answer was no.

MR. WEIR: I thought he just shook his head.

THE WITNESS: I'll try to speak louder.

Q. (BY MS. MAHAN) Had Monsanto previously had spills from its tank cars containing PCBs?

A. I'm not aware of any. I was not aware of any at that time, either.

Q. Did Monsanto have procedures for handling spills from tank cars?

A. Yes.

Q. What type of procedures did Monsanto have for handling spills from tank cars?

A. As I remember, it involved the proper design of the unloading spots to provide a hard surface with curbing and some means for collecting the spill to isolate and better control it.

Q. And when were those procedures implemented?

A. At Monsanto they were implemented starting in late 1960's, and completed by the end of 1970.

Q. What was the purpose then of the spill plan for the PCB ad hoc committee?

A. Well, as I recall, the committee was trying to address any potential release of PCBs, and it occurred to the committee that tank cars arriving at their sites could be a potential source of spillage, and wanted to

WATER_PCB-SD0000068872

know how Monsanto managed that operation, and what did we do, and that was the beginning of the so-called spill plan.

MS. MAHAN: This is 70.

[Government Deposition Exhibit No. 70 marked for identification.]

Q. (BY MS. MAHAN) If you could, take a look through Exhibit 70, which is XFP004, frame 0900 through frame 0904.

MR. WINSLOW: Is it Exhibit 71?

MS. MAHAN: 70.

Have you had an opportunity to review it?

A. Yes.

Q. Can you identify Exhibit 70?

A. Exhibit 70 is a letter on Aerovox Industries, Inc. letterhead dated March 12, 1975, addressed to PCB ad hoc committee, signed by Clifford F. Tuttle.

Q. Have you ever seen Exhibit 70 before?

A. Yes.

Q. And when did you see Exhibit 70?

A. I received a copy.

MR. WINSLOW: First?

Q. (BY MS. MAHAN) Yeah, first.

A. I received a copy of when it was mailed.

Q. Drawing your attention to paragraph number 2

WATER_PCB-SD0000068873

on the first page of Exhibit 70, does this refresh your recollection as to when you agreed to prepare a spill plan for tank cars?

A. Yes, it does.

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) And in what way does it refresh your recollection?

A. The spill plan discussed here referred to rail accidents in transit. I was confusing it with a spill that would occur when a tank car is unloaded or loaded at a site.

Q. And have you agreed to prepare a spill plan with regard to tank car unloadings as well as this spill plan that's referred to in Exhibit 70?

A. Yes.

Q. So the spill plan that you were referring to earlier, which I believe you stated was sometime in '72, '73, was a different spill plan than the one referred to in Exhibit 71?

A. Yes.

Q. And you testified that you did prepare a spill plan in '72, '73?

A. To the best of my recollection, yes.

Q. Referring back to Exhibit 70, do you recall if you prepared a spill plan referred to in paragraph

WATER_PCB-SD0000068874

number 2?

A. I recall working on it, but I don't recall the finished document.

MS. MAHAN: Mark this 71.

[Government Deposition Exhibit No. 71 marked for identification.]

Q. (BY MS. MAHAN) Could you take a look at Exhibit 71, please? Exhibit 71 is XFP004, frame number 0521F through 0625L. Can you identify Exhibit 71?

A. Exhibit 71 is a letter on Cornell-Dubilier Electronics letterhead dated February 11, 1976, addressed to the PCB ad hoc committee, signed by Curtis Lopes, manager of plant engineering.

Q. And is there any attachment to that letter?

A. Attached to the letter are several pages. The title is "EIA Spill Notification and Control Plan, Polychlorinated Biphenyls (PCBs)."

Q. Did you participate in the preparation of the attachment to Exhibit 71?

A. I recognize many of the elements that are present in this document.

Q. And you recognize them in what way?

A. As being -- reflecting drafts that I had been involved with working on.

Q. And which spill plan does this attachment to

WATER_PCB-SD0000068875

Exhibit 71 represent?

MR. WEIR: Objection.

A. This refers to spills occurring while PCBs are in transit.

Q. (BY MS. MAHAN) And is this the spill plan you agreed to prepare in 1975?

A. '74. No, I'm sorry, '75. You're right. Yes.

MS. MAHAN: Okay. I think this might be a good place to break if everyone is agreeable.

(Brief recess held.)

Q. (BY MS. MAHAN) Do you know whether in 1975, Cornell-Dubilier was sending waste to Sauget? Is that how you pronounce it?

A. That's the correct pronunciation.

Q. Do you know if Cornell-Dubilier was sending waste to Sauget?

A. I don't know if it happened in 1975. I recall seeing a list, and to the best of my recollection Cornell-Dubilier was on that list, but I don't know what period of time that list covered.

MR. CONNELL: Miss Mahan, for purposes so we have a clear record, can you clarify whether you are referring to PCB wastes or not?

Q. (BY MS. MAHAN) PCB waste. Is that how you

WATER_PCB-SD0000068876

understood the question, PCB waste?

A. Yes.

MS. MAHAN: Thank you, Mr. Connell.

Mark this 72.

[Government Deposition Exhibit No. 72 marked for identification.]

Q. (BY MS. MAHAN) You could take a look at Exhibit 72, which is XCD006 0679FL through 0685FL. Have you ever seen Exhibit 72 before?

A. Yes.

Q. When is the first time you saw Exhibit 72?

A. I believe it was at about the time of the date of the exhibit.

Q. And that would be August 11, 1975?

A. At about that time, closely to it.

Q. Were you involved in the preparation of the three-page letter at the beginning?

A. No.

Q. Did you speak to Mr. Slayton about this letter?

A. I don't recall a discussion, no.

Q. In what manner were you involved -- I'm sorry. In what context did you review Exhibit 72?

MR. KENNER: Object to the form. He said that he saw it, not that he reviewed it.

WATER_PCB-SD0000068877

Q. (BY MS. MAHAN) In what context did you see Exhibit 72?

A. Someone shared it with me, and I've forgotten just who, the intent being to keep me communicated regarding any events associated with PCBs, and this was an example of drums arriving at our plant in a condition that we didn't think was proper.

Q. Did you have any follow-up contacts with anyone about this particular problem?

A. Not specifically, no.

Q. Did you talk to anyone at CDE about this problem?

A. No.

Q. Did you request that anyone talk to CDE about this problem?

A. No.

Q. Do you know if CDE ever contacted Monsanto following this letter?

A. I know that they contacted Mr. Slayton. The dialogue took place between Mr. Slayton and Cornell-Dubilier people.

Q. Did Mr. Slayton tell you that they had contacted him, that CDE had contacted him?

A. I don't remember that discussion, no. I just don't remember.

WATER_PCB-SD0000068878

Q. Do you remember who told you that CDE contacted Monsanto about this letter?

A. It could have been one of many people. I just don't know which one.

Q. Do you know if any action was taken as a result of this letter by Monsanto?

MR. KENNER: Object to the form.

A. Well, this letter represents Monsanto actions.

Q. (BY MS. MAHAN) Do you know if any further action was taken beyond this letter by Monsanto?

A. No.

Q. Do you know if any further action was taken by Cornell-Dubilier as a result of this letter?

A. No, I don't.

Q. Do you know if any similar letters were sent to other companies?

MR. KENNER: Objection to form.

MR. WINSLOW: Object.

MS. ROBERTSON: Object.

MR. KENNER: Do you mean other letters on Monsanto letterhead?

A. There were other letters. I don't recall when and to whom.

Q. (BY MS. MAHAN) And what were the subjects of

WATER_PCB-SD0000068879

those letters?

MR. WINSLOW: Objection. Could we break those letters down?

Q. (BY MS. MAHAN) Was there a general subject area of those letters?

A. Subject area was condition of shipments received at Monsanto's Sauget, Illinois plant of returned material.

Q. And were there other letters sent to other customers?

A. There were others sent, yes.

Q. Do you know if Aerovox ever received such a letter?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. I don't recall specifically, no.

Q. (BY MS. MAHAN) Do you know if Aerovox sent PCB wastes to Sauget?

A. Yes. I believe they were on that list I mentioned earlier.

Q. Were you -- during 1976, were you involved in Monsanto's decision to discontinue manufacturing PCBs?

A. In the latter part of '75 and very early 1976, I was involved, yes.

Q. And in what way were you involved in that

WATER_PCB-SD0000068880

decision?

A. I recall discussions with a vice-president of Monsanto prior to a meeting with Mr. Russell Train, EPA, and representatives of the electrical equipment manufacturing industry, at which we discussed the reasonableness of discontinuing the sale of PCBs. He concluded and later communicated to that audience that Monsanto was ready to terminate when the industry had found its alternative materials.

Q. Now, I think -- and correct me. You're talking about two meetings; is that right? Did you say you first met with the vice-president of Monsanto?

A. I met with the vice-president --

Q. Prior to?

A. -- prior to, and on our way to the Washington meeting we continued our discussion, and at the meeting he voiced his decision.

Q. Okay. Do you know what time period, what date that was?

A. September, October, '75.

Q. Who was the vice-president of Monsanto?

A. Francis Fitzgerald, H. F. Fitzgerald.

Q. Was there anyone else with you and Mr. Fitzgerald in those prior discussions?

A. No.

WATER_PCB-SD0000068881

Q. And what did you tell Mr. Fitzgerald about the phase-out of PCBs?

A. I forgot the exact words in our discussion, but he asked me my opinion, and I told him that I would suggest that Monsanto seriously consider terminating the business, and that our customers should be informed quickly so that they can find alternative materials and change their manufacturing plans. That was the gist of my comments.

Q. And how did Mr. Fitzgerald respond to those comments?

A. I sensed favorably. He was in agreement.

Q. Do you know if Mr. Fitzgerald had solicited anyone else's comments?

A. I do not know that.

Q. Now, you said that you had this discussion with Mr. Fitzgerald on the way to the Washington meeting?

A. Parts of it, yes.

Q. And did Mr. Fitzgerald then make the announcement at this Washington meeting?

A. Yes. He had, as I remember, even a prepared statement that he read from. He structured it pretty well in his mind and had some notes that he used in making his announcement.

Q. And what was the substance of his

WATER_PCB-SD0000068882

announcement?

A. Monsanto's willingness and readiness to terminate manufacture and sale of PCBs as soon as the industry that used them was ready.

Q. And did he give a date, an end date?

A. Yes. He did put out some target dates for consideration by the industry, and as I remember, it was 1976 or '77. He gave them a two-year or so lead time to prepare for the termination of sales.

Q. Now, who was in attendance at this meeting in Washington?

A. I remember Russell Train and members of EPA, Monsanto, of course, and some of Monsanto's customers.

Q. Besides Mr. Fitzgerald and yourself, who else was present from Monsanto?

A. No one else.

Q. Do you know if anyone was present from Cornell-Dubilier?

A. I don't remember.

Q. Do you know if anyone was present from Aerovox Industries, Inc.?

A. I just don't remember.

Q. Do you remember if Clifford Tuttle was present?

A. I really don't remember.

WATER_PCB-SD0000068883

Q. What was the purpose of this meeting in Washington?

A. Well, as I recall, Mr. Train had expressed a personal interest in PCBs and had invited the industry members to a meeting to review and further discuss the role of PCBs in society, its benefits, its risks. That was the gist of the discussion that took place.

Q. Had Mr. Train asked Monsanto to consider discontinuing the manufacture and sale of PCBs?

A. Not to my knowledge.

Q. Had anyone asked Monsanto to consider discontinuing the manufacture and sale of PCBs?

A. Not to my knowledge.

Q. Were you the first person to raise this with Mr. Fitzgerald to your knowledge?

A. Oh, I doubt it. I don't know, but I doubt it.

Q. During that time, 1975, did you ever discuss with anyone else at Monsanto the notion of discontinuing PCB manufacture and sales?

A. Yes. I had discussed it with Mr. Burgen.

Q. With anyone else at Monsanto?

A. I don't think I did. I don't remember anyone else.

Q. At the time that you discussed it with Mr.

WATER_PCB-SD0000068884

Bergen, did he discuss his opinion on that idea with you?

A. Yes, he did.

Q. And what did he tell you?

A. He disagreed with me.

Q. What was his opinion on the discontinuance of the manufacture of PCBs?

A. Well, he believed that the alternative materials would not provide the benefits that the PCBs did to the industry, and he felt that it was irresponsible to withdraw product exhibiting the benefits that it did with the speculative risks that were identified with it.

Q. And how did you respond to that?

MR. KENNER: Object to the form.

A. I don't recall the exact words, but I told him that in my opinion, considerations of risks versus benefits were not a factor any longer, that the subject had gotten emotional, and it was beyond our management or some such thoughts. Those aren't the exact words, but --

Q. (BY MS. MAHAN) Was Monsanto involved in litigation at that time concerning PCBs?

A. I believe we -- yes. We did have some lawsuits filed against Monsanto.

MR. KENNER: What time are we talking about again?

Q. (BY MS. MAHAN) In 1975.

WATER_PCB-SD0000068885

A. We're still talking 1975, yes.

Q. Was Monsanto concerned about its own liability --

MR. WINSLOW: Objection.

Q. (BY MS. MAHAN) -- in 1975 in making the decision to discontinue PCB manufacture?

MR. WINSLOW: Objection.

A. Well, at that point in time it's my understanding that the legal responsibilities were taken over by the then current customers. So, that was not a factor at that point in time.

Q. (BY MS. MAHAN) Although there was litigation pending against Monsanto at that time?

A. Yes.

Q. Prior to the 1975 meeting in Washington, did you discuss the phase-out of PCBs with any of Monsanto's customers?

A. In a general way this topic would arise in virtually every discussion in terms of behavior of the industry and its handling of its PCBs, the potential for a ban of PCBs, and Monsanto's position of being forced to terminate the general subject did come up as to what could the future bring regarding PCBs.

Q. Do you recall whether you discussed the phase-out of PCBs at PCB ad hoc committee meetings?

WATER_PCB-SD0000068886

A. That was discussed in the context of if we didn't handle the material properly, we would be forced to stop using the material.

Q. In 1975, did you discuss the phase-out of PCBs with Aerovox Corporation -- Aerovox Industries, Inc.?

MR. WINSLOW: Which one?

MS. MAHAN: Aerovox Industries, Inc. I'm correcting myself.

A. We discussed the general topic of phase-out, termination, ban of PCBs, in Mr. Tuttle's presence, along with other people, not to my knowledge as a specific topic to Aerovox representatives alone.

Q. (BY MS. MAHAN) Did you discuss the phase-out of PCBs with Cornell-Dubilier representatives?

A. I believe that they were present, but I just don't remember those people very well at all.

Q. When you say "they were present," at what time are you talking about?

A. Either in meetings that Monsanto sponsored or the ad hoc PCB committee of EIA. I just don't remember, but I think they were participating in the ANSI Committee on handling of askerals.

Q. In 1975, when you were discussing the phase-out of PCBs with the industry, did you get any reaction from anyone in the industry?

WATER_PCB-SD0000068887

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MS. MAHAN) Did anyone in the industry talk to you about the phase-out of PCBs?

MR. WINSLOW: Objection.

A. Some individuals did.

Q. (BY MS. MAHAN) Do you recall talking to anyone from Aerovox Industries, Inc. concerning the phase-out of PCBs?

A. No.

MR. McLAUGHLIN: What time period?

Q. (BY MS. MAHAN) In 1975.

A. No.

Q. (BY MS. MAHAN) Do you recall talking to anyone at Cornell-Dubilier?

MR. WEIR: Objection; asked and answered.

A. No.

Q. (BY MS. MAHAN) Mark this as 73.

[Government Deposition Exhibit No. 73 marked for identification.]

Q. (BY MS. MAHAN) Would you take a look at Exhibit 73? Exhibit 73 is XCD001, and I believe that's 1909. Just as correction, the 9's may actually be 4's. It's difficult to tell.

WATER_PCB-SD0000068888

MR. McLAUGHLIN: Off the record.

(Discussion held off the record.)

MS. MAHAN: The Bates stamp number is 701882.

Have you ever seen Exhibit 73 before?

A. No, I haven't.

Q. Are you familiar with a news release from Monsanto concerning PCBs at this time period?

MR. WEIR: What time period?

Q. (BY MS. MAHAN) The time period on Exhibit 73.

A. Yes, I am.

Q. And what was the substance of that news release?

A. As I recall, it announced Monsanto's decision to terminate the manufacture and sale of PCBs.

MS. MAHAN: Mark this 74.

[Government Deposition Exhibit No. 74 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at what's been marked Exhibit 74, which is XSA020, it's starts with frame 1485 and goes to 1488L. Have you ever seen Exhibit 74 before?

A. Yes.

Q. When was the first time you saw Exhibit 74?

A. This week. Was it this week?

WATER_PCB-SD0000068889

A. And who showed you Exhibit 74?

A. Attorneys assigned by Monsanto to this case.

Q. Was this in preparation for your deposition?

A. Yes.

Q. Prior to that time had you seen any portion of Exhibit 74?

A. No.

Q. Who is R. G. Potter?

A. Mr. Potter at that time was the business director for functional fluids in Monsanto.

Q. Are you aware of whether Monsanto sent letters to each customer advising of the phase-out of PCBs?

A. No. I was not involved with PCBs any longer at this time.

Q. In what period of time did you change from manager of environmental protection, what date?

A. In 1973, I had the title manager, product acceptability.

Q. And that was until what time?

A. Until 1977.

Q. But during the period 1973 to 1975, at least, were you still involved with PCBs?

A. Yes.

Q. And at what point did you stop your

WATER_PCB-SD0000068890

involvement with PCBs?

A. February, 1976. I don't remember whether it was the 1st of February or the 28th.

Q. And why did you cease your involvement with PCBs in that date?

MR. WINSLOW: Objection. Calls for a narrative.

Q. (BY MS. MAHAN) Go ahead.

A. I was assigned --

MR. WINSLOW: Also, it's compound.

A. I was assigned a different set of products, and PCBs was assigned to another individual.

Q. (BY MS. MAHAN) From 1973 to 1976, were you manager of industrial chemicals, product acceptability?

A. Manager, product acceptability, Industrial Chemicals Company, yes.

Q. And that did not include PCBs after 1976?

A. No. There were three of us that had that title.

Q. I see. And who took over PCBs in February of 1976?

18

A. J. C. Weber.

Q. If you can take a look at what's been marked as Exhibit 52 --

MR. McLAUGHLIN: Are you talking about 52?

WATER_PCB-SD0000068891

MS. MAHAN: 52, yes.

If you could look at the second page, please, is that the same J. C. Weber who took over PCBs in 1976 for Monsanto?

A. Yes.

MR. KENNER: Is what the same?

MS. MAHAN: Mr. J. Coleman Weber on Page 2 of Exhibit 52.

Does Mr. Weber still work for Monsanto?

A. No.

Q. Do you know where he is?

A. No.

Q. Did you continue at all to be involved with the phase-out of PCBs after February of 1976?

A. No.

Q. Did you talk to anyone at Monsanto after that time period regarding the phase-out of PCBs, the time period being February of '76?

A. Yes.

Q. Who did you speak to at Monsanto after February of 1976 regarding the phase-out?

A. Mr. Wood, David Wood, Mr. Weber, Mr. Potter.

Q. Anyone else at Monsanto?

A. I can't recall others.

Q. Did you talk to anyone in the dielectric

WATER_PCB-SD0000068892

industry after February of 1976, concerning the phase-out of PCBs?

A. No.

Q. Who is J. A. Alley?

A. I believe it's Jim Alley. I remember the name faintly, but I can't associate it with any incident or a company. I don't remember.

Q. How about C. Paton, P-a-t-o-n?

A. Dr. Paton, yes.

Q. Who is Dr. Paton?

A. He's a Monsanto employee at one time involved with PCBs.

Q. In what capacity was he employed at Monsanto?

A. Currently, I believe he's director in our international department. I do not know the specifics of his assignment.

Q. Is he a doctor of medicine?

A. No.

Q. Do you know what his title is?

A. Doctor of philosophy and chemistry, I believe.

MS. MAHAN: Mark this as 75.

[Government Deposition Exhibit No. 75 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at

WATER_PCB-SD0000068893

Exhibit 75, which is XER032 0277F to 0278L, have you ever seen Exhibit 75 before?

A. I don't recall it.

Q. Can you identify Exhibit 75?

MR. WEIR: Objection. He said he's never seen it.

A. It's a copy of a call report, the date of call October 13, 1976, prepared and signed, initialed by Mr. J. A. Alley, of a call to Cornell-Dubilier, New Bedford, Massachusetts.

Q. (BY MS. MAHAN) Do you know if this is a Monsanto call report?

A. It appears to be.

Q. Did you ever discuss this October 13th, '76 call with either Mr. Alley or Dr. Paton?

A. No.

Q. Did you ever discuss it with Mr. Wood?

A. No.

Q. Do you know what a P.E. is? If you'll look at the bottom of page 1, the last line, a P.E. to the capacitor industry?

A. Well, in Monsanto we use that to describe phthalate esters.

MS. MAHAN: Mark this 76.

[Government Deposition Exhibit No. 76 marked

WATER_PCB-SD0000068894

for identification.]

Q. (BY MS. MAHAN) If you'll take a look at Exhibit 76, which is XER032 0274F through 0276L, can you identify Exhibit 76?

A. Exhibit 76 is a copy of a call report, date of call October 13, 1976, to Aerovox, New Bedford, Massachusetts, prepared by J. A. Alley.

Q. Have you ever seen Exhibit 76 before?

A. No.

Q. Have you ever discussed the October 13th, '76 call on Aerovox with J. A. Alley or Dr. Paton?

A. No.

Q. Have you ever discussed it with Mr. Wood?

A. No.

Q. After February of 1976, did you ever discuss with Mr. Wood or Mr. Weber or Mr. Potter how the customers were handling the phase-out of PCBs?

MR. WINSLOW: Objection.

A. No.

Q. (BY MS. MAHAN) Did you ever inquire as to how customers were handling the phase-out of PCBs?

MR. WINSLOW: Objection.

A. No.

Q. (BY MS. MAHAN) Were you aware of the method that Monsanto would use to flush out PCBs from the Sauget

WATER_PCB-SD0000068895

facility?

A. I need some help on the expression "flush out from the Sauget facility."

Q. Were you aware of any method that Monsanto was considering to clean out the pipes for the Sauget facility after the PCBs were phased out?

A. I was aware that they were decontaminating the equipment. I don't know the specifics of the procedure.

Q. Do you know if Monsanto was providing the specifics of the procedure to its customers?

A. No, I do not.

MS. MAHAN: Mark these.

[Government Deposition Exhibit Nos. 77 through 84 marked for identification.]

Q. (BY MS. MAHAN) If you could take a look at what's been marked as Exhibit 77, which is XER032 0074F through 0076L --

MS. ROBERTSON: So we are not going to do what was --

MS. MAHAN: We skipped the previous one.

Off the record.

(Discussion held off the record.)

Q. (BY MS. MAHAN) Can you identify Exhibit 77?

A. This a copy of a letter, Monsanto letterhead,

WATER_PCB-SD0000068896

dated February 17, 1977, addressed to Mr. Charlie Rebello, Cornell-Dubilier Electronics, New Bedford, Massachusetts, signed by Robert G. Potter of Monsanto.

Q. Is that Mr. Potter's signature on the second page of the letter?

A. I'm not that familiar with Mr. Potter's signature to comment. I don't know.

Q. Okay. Take a look at Exhibit 78, which is XER032 0072F through 0073L. Can you identify Exhibit 78?

A. It's a copy of a letter with Monsanto letterhead dated February 17, 1977, addressed to Mr. Dennis Ibrahim, Aerovox Industries, Inc., New Bedford, Massachusetts, signed by Robert G. Potter of Monsanto.

Q. And again, you're not able to identify Mr. Potter's signature?

A. That is correct.

Q. Look at Exhibit 79.

MR. KENNER: What is Exhibit 79?

MS. MAHAN: Exhibit 79 is XER032 1027F through 1028L. We just skipped one exhibit, so everything is -- the numbers have gone down one.

MS. ROBERTSON: Off the record.

(Discussion held off the record.)

Q. (BY MS. MAHAN) Can you identify Exhibit 79?

A. Exhibit 79 is a copy of a Monsanto

WATER_PCB-SD0000068897

interoffice memo prepared by J. A. Alley, addressed to D. Wood. The subject is call at Aerovox, New Bedford, Massachusetts, April 6, 1977.

Q. Can you identify the signature on the second page of Exhibit 79?

A. I don't know Mr. Alley's signature; therefore, I don't know that I can identify it.

Q. Let me show you Exhibit 80. Let me take a look at that for one second. Exhibit 80 is XER032, frame 1343 to 1344L. Can you identify Exhibit 80?

A. Exhibit 80 is a copy of a Monsanto interoffice memo prepared by J. A. Alley, dated June 3, 1977, on the subject of Aroclor 1016 shipments, addressed to Gary Graf, G-r-a-f, and Carol Jordan.

Q. Did you have any involvement in the 1977 shipments of PCBs to Monsanto's customers?

A. No.

Q. Exhibit 81, which is XCD007 0942 to 0943, can you identify Exhibit 81?

A. Exhibit 81 is a copy of a letter on Monsanto letterhead dated June 7, 1977, addressed to Mr. Charles Rebello, Cornell-Dubilier Electronics, New Bedford, Massachusetts. The letter is signed by James A. Alley.

Q. Exhibit 82, XER032 0049 to 0050, can you identify Exhibit 82?

WATER_PCB-SD0000068898

A. Exhibit 82 is a copy of a letter on Monsanto letterhead dated June 7, 1977, addressed to Mr. Dennis Ibrahim, Aerovox Industries, Inc., New Bedford, Massachusetts, signed by James A. Alley.

MR. KENNER: I object to this procedure. If you wish to have these identified for the record, I suggest we can move along more quickly if you merely read from the document as the witness is doing.

MS. MAHAN: There's only two more, Brian, so I'll just proceed in this fashion. Your objection is noted.

If you could look at Exhibit 83 --

A. I have.

Q. -- could you identify Exhibit 83 for the record?

A. Exhibit 83 is a copy of a letter under Monsanto letterhead dated October 6, 1977, addressed to Mr. Charlie Rebello, Cornell-Dubilier Electronics, New Bedford, Massachusetts, and signed by J. A. Alley.

Q. Exhibit 84, which is XER032 0082 to 0083L, can you identify Exhibit 84?

A. Exhibit 84 is a copy of a letter on Monsanto letterhead dated December 22, 1977, addressed to Mr. C. P. Dibble, Mallory Capacitor Company, Indianapolis, Indiana, signed by J. A. Alley.

WATER_PCB-SD0000068899

MS. MAHAN: Thank you. I have no more questions.

CROSS-EXAMINATION

QUESTIONS BY MS. BERNARD:

Q. Mr. Papageorge, my name is Susan Bernard. I represent the Commonwealth of Massachusetts. Before 1970, did Monsanto -- was Monsanto involved in any way in the disposal by its customers of liquid PCB wastes?

A. No.

Q. Before 1970, was Monsanto involved in any way in the disposal by its customers of solid PCB-contaminated wastes?

A. No.

Q. Prior to your becoming environmental control officer, did anyone at Monsanto have a similar function on behalf of Monsanto?

A. No.

Q. Aside from the 1974 sampling that you testified to, did Monsanto ever conduct any sampling at any of its customers' plants for PCBs?

A. As I recall, we were on a sporadic basis involved with some samples from customer plants.

Q. What type of samples were those?

A. As I remember, there were water samples.

WATER_PCB-SD0000068900

Water samples is the only type I recall.

MR. STEWART: Have we established a date for these?

Q. (BY MS. BERNARD) When were those samples taken?

A. This is the period prior to the '74 studies, so it would be from, say, 1970 to 1974.

Q. (BY MS. BERNARD) Do you know what water was sampled?

A. I don't recall.

Q. Do you recall whether it was effluent sampling?

A. I don't know. It might have been a catch basin, water that was trapped somewhere. I don't know just where it came from.

Q. When you say it was during between 1970 and 1974, was it over the course of those fours year, or was it at some point during those four years?

A. It was an irregular basis, depending on the customers' perceived needs and the call to Monsanto for assistance. It was not a scheduled program of any kind.

Q. What was the purpose of the sampling?

A. In most cases, it was intended to be a check on the laboratory that the customer was using to analyze his samples.

WATER_PCB-SD0000068901

Q. Who paid for that sampling?

A. Which sampling is this?

Q. The sampling, the sporadic sampling between 1970 and 1974.

A. Most of it Monsanto paid for. There was an occasion or two where the volume was such that, as I recall, at least discussions were held regarding charging, but I don't know if they did charge.

Q. Do you recall if any of the sporadic sampling between 1970 and 1974 took place at the Aerovox facility in New Bedford?

A. No, I don't.

Q. Do you recall if any of the sporadic sampling took place at the Cornell-Dubilier facility in New Bedford?

A. No, I don't.

Q. Do you know if there are any records about the sporadic sampling at Monsanto?

A. I don't know the state of the records currently.

Q. Do you know if there is anyone currently at Monsanto who would know, would have knowledge about the sampling between 1970 and 1974?

A. No. There's no one there.

Q. Do you know if records -- regardless of

WATER_PCB-SD0000068902

whether you know now of the existence of records, do you know now if records were kept of the sampling at the time that it was done?

A. Yes.

Q. And who was in charge of keeping those records?

A. At that time the custodian of the laboratory records was the analyst himself, in his work book, his notebook.

Q. What was the analyst's name?

A. There were several. In early 1970, it was Dr. E. S. Tucker. I don't recall who his successors were.

Q. Was it your testimony that that sampling was done at customer request?

A. Yes.

Q. Do you recall how often customers would request Monsanto to do the sampling?

MR. WINSLOW: Objection.

A. It wasn't very often. We may get a request or two a year.

Q. (BY MS. BERNARD) Who would have been in charge of supervising that sampling between 1970 and 1974?

A. If I understand you, supervising the sampling, which means taking the sample.

Q. Who would have actually ordered someone from

WATER_PCB-SD0000068903

Monsanto to go out and take the sample?

A. Oh, I may have misled you. No one from Monsanto went out to get the sample. The sample was obtained by someone for our customer. Our customer would split the sample, send us part of it.

Q. Did anyone at Monsanto authorize other Monsanto personnel to go and actually do the sampling?

A. Not to my knowledge. I don't recall any.

Q. Who were the customer requests submitted to?

A. To the laboratory at Monsanto in St. Louis.

Q. Directly to the laboratory?

A. Yes.

Q. Okay. Do you know if Monsanto ever supplied Aerovox Corporation or Aerovox Industries, Inc. with any products besides Aroclors?

A. That I don't know.

Q. Do you know if Monsanto ever supplied Cornell-Dubilier with any products other than Aroclors?

A. I do not know.

Q. Who at Monsanto would know the answer to those two questions?

A. I don't know of any specific individual that would know that. Someone would have to search the records that exist, and I don't even know if they exist any longer.

WATER_PCB-SD0000068904

Q. Do you personally have any information or knowledge about the quantities of Aroclors that were purchased by Aerovox corporation or Aerovox Industries, Inc.?

A. No, I don't.

Q. Do you personally have any information or knowledge about the terms of the sales of Aroclors to Aerovox Corporation or Aerovox Industries, Inc.?

A. No.

Q. Does Monsanto have any European subsidiaries which produced Aroclors?

A. Well, there was a Monsanto unit in the United Kingdom that produced Aroclors. I don't believe it was referred to as a subsidiary.

Q. Did Monsanto have any --

Off the record.

(Discussion held off the record.)

Q. (BY MS. BERNARD) Did Monsanto have any European licensees which produced Aroclors?

A. No.

Q. Do you know if any of the Monsanto customers in the United States produced goods for shipment to Europe?

MR. McLAUGHLIN: Can I have that question back?

WATER_PCB-SD0000068905

(Reporter propounded pending question.)

A. I don't personally know.

Q. (BY MS. BERNARD) Do you know when, if ever, the Monsanto plant in the United Kingdom stopped producing Aroclors?

A. The program in Europe was identical to the U. S. program. I don't recall the year, but the unit in the United Kingdom did terminate production and sale of PCBs. I just don't know the year.

Q. Do you know if there were any countries other than the United States which banned the use of PCBs prior to 1978?

MR. McLAUGHLIN: Objection.

MS. BERNARD: What's the basis?

MR. McLAUGHLIN: Use in what form, use in remaining transformers, use remaining in lights in manufacture?

Q. (BY MS. BERNARD) Let me ask for any use first.

A. No.

Q. Do you know if there were any countries that banned the use of PCBs in closed systems prior to 1978?

A. I am under the understanding that the Scandinavian countries banned the use of PCBs.

Q. Do you know when that was?

WATER_PCB-SD0000068906

A. I don't recall the year, no.

Q. And what's the basis for your knowledge about that?

A. Reading the literature and talking to the European producers of PCBs.

Q. Do you have any personal knowledge about whether any Monsanto customers had to find alternate dielectric fluids for any of their products prior to 1978?

A. Yes.

Q. Which Monsanto customers had to find alternate dielectric fluids prior to 1978?

A. Well, I think we have got a misunderstanding here. In order to be in a position to produce non-PCB equipment in 1978, they had to find the alternate earlier to be in a position to make the transition. So, all the customers had to find this replacement material before 1978; otherwise, they couldn't have made the change in 1978.

Q. To your knowledge, were any of them actually using the alternate material for any purpose prior to 1978, for any customers prior to 1978?

MR. KENNER: Objection to the form.

A. I only know of test quantities.

Q. (BY MS. BERNARD) Yesterday I believe you testified that you had met Clifford Tuttle in the summer

WATER_PCB-SD0000068907

of 1970; is that correct?

A. I believe that's the time.

Q. How often since then, if ever, have you met him, have you seen him in person?

A. I didn't keep a count; half a dozen times at least.

Q. When was the most recent time you met Clifford Tuttle in person?

A. About 1975.

Q. When you met with Clifford Tuttle, was he acting on behalf of any organization -- was he ever acting on behalf of any organization other than Aerovox Corporation or Aerovox Industries --

MR. KENNER: Objection.

MR. WINSLOW: Objection to the form.

Q. (BY MS. BERNARD) -- at any time prior to 1978?

A. Yes.

Q. And what organization was that?

A. The Electronics Industry Association, EIA.

Q. What was Mr. Tuttle's position in the EIA?

A. He was the chairman of the PCB ad hoc committee.

Q. Was he the chairman of the committee throughout its existence?

WATER_PCB-SD0000068908

A. As best I remember, yes.

Q. Except for the summer, 1970 meeting with Mr. Tuttle, did you ever have any further contact with Mr. Tuttle in his role as a director or an officer of Aevorox Corporation or Aerovox Industries, Inc.?

MR. WINSLOW: Objection.

MS. BERNARD: On what grounds?

MR. WINSLOW: It's vague, and it calls for information beyond the competency of the witness as it calls for a legal conclusion by the witness as to the role that Mr. Tuttle was playing at a particular time when he did or didn't say something.

MS. BERNARD: Okay. Could you read the question back?

(Reporter propounded pending question.)

A. It seems to me I did, but I'm trying to recall the specific situations under which that occurred. I just don't recall the specifics.

Q. (BY MS. BERNARD) Do you recall when it was?

A. I recall Mr. Tuttle arriving in St. Louis, and it's my understanding that he was represen ing his company then, not any organization. I'm trying to remember what date that was. I can't fix it. 1974.

Q. Did anyone accompany Mr. Tuttle on his trip to St. Louis?

WATER_PCB-SD0000068909

A. I believe someone was with him, but I don't know who it was.

Q. Do you know if that person was an employee of Aerovox?

A. It was my understanding he was, yes.

Q. Would it have been at the same time that Aevorox Corporation entered into the special undertaking with Monsanto?

MR. WINSLOW: Objection.

A. I don't recall. It could have been, but I don't recall.

Q. Were you -- you were not a member of the EIA PCB ad hoc committee; is that correct?

A. Yes.

MS. OLESKEY: Personally?

Q. (BY MS. BERNARD) Personally.

A. That is correct.

Q. Was anybody from Monsanto a member?

A. I don't believe so.

Q. Were you on the mailing list of the EIA PCB ad hoc committee?

A. Yes.

Q. Was anyone else at Monsanto on the mailing list of the EIA ad hoc committee?

A. I don't remember.

WATER_PCB-SD0000068910

Q. Do you know how often the ad hoc committee met?

A. Not exactly; half a dozen times or so.

Q. How many meetings did you personally attend?

A. Three or four.

Q. Did you ever send anybody on your behalf to these meetings?

A. I don't recall.

Q. Was the sampling done by Monsanto in 1974 done at the request of the PCB ad hoc committee?

A. Yes.

Q. Just a minute. At any point between 1970 and 1975, during communications between Monsanto and representatives of the EIA, did the subject of past disposal practices in the industry come up?

A. Not that I recall, no.

Q. After Monsanto stopped supplying its customers with Aroclors, do you know if Monsanto assisted its customers in finding alternative sources of Aroclors?

A. I wasn't personally involved, so I would only be speculating. I don't know.

Q. Do you know if around the time, not necessarily immediately after, but around the time that Monsanto stopped supplying its customers with Aroclor, if Monsanto was involved in helping its customers distribute

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Aroclors among themselves?

A. First let me correct. We're still talking about the dielectric termination?

Q. Yes.

A. Not the previous miscellaneous application termination?

Q. No. I'm talking about the 1978 termination.

A. I have just -- the documents that we just looked at would indicate that Monsanto did help transfer Monsanto PCBs from one customer to another.

Q. Who at Monsanto was involved in aiding its customers in that inter-customer transfer of PCBs?

MR. KENNER: Object to the form.

A. I don't personally know other than what I read in the documents we just talked about.

Q. (BY MS. BERNARD) To your knowledge, did Monsanto ever stop supplying a customer with PCBs because of the condition of that customer's plant?

A. Not to my knowledge.

Q. To your knowledge, did Monsanto ever condition the supply of PCBs to any customer on the performance of some -- on the taking of some action by that customer to improve conditions at that customer's plant?

MR. OLESKEY: Are you asking him that

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question as it pertains to his personal knowledge outside the indications in the exhibits that have been marked?

MS. BERNARD: I'm not sure what indications you mean.

MS. OLESKEY: There are some references in exhibits that have been marked that would seem to answer your question. Are you going beyond that to ask him if he knows anything personally, because he said he doesn't previously.

MS. BERNARD: He said he didn't know of any cut-offs. All I've seen in the exhibits is threats, and I'm asking him if he ever asked a customer, "Prior to our shipping this amount of Aroclor, please do this."

MS. OLESKEY: If he ever asked a customer?

MS. BERNARD: If he or anyone at Monsanto ever asked a customer to do that.

Do you understand the question?

A. I believe I do. I have never said that, and I'm not aware of any Monsanto person asking if the condition was met prior to shipment.

MS. BERNARD: I have no further questions.

MR. McLAUGHLIN: Do we have any agreement on the --

Off the record.

(Discussion held off the record.)

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MR. WINSLOW: Before you start, Gary, let's make a statement for the record. RTE Corporation and Aerovox, Incorporated object to any examination of this witness by Fireman's Fund Insurance Company on matters regarding liability or damages in the underlying case of United States and Commonwealth versus AVX, Inc. et al. and further request that Fireman's Fund Insurance Company refrain from asking this witness any questions regarding liability or damage in that case for the reason that as the insuror of RTE Corporation and Aerovox, Incorporated, those corporations fear that such examination by Fireman's Fund may prejudice their defense in the underlying action.

MR. CENTOLA: Well, all the questions I'm going to ask are going to be relevant to my declaratory judgment action in the Fireman's Fund case, and I'll leave it at that. Additionally, I'm not asking questions on the underlying case. I'm asking questions pertinent to my declaratory judgment case and to issues which I think are relevant to that case in order for me to prove my case.

MR. CONNELL: I'd also like the record to show that although I had noticed and subpoena this deposition, I have agreed with the other parties, in particular those parties to the trial which will begin on June 2nd, to allow them to precede me in the order of their questioning, and I've done that in light of an

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agreement with Monsanto that Mr. Papageorge will be produced on May 5th and 6th for additional testimony, if necessary, subject to possible unavailability of counsel due to a trial.

MS. ROBERTSON: Is it my understanding that if you are not available on May 6 and May 7 --

MS. OLESKEY: May 5th and 6th.

MS. ROBERTSON: May 5th and 6th, we will come up with another day?

MS. OLESKEY: Yes.

MS. FLORINI: Is that further deposition going to be here as well?

MS. OLESKEY: That hasn't been discussed. I think it was assumed it would be.

MR. McLAUGHLIN: The position as to insuror's duties I think has been covered in correspondence between various people on a number of occasions, so I don't think we accept each other's characterizations. That's all I'm saying.

MR. CENTOLA: Okay.

MR. McLAUGHLIN: Okay. Are we switching notice of depositions? I mean, as I understood, we proceeded on the first, up until at least today, at this time, on the basis of the notice of deposition issued by the United States Government.

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MR. CENTOLA: Right. I am going to ask my questions pursuant to the notice served by Lumbermen's, and if that's your question, my deposition is going to be asked -- the questions are going to be asked pursuant to that notice.

MR. McLAUGHLIN: What are we going to do with the transcript of the first one? Are we closing off the first transcript?

MR. CENTOLA: Off the record.

(Discussion held off the record.)

MR. CENTOLA: For the record, up until this point we have been marking the exhibits as Government exhibits and then the number afterwards. In order to save confusion or try to avoid confusion, we are going to continue to mark them numerically starting with 85, but we are going to start calling them Papageorge exhibits.

[Papageorge Deposition Exhibit No. 85 marked for identification.]

CROSS-EXAMINATION

QUESTIONS BY MR. CENTOLA:

Q. Mr. Papageorge, would you please look at a document which has been marked as Papageorge 85 for the record? This is a notice of deposition served by Lumbermen's Mutual Casualty Company on Monsanto. Mr.

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Papageorge, would you please look to the portion of that exhibit which says Exhibit I?

A. I'm looking at it.

Q. Okay. Have you seen this exhibit before?

A. A few minutes ago, yes.

Q. Okay. Have you been designated by Monsanto to testify with respect to any of the items numbered on this exhibit?

A. Yes.

MS. OLESKEY: He has.

MR CENTOLA: Pardon me?

MS. OLESKEY: He has.

A. Yes.

Q. (BY MR. CENTOLA) Could you tell me which numbers you have been designated to testify with respect to?

MS. OLESKEY: His answer will indicate any numbers where he has testimony. It covers any aspects of it. His testimony may not cover every aspect of it.

MR CENTOLA: Okay.

A. Item 2. Do you want me to go down this list?

Q. (BY MR CENTOLA) I was hoping you would.

A. Item 2, Item 3, Item 4, Item 6, Item 7, Item 8, Item 10, 11, 12, 13, 15, 16. That's it.

MR. FITZMAURICE: Just so we are clear on

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this, Steve, you indicated that he's going to testify at least in part to all of these items?

MS. OLESKEY: Right.

MR. FITZMAURICE: Is Monsanto going to be producing anyone to be testifying as to the balance of what he is not?

MR. OLESKEY: No, I don't think. My point is, he doesn't necessarily have exhaustive knowledge on any particular topic, but he has in general knowledge that the company has.

MR. McLAUGHLIN: So, he is the 30(b)(6) designee for those paragraphs, just so the record is clear?

MS. OLESKEY: That's correct.

MR. CONNELL: Does Monsanto intend to produce a witness for paragraphs 1, 5, 9, 14, 17 and 18?

MS. OLESKEY: I don't think that anyone has been located at this time, Frank, who can testify to those remaining areas.

MR. CONNELL: Well, actually, with respect to paragraph 17, Mr. Bistline has advised me of the current whereabouts of Mr. Bryant and Mr. Graham, and I will be happy to provide that information to the others.

MR. CENTOLA: How about 18?

MS. OLESKEY: Tom himself would probably do

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that.

Q. (BY MR. CENTOLA) Okay. Can we begin?

A. Yes.

Q. Mr. Papageorge, would you please look at Exhibit 34?

A. Are they all here?

Q. I hope so.

MR. McLAUGHLIN: While he's looking at that, there seem to be some missing exhibits in the package we received this morning, 43, 44, 45, 46 and 47.

Off the record.

(Discussion held off the record.)

Q. (BY MR CENTOLA) Mr. Papageorge, do you have Exhibit 34 in front of you?

A. Yes, a news release.

A. Mr. Papageorge, do you know if this news release was ever, in fact, released?

A. Yes.

Q. Do you know when it was released?

A. On or about April 10th, 1970.

Q. Do you know where it was released?

MS. ROBERTSON: For the record, there are two news releases attached to Exhibit 34.

MR CENTOLA: Fine. Thank you.

Let's start with the top one. My questions are

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relating to the one on top. Okay. Do you know where it was released, Mr. Papageorge?

A. If I understand your question, it was released out of St. Louis.

Q. All right. Do you know if this was in any periodicals, newspapers?

A. Oh, I'm not familiar with -- there is a list of newspapers, wire services, journals that the individuals like Mr. John would consult when they release information of this type.

Q. In addition to being released in this fashion, was a release sent to any of your customers individually, if you know?

A. I don't know.

Q. My questions now will pertain to the second news release contained in this document, the same exhibit. Would your answers be the same with respect to the second release, sir?

MR. WINSLOW: Objection.

A. Yes.

MR. CONNELL: Well, just so the record is clear, there was a question earlier as to when the first release was released. One of your questions about the first release was the date on which it was released, Mr. Centola.

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MR. CENTOLA: Okay.

MR. CONNELL: I think that you might want to clear that up.

Q. (BY MR CENTOLA) Okay. With respect to the date of the release, sir, would the date of the release on the second document be different or the same as on the first document?

A. Yes, it would.

Q. It would be different, sir?

A. Yes.

Q. Okay. Was it, in fact, released on July 16?

A. On or about the 16th.

Q. Okay. Now, would you please pull out document number 35, Exhibit 35?

A. I have it.

Q. Now, sir, my recollection of your testimony, and I'm not trying to characterize it here, but it's my recollection, and tell me if I'm wrong, that you as well as others prepared this document; is that correct, sir?

A. That is correct.

Q. Who were the others, if you know?

A. Doctors Scott and Tucker, B. S. Tucker, Dr. Robert Keller, Dr. R. E. Keller, Elmer P. Wheeler, Dr. W. R. Richard, Dr. Ralph Munch. I can't recall any others.

Q. Are these individuals you named, were they

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employees of Monsanto at the time of the preparation of this document?

A. Yes.

Q. Was this document, in fact, sent out to your customers?

A. Yes.

Q. Was it, in fact, sent out to Aerovox Corporation?

A. Yes.

Q. Was it, in fact, sent out to Cornell-Dubilier?

A. Yes.

Q. Do you know when those mailings took place?

A. It appears that this ought to be early 1970. There's a date January 15th, 1970 on the third to last page.

Q. Mr. Papageorge, do you know whether the cover letter was sent out with this document when it was sent to Aerovox? Was a cover letter attached to this document when it was sent to Aevorox Corporation?

A. Yes.

Q. Do you know who would prepare that cover letter or who did prepare that cover letter?

A. I don't recall.

Q. Do you know if a cover letter was sent out

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with the document when it was sent to Cornell-Dubilier?

A. Yes.

Q. Do you know who prepared that letter?

A. Not specifically.

Q. Would there be a certain department from Monsanto from which this letter emanated?

A. The marketing department.

Q. And who was in charge of the marketing department at that time?

A. Mr. Don Olson.

Q. Was it Mr. Olson's decision to send this document out?

A. Yes.

Q. Did you partake in that decision in any way?

A. Yes.

Q. Was it your recommendation to send this document out?

A. Yes.

Q. Were documents that were set up in the same format as this document sent out on a regular basis to either Cornell-Dubilier or Aevorox Corporation subsequent to this document being sent out?

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

MR. WEIR: Objection.

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MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. Yes.

Q. How often were they sent out --

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection as to form.

Q. (BY MR. CENTOLA) -- the documents that were set up in the same format?

MR. KENNER: You mean on Monsanto letterhead?

MR. CENTOLA: No, same format.

MR. KENNER: Well, the format appears to be typ d words under Monsanto letterhead.

MR. CENTOLA: Right. Your objection is on the record.

MR. KENNER: I'm not sure I see the relevancy. The question was how often were letters sent out on Monsanto letterhead?

MR. CENTOLA: No. The question is what I formulated the question to be.

A. Similar reports were prepared describing the status of the studies at about the six to nine-month period.

Q. (BY MR. CENTOLA) Were these, in fact, reports purchased to give status, the status of studies to your customers?

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MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And these status reports were sent out on a nine-month period?

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. Roughly nine-month period, yes.

Q. (BY MR. CENTOLA) Okay. Do you recall any specific responses received from any of your customers as a result of the sending out of this particular report, Exhibit No. 35?

MR. WINSLOW: Objection.

A. I don't recall specific responses, no.

Q. (BY MR. CENTOLA) Now, would you please look at Exhibit No. 36? Now, is it my understanding, Mr. Papageorge, that this form letter was sent out to a number of your customers on February 18, 1970?

MR. KENNER: Object to the form. There's no way he can possibly know that.

A. Yes.

Q. (BY MR. CENTOLA) And is it my understanding from yesterday's testimony that a different masked paragraph was used when sending this form letter out to customers who used dielectric fluids?

MR. McLAUGHLIN: Objection.

WATER_PCB-SD0000068925

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection to the form. There's no way he could possibly know that.

MS. OLESKEY: Gary, the copy we have here is February 9.

MR. CENTOLA: I'm sorry, February 9.

Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Let's go to document number -- I mean Exhibit No. 37. Now, Mr. Papageorge, I want to direct your attention specifically to paragraph 3 where it mentions Aroclor 1242B, as in boy. Is Aroclor 1242B the same as Aroclor 1242?

A. No.

Q. Okay. Could you tell me what the difference is?

A. Aroclor 1242B had the sum of the higher chlorinated PCBs removed in material that was designated as Aroclor 1242.

Q. Was Aroclor 1242B ever sold to your customers?

A. No.

Q. In the first line of -- the very first line of the body of this letter, it refers to "old friends."

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Do you know who those old friends were that were being referred to?

A. No, I don't.

Q. Okay. Let's go to Exhibit 38. In the last sentence of the second paragraph -- actually, you have to look at the sentence before that. Would you please read the last two sentences of the second paragraph in the body of the memo?

MS. OLESKEY: To himself?

Q. (BY MR. CENTOLA) Yes, where it starts with "for years," and it ends with "into water."

A. I see it. I've read them.

Q. Okay. Did these two sentences refer to a potential problem with Aroclors leaching into the water, sir?

MS. ROBERTSON: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection.

A. Yes.

Q. (BY MR. CENTOLA) At this time, Mr. Papageorge, did you consider Aroclors as being able to be leached through the ground into water systems, sir?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

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MS. ROBERTSON: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

MR. CONNELL: May I ask for clarification of the term "at this time"?

Q. (BY MR. CENTOLA) At the time of this memorandum, which is 6/16/70.

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. KENNER: Objection.

MR. FITZMAURICE: Can you read back the question?

(Reporter propounded pending question.)

A. I need a clarification on your definition of "leach."

Q. (BY MR. CENTOLA) Okay. Would Aroclors, was it your understanding that Aroclors were capable of traveling through ground water and into adjacent water bodies?

A. Yes.

MS. ROBERTSON: Objection.

MR. KENNER: Objection.

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) Is that what you -- is that what was meant in this memo?

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MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

MS. ROBERTSON: Objection.

MR. KENNER: He didn't write the memo.

Q. (BY MR. CENTOLA) Is that what was meant in this memo? Do you know.

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

A. That's my understanding.

Q. (BY MR. CENTOLA) Did you discuss this memo with Mr. Graham?

A. I discussed Mr. Graham's findings over the telephone; well, actually in the car as we traveled, before this memo was written.

Q. And did your understanding of what this memo meant come from those conversations or that conversation?

A. Yes.

Q. Okay. Now, yesterday you testified that you visited the Aevorox Corporation facility in June of 1970; is that correct, sir?

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A. Yes.

Q. How long were you at that facility?

A. A good part of a day.

Q. Were you given a tour, a walking tour of the entire facility?

A. I was given a walking tour of the facility. I don't know if it was the entire facility.

Q. The impregnation area?

A. Yes.

Q. The storage area?

A. The areas where PCBs might have been present.

Q. Okay. Were you taken to a rail siding, sir?

A. Yes, sir.

Q. Did you have an opportunity to observe the ground at that rail siding?

A. Yes.

Q. Did you notice anything about that ground, sir?

A. Yes.

Q. What did you notice?

A. Oily appearance.

Q. Was there any rail car at the siding when you were there, sir?

A. Yes.

Q. Were you -- did you know if, in fact, the

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rail car had Aroclors in it at that time?

A. I was told it had.

Q. Okay. Did you have an opportunity to watch the process where Aroclors were transferred out of the cars, sir?

MR. McLAUGHLIN: Objection.

A. No.

Q. (BY MR. CENTOLA) Did you have an opportunity to see the floor of the impregnation area when you walked through it, sir?

A. Yes.

Q. What, if anything, did you notice about the floor of that impregnation area?

A. A general oily appearance.

Q. Did you see pipes entering impregnation tanks when you walked through, sir?

A. Yes.

Q. Did you notice any leaks, sir?

A. I saw evidence of leakage, but no actual dripping of material.

Q. Can you tell me what you mean when you say you saw evidence of the leakage?

MR. McLAUGHLIN: Objection.

A. The oily condition of the pipelines themselves and the oily condition of the area below the

WATER_PCB-SD0000068931

pipelines, the vicinity of the pipelines.

Q. (BY MR. CENTOLA) Was there anything on the floor underneath the pipes?

A. I don't recall anything.

Q. Did you -- were you aware of any odor when you were in the impregnation area?

A. Yes.

Q. Did you recognize the odor?

A. Yes.

Q. What did you recognize the odor to be?

A. It's the odor that I associate with PCBs used in capacitors.

Q. Had you smelled the odor of PCBs used in capacitors before you had come to that plant?

A. Oh, yes.

Q. How often?

A. Oh, many times. I helped manufacture it, so I was exposed many times.

Q. Could you be more specific, if possible, about what you mean by an oily appearance on the floor?

A. I'll try. It reminds me of the garage floor underneath my cars when I get oil dripping from them. It's a stain, slippery surface that still has some oil-like material here and there.

Q. Did you know if -- was this impregnation

WATER_PCB-SD0000068932

area, the area that you went through, was this impregnation area an area where capacitors were impregnated with Aroclors?

A. That was my understanding, yes.

Q. Where did you derive your understanding?

A. From our discussions as to what the tour would be about, and what we were looking for, and the fact that this is the site at which capacitors were manufactured and which PCBs were used in their manufacture.

Q. Did you point out the odor -- let's take it one at a time -- the odor to the people that were conducting the tour with you?

A. Yes.

Q. What did you say?

A. I suggested and indicated that their systems could use some review and tightening up, and they could use better ventilation.

Q. And did they respond to your comment, sir?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. They heard me, and they took notes.

Q. (BY MR. CENTOLA) When you say "they took notes," did they take written notes?

MR. McLAUGHLIN: Objection.

WATER_PCB-SD0000068933

A. Yes.

Q. (BY MR. CENTOLA) Did you notice anything between the walls of the impregnation area?

A. They, too, had the oily appearance.

Q. Did you make a comment with respect to the walls to these same individuals that you commented about the odor?

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And what was the substance of your comment?

A. I suggested that the objective that we and they should all strive for was to get the bone dry effect or appearance in their operations.

Q. Did you form an impression from your observation of the oily appearance on the walls and your observation of the impregnation area as to how the oily substance or appearance occurred?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

Q. (BY MR. CENTOLA) Did you form an impression from your observations as to how the oily substance got on the wall?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

WATER_PCB-SD0000068934

A. I could only guess as to the kinds of incidences that would lead to the presence of oily material on walls.

Q. (BY MR. CENTOLA) Well, sir, prior to your visit, is it not true that you were involved in the manufacture of Aroclors?

A. Correct.

Q. Okay. Based upon your experience in Aroclors, could you give more than a guess as to how that substance got on the wall?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. KEHNER: Objection; asked and answered.

A. The manufacture of PCBs is much different than the use of PCBs and impregnating capacitors. Not having observed the source of those PCBs that ended up on the wall, I can't do anything but speculate.

Q. (BY MR. CENTOLA) Okay. I'll accept your speculation. Would you give it to me?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

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MR. KENNER: Objection.

A. Well, they had to result from fumes that leave the process, enter the area, and condense on the surfaces. They could have evolved when a leak could have occurred at a pipe fitting, pipe joint, under pressure. This is referring to the walls. The presence on the floor could have occurred --

Q. (BY MR. CENTOLA) Let me ask you a question on that first.

MR. McLAUGHLIN: I just want to object. I just don't want to be cut down later on in the cross-examination of this witness because of time constraints. If we are going to have witnesses engage in speculation, let's put it on the record, because I am afraid sometime on the 5th and 6th of May, my time may be collapsed.

MR. CENTOLA: I'm going to agree, Mr. McLaughlin. I'm going to stop the question on that subject.

Mr. Papageorge, did you notice while you were in that area of the impregnation area that there were any drains on the floor?

MR. CONNELL: Is this question directed to the impregnation area in the Aerovox plant?

Q. (BY MR. CENTOLA) I'm talking about the

WATER_PCB-SD0000068936

Aerovox plant. I'm just talking about the impregnation area of the Aerovox plant.

A. It doesn't stand out vividly in my memory. I've seen too many plants, and I don't recall this one specifically.

Q. Do you recall in this specific plant seeing any sump pumps in the impregnation area?

A. No.

Q. Okay. Were you taken to an area at the Aerovox plant where 55-gallon drums were stored containing Aroclors?

A. I don't remember.

Q. Were you taken to an area of the Aerovox plant -- and I'm talking about the Aerovox facility, Aevorox Corporation at this time -- where there vre storage tanks that stored Aroclors?

A. Yes.

Q. Were they on the same level as the impregnation area?

A. I don't remember.

Q. Were they in a different room?

A. I don't remember.

Q. Were you taken to any areas in the Aerovox facility were you taken outside a building in the outside area where Aroclors were stored in tanks?

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MR. WINSLOW: What was the answer?

MR. CENTOLA: He doesn't remember.

Do you recall seeing on the ground on the Aerovox facility capacitors --

MR. WINSLOW: Objection.

MS. ROBERTSON: Does ground mean outdoors?

Q. (BY MR. CENTOLA) -- outdoors, loose capacitors, and let me add or transformers?

MR. WINSLOW: Same objection.

A. I don't remember.

Q. (BY MR. CENTOLA) Did anyone at the Aerovox facility, when you were there in June of 1970, inform you of where their water discharges went to?

MR. KENNER: Objection.

MR. WINSLOW: Objection.

A. They told me, but I don't remember what their answer was.

Q. (BY MR. CENTOLA) When you were at the Aerovox facility, do you recall seeing two troughs or moats on the outside of the building?

MR. KENNER: Objection; leading.

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. No.

MR. McLAUGHLIN: Withdraw my objection.

WATER_PCB-SD0000068938

Q. (BY MR. CENTOLA) Did you understand what I meant by troughs or moats, sir?

A. I believe so.

Q. Okay. Were you shown -- when you were in the Aercvox plant, were you shown wash basins where workers cleaned up?

MR. WINSLOW: Excuse me. Did we have an answer to the previous question?

MR. CENTOLA: He said he didn't recall.

A. I don't remember.

MR. CENTOLA: Could we have the last question and answer?

(Reporter propounded previous question and answer.)

Q. (BY MR. CENTOLA) Do you know what Fuller's earth is?

A. Yes.

Q. Did you know what Fuller's earth was in June of 1970?

A. Yes.

Q. Had you ever seen it prior to June of 1970?

A. Yes.

Q. Did you ever see any Fuller's earth on the floor of the impregnation area during your visit?

A. I don't recall.

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Q. Do you recall seeing it anywhere on the facility?

A. No.

Q. Do you recall if you asked any of the people you met at Aerovox how they cleaned up any spills that might, in fact, take place?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And did they respond to your question?

A. Yes.

Q. And how did they respond to your question?

MR. WINSLOW: Can we have who this conversation is between, instead of just "they"?

MR. CENTOLA: Well, my understanding from yesterday, the only name he remembered was Tuttle, and he didn't remember any other individual.

Now, do you remember -- I'll ask again if you want. Do you remember the names of any of the people that you spoke to during this visit other than Mr. Tuttle?

A. No.

Q. Now my question is: Do you recall talking to any individuals there with respect to how they cleaned up any spills that might take place at the plant?

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MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And do you remember if these individuals included Mr. Tuttle?

A. I don't believe Mr. Tuttle accompanied us on the tour.

Q. Okay. What did these individuals, how did these individuals respond to your question?

A. They told me they used Fuller's earth to soak up the free liquid that was spilled.

Q. Did you ask them while you were on this tour how they disposed of liquid Aroclors?

A. Yes.

Q. And what did they say?

MR. McLAUGHLIN: Objection.

A. They buried it along with the other wastes from the plant.

Q. (BY MR. CENTOLA) And did they indicate whether they put it in containers first?

MR. McLAUGHLIN: Objection.

A. No.

Q. (BY MR. CENTOLA) They didn't give you that indication?

A. I want to make sure that I understand your

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question.

Q. (BY MR. CENTOLA) Well, let me ask it more generally, and I might resolve it. Did they describe the process in which they buried the Aroclors?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. Not the burial process itself, no.

Q. (BY MR. CENTOLA) And what did they tell you if you recall?

MR. McLAUGHLIN: Objection.

A. As best I recall, they would collect all of their wastes in any convenient containers, some liquids, some solid wastes, all in any convenient container, and haul them away to a burial ground in the general area.

Q. (BY MR. CENTOLA) Were they more specific as to what they meant by "general area"?

MR. McLAUGHLIN: Objection.

A. No; nearby, not too far, too distant.

Q. (BY MR. CENTOLA) These other individuals that we have been discussing that you don't know the names of, did you, in fact, know if they were Aerovox employees?

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. I had no reason to believe otherwise.

Q. (BY MR. CENTOLA) So your answer is you don't

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know, sir?

A. I don't know.

Q. Okay. Would you please look at Exhibit 38? Do you have it, sir?

A. Yes.

Q. In that exhibit it says in the second paragraph -- this is with respect to Cornell-Dubilier -- "Present procedure is for scrap material to be dumped in an abandoned sand quarry in-land away from water." Do you see that sentence, sir?

A. Yes.

Q. Do you know if Aerovox was using the same sand quarry to dump their scrap material?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

A. No, I don't.

Q. (BY MR. CENTOLA) When you stated earlier that they dumped it -- Aerovox dumped this material in a nearby place, were you referring, sir, to Sullivan's ledge?

MR. KENNER: Objection. Mischaracterizes his testimony.

Q. (BY MR. CENTOLA) Well, tell me if I'm wrong, sir.

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A. I don't recall the name of the site, nor do I know where Sullivan's ledge is located. So, I just don't know.

Q. Fine. Thank you. From your observations at the Aerovox plant in June of 1970, did it become a concern of yours that Aroclor was getting into the water discharges of the plant?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And upon what did you base that concern?

A. From the description of their operations and how they hosed down their floors.

Q. Sir, let me ask you this question. Did someone at the Aerovox plant tell you that they hosed down the floors in the impregnation area?

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. That was my understanding.

Q. (BY MR. CENTOLA) Let me ask you the question again. Did someone tell you that, sir?

MR. KENNER: Objection.

MR. WEIR: Objection.

MR. McLAUGHLIN: Objection.

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A. Yes.

Q. (BY MR. CENTOLA) Was it one of these individuals who brought you on the tour?

A. Yes.

Q. Did they indicate to you or did they tell you what happened to the water that was used to hose down the floors? Did they tell you where it -- strike that.

Read back my question.

(Reporter propounded pending question.)

A. It went into the plant sewer system is my understanding.

Q. (BY MR. CENTOLA) Did they tell you if they hosed down the floors -- strike that. Did they tell you how frequently they hosed down the floors?

MR. KENNER: Objection.

A. No.

Q. (BY MR. CENTOLA) Did they tell you the purpose of hosing down the floors?

MR. KENNER: Objection.

Q. (BY MR. CENTOLA) Did they tell you the purpose of hosing down the floors?

MR. KENNER: Object.

A. Cleaning up --

Q. (BY MR. CENTOLA) To clean it up?

A. -- the work area, yes.

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Q. Did you take any notes as a result of your trip to Aerovox in June of 1970?

A. No.

Q. Do you know what a sight glass is, sir?

A. Yes.

Q. What is your understanding of a sight glass?

A. It's a glass mounted on a vessel or device through which one can make observations as to what's going on inside the vessel or through this device.

Q. Did you see any sight glasses during your tour -- strike that. Did you see any sight glasses on storage tanks at the Aerovox facility on your tour?

A. I don't remember.

Q. Could you please look at Exhibit 40, sir? Have you had an opportunity to look at this exhibit again?

A. Yes.

Q. Do you know if Aevorox Corporation was using this same landfill?

A. No, I do not.

MR. WINSLOW: Objection.

MR. KENNER: Object.

Q. (BY MR. CENTOLA) That's it, sir. Sir, can you tell me the significance, if there is any, of the last two digits in Aroclor 1242?

A. The last two digits, 42, represent the

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approximate chlorine content by weight of that particular PCB mixture.

Q. Is there any significance to the digit 1016 as used in Aroclor 1016?

A. No.

Q. Was there any reason why there was a change to digits that had no significance?

A. The material designated as 1016 had a chlorine content by weight very close to 42 percent by design. We wanted to avoid confusion in designating these materials. We wanted to keep the two distinct and different, and we decided to just keep the 1016 designation, which was the designation used during the development of this material under the title MCS 1016, Monsanto Chemical Sample 1016.

Q. That was my next question, sir. In other words, MCS represents the Monsanto Chemical Sample?

A. Yes.

Q. Okay. Sir, yesterday you testified that in 1969 -- strike that. In 1968, Monsanto became aware of the possibility of Aroclors being in different -- in the environment in Europe; is that correct, sir?

MR. WINSLOW: Objection.

A. That is correct.

Q. (BY MR. CENTOLA) Okay. In 1968, was

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Monsanto aware that Aroclor was possibly a toxic substance?

MR. WINSLOW: Objection.

A. Well, the word "toxic" is so broad, I have difficulty. There were toxicity studies, and Monsanto was aware of the results of those studies.

Q. (BY MR. CENTOLA) Were the results and those studies concluded by 1969, sir?

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Were the -- strike that. Were there studies concluded by 1969?

A. Some studies, yes.

Q. Let me ask it this way, sir. You testified yesterday that in 1969, upon receiving these reports -- 1968, upon receiving these reports from Europe, Monsanto became concerned about Aroclors being in the environment; is that true, sir?

MR. WINSLOW: Objection.

A. That's true.

Q. (BY MR. CENTOLA) Why was Aroclor concerned about -- I mean why was Aerovox -- why was Monsanto concerned about Aroclors being in the environment at that time?

MR. WINSLOW: Objection.

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A. Well, PCBs are a man-made chemical. The fact that they were out in the environment was to Monsanto a surprise. The amount that's in the environment was still unknown, and the impact of its presence at these levels was unknown. There were just too many unknowns regarding the eventual impact on the environment of this man-made chemical. This is why Monsanto became very interested and concerned.

Q. (BY MR. CENTOLA) Was it Monsanto's concern in 1969 that, in fact, Aroclors might be harmful to the environment?

MR. KENNER: Objection. Might be harmful to what?

MR. CENTOLA: The environment.

MR. KENNER: Okay.

A. Might be, yes.

Q. (BY MR. CENTOLA) When you passed on this information concerning the findings of Aroclor being in the environment to your customers, did you also past on to them the information that the Aroclors might also be harmful to the environment or human life?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection. "Or human life"?

MR. CENTOLA: Yes.

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A. Monsanto did not use the words that you used.

Q. (BY MR. CENTOLA) Tell me the words that Monsanto used.

A. I don't know that I can repeat them word for word, but the message that we conveyed is that we didn't know what PCBs could do. They were being associated with commonly-known materials such as DDT, and since we didn't know, we were going to conduct studies to determine the impact, and some studies were under way starting in '69.

Q. When you say they were being associated with materials like DDT, what do you mean by that?

A. In most samples reported to Monsanto, DDT and its degradation product, DDE, was determined to be present along with PCBs. Most investigators really were looking for DDT and happened to find PCBs. So, at that point in time, 1968, '69, these materials were all lumped together in many people's thinking.

MR. CENTOLA: Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Mr. Papageorge, did you ever hear of the Yusho incident, Y-u-s-h-o?

A. Yes.

Q. Can you tell me when you -- first, can you tell us what the Yusho incident was?

A. In Japan, in the Yusho prefecture an incident

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occurred in 1968, in which oil extracted from rice bran which had been distilled in a heating system using PCBs was contaminated with PCBs at levels that I later found were in the 2,000 part per million quantities. This oil was sold as a cooking oil, and there were many people who ingested this oil that came up with ailments and symptoms such as nausea and watery eyes, loss of appetite. There were three youngsters delivered shortly thereafter with highly pigmented skin that later diminished in intensity of color. This happened in 1968.

Q. Do you recall when in 1968 this happened, sir?

A. No, I don't.

Q. Do you know when Monsanto first became aware of this incident?

A. I can only speak for myself. I first heard of it in early 1970.

Q. Let me put the question before you then. When did you first hear of the Yusho incident?

A. When I arrived in St. Louis and took on my new assignment in January, 1970, relating to PCBs, I heard of this.

Q. Who informed you of this?

A. Elmer Wheeler.

Q. And at that time where was Elmer Wheeler

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employed?

A. He was a member of Monsanto's medical department.

Q. When you say "medical department," could you describe what the medical department did at Monsanto?

A. Well, they were responsible for the general health, work place health of all employees in Monsanto. They were responsible for supervising the placement and completion of studies that tested the toxicity of our chemicals, both products and in plant chemicals. They were responsible for communicating with customers, with authorities on an as-needed basis regarding our products.

Q. Do you know if prior to your assuming that position in 1970, Mr. Wheeler or anybody else at Monsanto disseminated this information about the Yusho incident to any customers?

MR. WINSLOW: Objection.

A. No, I don't.

Q. (BY MR. CENTOLA) Did you disseminate that information to any of your customers?

A. Yes.

Q. When did you disseminate that information?

A. Well, I started disseminating it, and at that time it was sketchy when I began my tours of customers' plants in the summer of 1970.

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Q. In June of 1970, when you visited the Aerovox plant, did you inform people that you met with at Aerovox of the Yusho incident?

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Did you inform people you met with at Cornell-Dubilier --

MR. KENNER: Objection.

MR. CENTOLA: Let me finish the question.

-- of the Yusho incident?

A. Yes.

MR. WEIR: Objection.

Q. (BY MR. CENTOLA) You stated earlier that it was your understanding that some reports or studies had been completed, had been done with respect to toxicity of PCBs by 1969; is that correct sir?

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Did you know the date of the earliest of those reports, sir?

A. There were studies that go back into the 1930's.

Q. Do you know the names of any of the reports -- strike that. Were any reports conducted -- were any studies conducted and completed in the 1960's?

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A. Yes.

Q. And when you assumed your position in 1970, did you have copies of those reports?

A. I didn't have personal copies, no.

Q. Were you aware of the information contained in those reports?

A. Yes.

Q. Did you disseminate the information you had from those reports to your customers?

A. No.

Q. Do you know the names of those reports conducted in the '60s?

A. The studies conducted in 1960's, late 1960's, were studies that were used to establish exposure rates and types of studies that were to follow to establish long-term exposure to PCBs. So, these studies were really designed to help conduct future studies rather than to get useful data that could be extracted to humans and birds and animals.

Q. Prior to your visit in June of 1970, had you had any contacts with the EPA concerning PCBs --

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) -- in relationship to your job at Monsanto?

MS. ROBERTSON: Prior to what visits in 1970?

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Q. (BY MR. CENTOLA) Visits at Aerovox and Cornell-Dubilier plants.

MS. ROBERTSON: Okay.

A. I find that difficult to answer. We tried to reach representatives of EPA. EPA was in the midst of organizing. We did talk to individuals who thought they would end up in the EPA organization. It turns out later they did not. So, they were wearing the EPA hat at the moment, but it turns out that they were the wrong people to talk to.

Q. (BY MR. CENTOLA) What was the purpose of your discussions with those people?

A. To find out if the EPA individuals had any awareness of PCBs, were any of their laboratories developing any methodologies, were any samples taken, any presence determined, and so on.

Q. I just have one or two more questions, and then I'll suggest we break. Can you go to Exhibit 59, please? Mr. Papageorge, can you tell me or do you know if this document was sent to your customers?

MR. KENNER: This document being?

MR. CENTOLA: This document being Exhibit 59.

MR. KENNER: Thank you.

A. I do not know.

Q. (BY MR. CENTOLA) And look at Exhibit 62,

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please. Although I understand that you had not seen this document before, having read this document here can you tell us if, in fact, this subject matter was covered at the Monsanto symposium?

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

A. Yes.

Q. (BY MR. CENTOLA) On Exhibit 63, there's a questionnaire attached. Do you know, sir, who created this questionnaire?

A. This questionnaire was developed by the EIA PCB ad hoc committee. It's my understanding it's a group effort.

Q. Were you involved in that group effort?

A. No.

MR. CENTOLA: All right. I have no further questions now, and I suggest that we break so I can start with my documents the first thing in the morning.

(The deposition was adjourned until 9:00 a.m. April 17, 1986.)

[Pagageorge Deposition Exhibit No. 86 marked for identification.]

Q. (BY MR. CENTOLA) Good morning, Mr. Papageorge.

A. Good morning.

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Q. I failed to do this yesterday. I'll do it now. My name is Gary Centola, and I represent the Fireman's Fund in this litigation. I'm going to ask you a series of questions, and if you don't understand one of my questions or you want it repeated for some reason, please feel free to say so before you answer so there will be no misunderstandings. Okay, sir?

A. I will.

Q. Mr. Papageorge, could you look at what has been marked as Exhibit 72. Sir, do you recall testifying about that exhibit yesterday?

A. I do.

Q. Okay. And was this letter which purports to be to Mr. Hurd from Mr. Slayton to Cornell-Dubilier on or about August 11, 175?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

Q. (BY MR. CENTOLA) Was it, sir?

A. I didn't realize there was a question. You were describing the letter.

Q. No, I asked you if this letter was, in fact, sent to Mr. Hurd or or about August 11, 1975.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection. His previous

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testimony indicated he doesn't know the answer to that.

A. I don't know.

Q. (BY MR. CENTOLA) Do you know if a similar letter was prepared for the purpose of being sent to Aerovox Industries, Inc.?

MS. ROBERTSON: Objection.

MR. WINSLOW: Objection.

A. I do not know.

Q. (BY MR. CENTOLA) I'd like you to look at what has been marked as Papageorge No. 86.

MS. OLESKEY: It can't be 86. It is.

MR. CENTOLA: It's a new exhibit.

MS. OLESKEY: Do we have copies of those, too?

MR. CENTOLA: Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Have you ever seen this letter before, sir?

A. I saw it yesterday.

Q. Okay. Well, does this letter refresh your recollection as to whether a letter was prepared to Aerovox Industries, Inc. in August of 1975?

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

A. It does not.

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Q. (BY MR. CENTOLA) Okay. Did you ever see this letter prior to yesterday, sir?

A. I do not recall seeing it.

Q. Okay. Thank you.

MS. FLORINI: May I look at this original exhibit?

MR. CENTOLA: Off the record.

(Discussion held off the record.)

MR. CENTOLA: Mark that.

[Papageorge Deposition Exhibit No. 87 marked for identification.]

Q. (BY MR. CENTOLA) Would you look at what has just been marked as Papageorge No. 87?

MR. CONNELL: Why don't we define that for the record, Gary?

MR. CENTOLA: What has been marked as No. 87 is a document which purports to be to Monsanto dated April 16, 1974, and sent by Norman Butterworth.

MR. WINSLOW: Is it just the one page?

MR. CENTOLA: One page, and it's on Aerovox Industries, Inc. stationery with a Bates stamp number 140001.

Sir, have you had an opportunity to look at this document?

A. I have completed looking at it.

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Q. Have you ever seen this document before?

A. No, sir.

Q. Sir, are you aware of preparations being made to have sampling done at the Aerovox facility in the spring of 1974?

A. I recall it, yes.

Q. Okay. Do you recall what precipitated that sampling, sir?

MR. WINSLOW: Objection.

A. As best as I recall, this was related to the EIA PCB ad hoc committee activities regarding plant discharges containing PCBs.

Q. Who related it to the committee?

A. I'm sorry?

Q. Who related it to that committee?

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

A. Who related --

Q. (BY MR. CENTOLA) I might have misunderstood your answer.

A. I'm sorry.

Q. Did the idea of sampling originate in the EIA ad hoc committee?

A. Yes.

Q. Okay. Did you participate in that decision

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to conduct the sampling?

A. Yes.

Q. When was that decision made?

A. Early 1974.

Q. Could you name some of the members in the group of the ad hoc committee that also partook in the decision if they did?

A. I don't recall the names of the participants other than Mr. Tuttle, the chairman.

Q. Do you know what the purpose of the sampling was?

A. To get information regarding PCBs and water effluents from capacitor plants that eventually would be used to determine feasibility of water treatment procedures.

Q. Okay.

Let's mark this next document as Exhibit 88, and this document is going to be an April 19, 1974 letter that purports to be to Norman Butterworth from a William R. Richard, with a Bates stamp number 140002.

[Papageorge Deposition Exhibit No. 88 marked for identification.]

Q. (BY MR. CENTOLA) Sir, would you please look at this document that I have just had marked as Papageorge 88. Do you recall ever having seen this document before?

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A. I do not.

Q. Do you recognize what appears to be handwriting on the top portion of that document?

A. Yes.

Q. Who's handwriting is that?

A. I don't know. I can only guess.

Q. What are your initials, sir?

A. W.B.P.

Q. Do you know if the W.B.P. on this document represents your initials?

MR. WEIR: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

A. Very likely.

Q. (BY MR. CENTOLA) Who is William R. Richard, sir?

A. He was the director of research and development for the specialty products business group of Monsanto at that time.

Q. And who is Dr. Tucker?

A. Dr. Tucker is the analytical chemist working in Monsanto's research and development department addressing PCB analyses at that time.

Q. Was there an agreement between EIA and Monsanto that Monsanto would test samples taken at

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Aerovox?

A. The agreement was not with the EIA.

Q. Who was the agreement with if there was an agreement?

A. With the individual, Monsanto PCB customers.

Q. And was there such an agreement with Aerovox Industries, Inc.?

A. Yes.

Q. Sir, you may have answered this yesterday. I don't recall. Did you say -- did you ever meet Norman Butterworth?

A. I don't recall meeting him.

Q. Did you ever speak to Mr. Butterworth over the phone?

A. I don't recall ever talking to him.

Q. Did you know what Mr. Butterworth's function was back in April of 1970?

MR. WINSLOW: Objection.

A. I don't recall.

Q. (BY MR. CENTOLA) Sir, do you know who informed Mr. Richard to write to Mr. Butterworth at Aerovox Industries, Inc.?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

A. No, I do not.

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Q. (BY MR. CENTOLA) Were you present at the EIA ad hoc committee when the decision was made to take the samples?

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And did you communicate that decision to others at Monsanto after it was made?

A. Yes.

Q. And who did you communicate it to?

A. It was a group of individuals that were still addressing the PCB issue. Dr. Richard was one of them, certainly, Howard Bergen, Mr. Benignus, Dr. Keller, who is Dr. Tucker's supervisor. I can't recall any others.

Q. When you went to that EIA ad hoc committee, did you go with the authority from Monsanto to, in fact, conduct testing of samples taken --

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) -- to commit Monsanto to this?

MR. KENNEY: Objection.

A. No.

Q. (BY MR. CENTOLA) Okay. After the decision was made, did you have to go back to Monsanto in order to obtain the authority to do this?

MR. WINSLOW: Objection.

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A. Yes.

Q. (BY MR. CENTOLA) And who did you obtain that from?

A. This group that I just mentioned, and eventually Mr. Burgen made the ultimate decision.

Q. Thank you. Okay.

The next document I'm going to mark as 89 is what looks like a letter dated May 22, 1974, to John Hutzler from Ralph Munch with a Bates stamp number 140003.

[Papageorge Deposition Exhibit No. 89 marked for identification.]

Q. (BY MR. CENTOLA) Have you ever seen this letter before, sir?

A. I do not recall it, no.

Q. Who is Ralph Munch, if you know?

A. Dr. Munch was a member of Monsanto's research and development department doing research work on dielectric fluids and their applications.

Q. Do you know why Mr. Munch was sending Mr. Hutzler a list of laboratories who did PCB analysis on a commercial basis?

MR. WEIR: Objection.

MR. KENNER: Objection to the form.

A. I do.

MR. CENTOLA: Can you be more specific?

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MR. KENNER: Surely. He just testified that he's never seen this letter before, and the premise of your question is that this letter was sent.

Q. (BY MR. CENTOLA) Okay. I'll take this question as it stands if you can answer it.

A. I do not know.

Q. Okay. Do you know if, in fact, Mr. Munch did send the list of laboratories to John Hutzler?

A. No.

Q. You do not know?

A. That is correct.

Q. Okay. Do you know if it was in the agreement with Aerovox to conduct the sampling if Monsanto -- if Aerovox also wanted separate samples to be tested by people other than Monsanto?

A. Yes.

MR. WINSLOW: Could I have that question back, please?

(Reporter propounded previous question and answer.)

MR. WINSLOW: I'm objecting to the question.

MS. ROBERTSON: Objection.

Q. (BY MR. CENTOLA) Did you understand the question?

A. I think I did, yes.

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Q. Okay. What was your answer?
A. Yes.
Q. (BY MR. CENTOLA) Why did Aerovox want others to test the samples as well?
MS. ROBERTSON: Objection.
MR. WEIR: Object to the form.
A. I could share with you my understanding.
Q. (BY MR. CENTOLA) Share with me your understanding.
A. We told the representatives of Aerovox as well as all other customers that we could not analyze an unlimited number of samples. We could help them with a few, but they had to find other laboratories to do their routine sampling.
Q. Did you, in fact, communicate that to Aerovox?
A. Yes.
Q. Did you communicate that to Aerovox in the spring of 1974?
A. Or prior, yes.
Q. When you say you communicated that to Aerovox, do you mean you personally or someone else at Monsanto?
MR. WINSLOW: Excuse me. For the sake of clarification, would you please refer to Aerovox by its

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proper corporate name since there are several corporations that share the common name Aerovox.

MR. CENTOLA: Yes. I'm sorry.

I'm talking about Aerovox Industries, Inc. When you say "you," did you --

Would you have my last question read, please?

(Reporter propounded pending question.)

A. Both.

Q. (BY MR. CENTOLA) Do you recall who you communicated this to at Aerovox, the individual?

A. Mr. Tuttle.

MR. WINSLOW: As I understand it, every reference to Aerovox in your questioning until you say otherwise means Aerovox Industries, Inc.

MR. CENTOLA: At this point in time, yes, because that's the only Aerovox entity that I know of that existed at the time.

Did you have that communication with him by letter or by phone? Do you know?

MR. KENNER: Object to the form.

A. It was face to face.

Q. (BY MR. CENTOLA) Oh, it was face to face? Okay.

I want to have -- I think I'm skipping another one. I'm having this marked Papageorge 90. It's on Monsanto's

WATER_PCB-SD0000068968

stationery, and it's dated August 12, 1974. It purports to be to Mr. W. R. Richard from E. S. Tucker, with Bates stamp number 140006.

[Papageorge Deposition Exhibit No. 90 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you ever seen this document before?

A. I recall it, yes.

Q. When was the first time you saw this document?

A. Oh, on or about the date of the interoffice memorandum, which is August 12, 1974.

Q. I want to refer you to where your name is on the top right-hand corner.

A. Yes.

Q. Do you know what that representation is after your name?

A. That is a reference to the mailing zone within Monsanto Company.

Q. Fine. Thank you. Sir, do you know who Dr. Tibbetts is?

A. I don't remember the man.

Q. I want to refer you to the second sentence in this document where it says, "Hutzler is upset with Tibbetts because he has messed up the analysis of their

WATER_PCB-SD0000068969

plant effluent samples for PCBs and set them back about four months." Did you know at that time what the writer of this document was talking about when he wrote that sentence?

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) What was your understanding of what he was talking about at that time?

MR. WINSLOW: Objection.

A. The results that that particular laboratory obtained were questionable because the methodology used by the laboratory was inadequate, and they couldn't validate their results.

Q. (BY MR. CENTOLA) Did you talk to Mr. Tucker about this document?

A. Yes.

Q. Did you talk to him about what he meant by his statement that I just read to you?

A. Yes.

Q. And did you receive this understanding that you just gave to us from the conversation with Mr. Tucker?

A. Yes.

Q. Do you know if Mr. Tucker ever contacted Woodson-Tenent, W-o-o-d-s-o-n-T-e-n-e-n-t, Laboratories, Inc.?

WATER_PCB-SD0000068970

A. Yes.

Q. And do you know if Woodson-Tenent Laboratories agreed to do the testing?

A. Yes.

Q. Do you know, did you come to an understanding with your conversation with Mr. Tucker as to what Mr. Hutzler meant by being set back four months?

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And what was your understanding?

A. It takes that period of time for samples to be collected, transferred to the laboratory, the preparatory work to take place, the actual analyses, the calculations, and the final report issued on the results.

Q. Now, the next sentence is as follows: "He asked me if I could recommend a laboratory other than Monsanto who could analyze for PCBs correctly." Do you know if by that sentence he was asking if there was a laboratory in addition to Monsanto who could analyze the samples?

A. Yes.

MR. WINSLOW: Objection.

MR. KENNER: Object to the form.

Q. (BY MR. CENTOLA) So, Mr. Papageorge, is it

WATER_PCB-SD0000068971

fair to state that the samples that would be taken would be taken by both Monsanto and an independent laboratory?

MR. WINSLOW: Objection.

MR. KENNER: Object to the form.

A. Yes.

MR. CENTOLA: Okay. Exhibit 91 will be a letter that's on Aerovox Industries, Inc. stationery dated August 12, 1974. It purports to be to a Dr. Scott Tucker from Norman Butterworth with a Bates stamp number 140009.

[Papageorge Deposition Exhibit No. 91 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you ever seen this letter before?

A. Yes.

Q. Do you recall when you saw it for the first time?

A. On or about August 12, 1974, the date of the letter.

Q. Sir, why were you -- sir, were you copied on this letter?

MR. KENNER: Object to the form.

A. Yes.

Q. (BY MR. CENTOLA) Why were you copied on this letter, if you know?

MR. WINSLOW: Objection.

WATER_PCB-SD0000068972

A. Because I was expected to stay informed as much as practical on PCB matters, and Dr. Tucker faithfully followed that request on my part to keep me informed.

Q. (BY MR. CENTOLA) Thank you.

I'm going to to have marked what appears to be two handwritten pages containing figures. The easiest way to do this is by the Bates stamp number on the right, lower right-hand corner. This document has the Bates stamp number 100300011.

[Papageorge Deposition Exhibit No. 92 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you ever seen this two-page document before?

A. I do not recall seeing it.

MR. KENNER: Counsel, can you represent the source of production?

MR. CONNELL: I think I can tell you.

MR. CENTOLA: Is it all right if I go ahead and Mr. Connell finds it?

MR. KENNER: Sure.

Q. (BY MR. CENTOLA) Do you recognize the handwriting on this document, sir?

A. No, I do not.

MR. McLAUGHLIN: Objection.

WATER_PCB-SD0000068973

MR. WEIR: Objection.

Q. (BY MR. CENTOLA) Sir, do you have an understanding of what the numbers directly after the figure number 1 represent?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. I can't speak for all the numbers shown there. I have an understanding of the numbers to the right of the equal sign.

Q. (BY MR. CENTOLA) Can you tell me what your understanding is of those numbers?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. That is the calculated result of the analytical method.

Q. (BY MR. CENTOLA) Do you know how that result is calculated?

MR. WEIR: Objection.

A. No.

Q. (BY MR. CENTOLA) So is it your testimony, sir, that you do not understand the significance of the number on the left side of the equal sign?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. McLAUGHLIN: Objection.

WATER_PCB-SD0000068974

A. That is correct.

Q. (BY MR. CENTOLA) Do you know, sir, independent of this document, what type of analytical test was used in testing the samples that were taken from Aerovox?

MR. KENNER: Objection.

MR. WEIR: Objection.

A. It's commonly referred to as gas liquid chromatography.

Q. (BY MR. CENTOLA) That clears that up. Thank you. I want to show you another document. It's a handwritten document. I don't think there's any question about that, and it has a Bates stamp number in the lower right-hand corner of 10030012.

[Papageorge Deposition Exhibit No. 92 marked for identification.]

MR. McLAUGHLIN: Could we have the Bates stamp number again, please?

MR. KENNER: 10030012.

MR. McLAUGHLIN: Thank you, sir.

Q. (BY MR. CENTOLA) Sir, have you ever seen this document before?

A. I have not.

Q. Sir, do you recognize the handwriting, any of the handwriting on this document?

WATER_PCB-SD0000068975

A. I do not.

Q. As you look at it now, do you know -- strike that.

Exhibit 94 is another handwritten document. It says "Tibbetts Engineering Corporation" on the top of it. I believe the Bates stamp number is -- well, the Bates stamp number in the middle bottom of the page is 140005.

[Papageorge Deposition Exhibit No. 94 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you ever seen this document before?

A. I have not.

Q. Do you recognize any of the handwriting on this document?

A. I do not.

Q. Sir, are you aware if, in fact, samples were taken at the Aerovox Industries, Inc. facility in the summer of 1974?

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. I understand samples were taken at the plant, the Aerovox Industries plant at that time.

Q. (BY MR. CENTOLA) Did you learn on or about that time where at the plant the samples were taken from?

MR. WINSLOW: Objection.

WATER_PCB-SD0000068976

MR. CENTOLA: To what?

MR. WINSLOW: Ambiguous. Did he learn at or about that time, or were the samples taken on or about that time? I don't know what the time period refers to, "at or about that time."

Q. (BY MR. CENTOLA) Did there come a time when you learned where the samples were taken at the plant, the Aerovox plant?

A. Yes.

MR. CENTOLA: Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Who informed you where the samples were taken from the plant?

A. Dr. Scott Tucker.

Q. And where did he tell you the samples were taken from?

A. Oh, I don't remember today.

Q. Well, would you please look at Exhibit 94?

A. I am.

Q. Does that refresh your recollection as to what Mr. Tucker told you as to where the samples were taken from?

MR. McLAUGHLIN: Objection.

MR. WEIR: Objection.

A. Yes.

WATER_PCB-SD0000068977

Q. (BY MR. CENTOLA) Do you now, having read that document, have a present recollection of where the samples were taken?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. I do.

Q. (BY MR. CENTOLA) And where were they taken from?

MS. ROBERTSON: Objection.

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. Took samples from the river, their pump house, a tank, and the south moat, and moat east, and moat west, and a sample of tap water from the plant.

Q. (BY MR. CENTOLA) Thank you. Do you recall the river that was involved in the sampling, sir, the name of the river?

A. I think it's the Achusnet River.

Q. Thank you.

MR. CENTOLA: Mark this as 95. It's a letter on Monsanto stationery. It's dated October 10, 1974, and it appears to be to a Mr. John Hutzler from an E. S. Tucker. On the right-hand corner at the bottom is the Bates stamp number 10030036.

[Papageorge Deposition Exhibit No. 95 marked

WATER_PCB-SD0000068978

for identification.]

Q. (BY MR. CENTOLA) Do you recall having seen this document before, sir?

A. Yes.

Q. And when was the first time you saw this document?

A. On or about the date of the letter, which is October 10th, 1974.

Q. Did you discuss this letter with anyone, sir?

A. I discussed the contents of the letter before it was prepared with Dr. Tucker.

Q. And through your discussion with Mr. Tucker concerning the contents of the letter, did you come to an understanding of what the figures in this letter represent?

A. Yes.

Q. Startign with where it says "Sample Identification" and then the number "1" afterwards, the number directly to the right of that is "56." Do you know what that "56" represents, sir?

A. It represents the PCBs detected and identified by the analyst as resembling Aroclor 1015, and it's in parts per billion on a weight basis.

Q. So, does "56" mean 56 parts per billion?

A. Yes.

WATER_PCB-SD0000068979

Q. And is that understanding the same for each number underneath "56"? For example, does the "6" underneath "56" mean 6 parts per billion?

A. Yes.

Q. And "204" meaning 204 parts per billion?

A. Yes.

Q. And so on down that column?

A. Yes.

Q. Let's go over to the column furthest to the right. The top number is "4." What's your understanding of what that number means?

A. That number is also in parts per billion on a weight basis of a PCB which was identified by the analyst as being similar to Aroclor 1254.

Q. And is the same true for each number in that column, sir?

A. Yes.

Q. In that each number represents parts per billion?

A. Yes.

Q. Sir, do you know why the tap water was tested at the Aerovox plant?

MR. KENNER: Object.

Q. (BY MR. CENTOLA) Go ahead.

A. We wanted to establish a base line in terms

WATER_PCB-SD0000068980

of PCBs entering the plant in water and compare it to the PCBs leaving the plant in water.

Q. Do these numbers then represent the results of a test taken by Mr. Tucker of effluent samples taken from Aerovox?

MR. WEIR: Object to the form.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And to your knowledge, sir, are these results accurate?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

MS. ROBERTSON: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Sir, what is the significance -- what is your understanding of the significance of 56 parts per billion as sample identification number 1 having 56 parts per billion of Aroclor 1016 in it?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

WATER_PCB-SD0000068981

MR. WEIR: Objection.

A. To me that says that some material that resembled Aroclor 1016 did get into the water and was present at about a fourth of the maximum amount that could have been present.

Q. (BY MR. CENTOLA) When you say "a fourth of the maximum amount that could have been present," could you tell me what you mean by that, sir?

A. That's comparing the amount of PCB detected to the amount that is possible to go into solution in water at ambient temperatures.

MR. CENTOLA: Would you please read back that answer?

(Reporter propounded previous answer.)

Q. (BY MR. CENTOLA) I see. So if what you're saying is that if there were 200 parts per billion, anything over 200 parts per billion could not go into solution?

A. That is true.

Q. What would happen to the PCBs over the 200 parts per billion?

MR. WEIR: Objection.

A. That would be present either as attached to suspended particles, or they would be present as a colloidal suspension, or could be present as a separate

WATER_PCB-SD0000068982

layer in that sample.

Q. (BY MR. CENTOLA) So, with sample number 4, sir --

A. I see it.

Q. Okay. Could you tell me the significance of 8,690 parts per billion?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection to the form.

MR. WEIR: Objection.

A. That tells me that PCBs present were present over and above the ability of water to dissolve it, and could have been present as a separate phase in the sample, or suspended, emulsified in the sample or associated with particulate matter.

Q. (BY MR. CENTOLA) Thank you. Sir, was this letter sent to Aerovox Industries, Inc.?

MR. KENNER: Objection.

A. I have to assume that. That was the intent.

Q. (BY MR. CENTOLA) Thank you. Did you have any -- sir, did you have any discussions with anyone at Aerovox Industries with respect to the results that are reflected on Exhibit 95?

A. I don't recall any.

Q. Do you remember receiving any response, you

WATER_PCB-SD0000068983

or Monsanto receiving any response from Aerovox Industries with respect to the results that are reflected on Exhibit 95?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

A. I do not remember.

Q. (BY MR. CENTOLA) Sir, do you know how the decision was made to take samples from the areas which you have already delineated for us?

MR. KENNER: Objection.

A. I do not.

Q. (BY MR. CENTOLA) Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Sir, I want to refer you back to Exhibit 95, if I may. Sir, do you know where sample 1 was taken at Aerovox?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. CENTOLA: Could you state a basis?

MR. WINSLOW: Asked and answered.

MR. McLAUGHLIN: Also, it is asking on the basis of his knowledge. There's no foundation for that question.

Q. (BY MR. CENTOLA) Do you know where samples were taken from Aerovox?

WATER_PCB-SD0000068984

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. WEIR: Objection.

A. The river.

Q. (BY MR. CENTOLA) Do you know where sample number 2 was taken from Aerovox?

MR. KENNER: Objection.

MR. McLAUGHLIN: Same objection.

A. I just looked at that previous list to refresh my memory.

Q. (BY MR. CENTOLA) Do you now need something to refresh your memory in order to answer these questions, sir?

A. I would, yes.

Q. Are you look at something now to refresh your memory?

A. Yes.

Q. What are you looking at?

A. The document identified as Exhibit 94-Papageorge.

Q. Having looked at that document, do you have a recollection of where sample number 2 was taken from?

A. Yes.

Q. And where was that taken from?

MR. WEIR: Objection.

WATER_PCB-SD0000068985

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. South moat.

Q. (BY MR. CENTOLA) And do you have a recollection now as to wher sample number 3 was taken from?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. Pump house.

Q. And do you have a recollection now of where number 4 was taken?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. Tank.

MR. KENNER: The record should reflect the witness is reading reading from document 94.

Q. (BY MR. CENTOLA) Do you have a recollection now as to where sample number 5 was taken from?

MR. KENNER: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

WATER_PCB-SD0000068986

MR. McLAUGHLIN: Objection.

A. The west moat.

Q. (BY MR. CENTOLA) Do you have a recollection now as to where sample number 6 was taken from?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. The east moat.

Q. (BY MR. CENTOLA) Do you have a recollection now as to where sample number 7 was taken?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. The tap water plant.

Q. (BY MR. CENTOLA) Where it was original -- strike that. What was the original source of your knowledge as to where the samples were taken from?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

A. Dr. Scott Tucker.

Q. (BY MR. CENTOLA) Thank you.

I want to mark as 96 what will be -- the Bates stamp number on the lower right-hand corner is 10070239

WATER_PCB-SD0000068987

and 10070240.

[Papageorge Deposition Exhibit No. 96 marked for identification.]

Q. (BY MR. CENTOLA) Sir, do you have a recollection of ever having seen this document before you now?

MR. KENNER: Object.

MR. McLAUGHLIN: I object.

MR. KENNER: This is obviously from the state or it a document which has been altered, and I think you're misleading the witness by that question.

MR. CENTOLA: Okay.

MR. McLAUGHLIN: I object to the inquiry of all the documents.

MR. CENTOLA: Just for the record, this is the way that the document was produced to us. However, I I understand your objection.

MR. WINSLOW: Who produced it to you?

MR. CENTOLA: I believe it was Monsanto production, but I'm not 100 percent sure.

Sir, you can answer the question?

A. I don't recall seeing this document.

Q. Have you had an opportunity to read it just now?

A. Yes.

WATER_PCB-SD0000068988

Q. Did you have knowledge of the contents of this document in February of 1972?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

A. No.

Q. (BY MR. CENTOLA) Sir, do you know if Aevorox Corporation, when first informed by Monsanto that they would be required to sign a special undertaking, resisted the signing of that undertaking?

MR. WINSLOW: Objection.

A. No.

Q. (BY MR. CENTOLA) You don't have knowledge, sir?

A. That's right.

MR. CENTOLA: The next document I want to mark is 97, with a Bates stamp number in the lower right-hand corner of 10070241 and 242.

[Papageorge Deposition Exhibit No. 97 marked for identification.]

Q. (BY MR. CENTOLA) Would you please look at the document that has been just been marked as 97-Papageorge. Have you had an opportunity to review the document, sir?

A. Yes.

WATER_PCB-SD0000068989

Q. And have you ever seen this document before?

MR. McLAUGHLIN: I object again. It's obviously altered.

A. Yes.

Q. (BY MR. CENTOLA) When was the first time you saw this document?

A. I believe it was Monday morning of this week.

Q. Had you ever seen the document prior to Monsanto morning of this week?

A. I do not recall it.

Q. Sir, do you have a recollection of one of your corporate controllers telling an Aerovox representative that Monsanto had written off the PCB plant?

MR. KEMMER: Objection.

MR. WINSLOW: Objection.

A. I do not.

MR. CONNELL: Can you read back the last question?

(Reporter propounded previous question and answer.)

MR. CONNELL: Thank you.

MR. WINSLOW: Mr. Centola, really just for the sake of clarity in the record, I have to ask that you refer to Aerovox by its proper corporate name so we know

WATER_PCB-SD0000068990

what corporation you are referring to.

MR. CENTOLA: The reason I used the terminology I did was because I was reading from the document. However, I was referring to Aevorox Corporation.

Does that change your answer, sir?

A. No.

Q. Did Monsanto personnel ever tell you that they had written off the Aevorox Corporation PCB plant?

A. There is no such plant.

Q. Did Monsanto personnel ever tell you that they had written off the Aevorox Corporation plant located in New Bedford Harbor, Massachusetts?

MR. WINSLOW: Objection.

A. No.

Q. (BY MR. CENTOLA) Thank you, sir.

Mark this as Exhibit 98. In the lower right-hand corner is Bates stamp number 10030110.

[Papageorge Deposition Exhibit No. 98 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you ever seen this document before?

A. No.

Q. Do you know who P. R. Michael is?

A. Yes.

WATER_PCB-SD0000068991

Q. Who's he?
A. He's an analytical chemist in Monsanto's research and development department.
Q. Is he still there, sir?
A. Yes.
Q. By the way, is Dr. Tucker still at Monsanto?
A. No.
Q. Do you know where he is, sir?
A. I do not.
Q. Is Dr. Richard still at Monsanto?
A. No.
Q. Do you know where he is, sir?
A. No.
Q. Is Mr. Alley still at Monsanto?
A. I do not know.
Q. Are you familiar with the analysis that is discussed in this memorandum, sir?
A. No.
Q. Okay. Thank you.
Off the record.
(Discussion held off the record.)
Q. (BY MR. CENTOLA) Sir, would you please look at Exhibit 36? Now, sir, do you have 36 out, sir?
A. I do.
Q. Okay. Would you please take a look now at

WATER_PCB-SD0000068992

what will be marked as 99? Bates stamp number is -- there's a number of them, but the number on the lowest right-hand corner is 10000184 through 192.

[Papageorge Deposition Exhibit No. 99 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you ever seen the document which has just been identified as Exhibit 99 before today?

A. Yes.

MR. McLAUGHLIN: I object again. Again on the face of Exhibit 99, it appears to be an altered document.

MR. CENTOLA: Which page are you referring to, Mr. McLaughlin?

MR. McLAUGHLIN: If you would represent to me that the document that appears with the Bates stamp number 10000184 is as it appeared when it was originally constructed --

MR. CENTOLA: You wouldn't have any objection?

MR. McLAUGHLIN: -- I'll withdraw the objection, but it appears to me on the face of it, unless someone is very artistic at Monsanto in preparing documents, that this is another altered document.

MR. WEIR: I'll concur in that objection.

WATER_PCB-SD0000068993

MR. McLAUGHLIN: Move to strike it, Gary, as a reference to all these documents because I cannot tell which documents, if any, have been altered. Some of them are apparent on their face. Other ones I don't know if there's pages missing.

MR. KENNER: Maybe Monsanto will agree to produce originals. Is that possible?

MS. OLESKEY: We'd have to discuss that with the parties making the offers.

MR. KENNER: We're going to have to get the originals if there are going to be objections.

MR. McLAUGHLIN: Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Mr. Papageorge, you'll see in Exhibit 36, sir, do you see where that exhibit refers to a Chemical Week October 29 article on page 2?

A. I do.

Q. Now, sir, I want to refer you to Exhibit 9[illegible], to the fourth page of that exhibit. Sir, do you know if this, what appears to be a "Chemical Week" October 29 article, is the same article that was referred to in Exhibit 36?

MR. WINSLOW: Objection.

A. It was.

Q. (BY MR. CENTOLA) And was that article sent

WATER_PCB-SD0000068994

with a copy of that article when Exhibit 36 was sent out, sir?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Now, have you seen Exhibit 99 before?

A. Yes.

Q. When was the first time you have seen this exhibit, sir?

A. On or about February, 1970.

Q. And, sir, who is W. E. Schalk?

A. Mr. Schalk was director of sales of the plasticizers business group which marketed, sold materials containing PCBs.

Q. Sir, was this -- is the letter which begins on page 2 a form letter?

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Was this letter with the Chemical Week attachment sent in or about 1970?

A. Yes.

Q. And who was it sent to?

WATER_PCB-SD0000068995

A. It was sent to all customers on record who had or were purchasing plasticizers containing PCBs.

MR. CENTOLA: Okay. Off the record.

(Discussion held off the record.)

MR. CENTOLA: I want to have marked as Exhibit 100 a document with Bates stamp number on the bottom of 97850106 and 107. It's a two-page document which also has Tuttle Exhibit 2 which was used in a previous deposition in this case.

[Papageorge Deposition Exhibit No. 100 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you had an opportunity to look at Exhibit 100?

A. Yes.

Q. Do you recognize this exhibit?

A. Yes.

Q. What do you recognize it as?

A. It's a form letter that was mailed by Monsanto in February, 1970, to customers of record that purchased dielectric fluids containing PCBs.

Q. Was this letter sent to Aevorox Corporation, sir?

A. Yes.

Q. Was this letter sent to Cornell-Dubilier?

A. Yes.

WATER_PCB-SD0000068996

Q. Sir, on Page 2 of this letter another reference is made to a Chemical Week article dated October 29, 1969. Do you see that?

A. Yes.

Q. Is that article, sir, the same article that is contained in Exhibit 99?

MR. KENNER: Objection.

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Was a copy of that article sent along with Exhibit 100 when it was sent to Cornell-Dubilier?

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Was that article sent along with Exhibit 100 when it was sent to the Aevorox Corporation?

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Thank you. Would you please look at Exhibit 55?

Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Sir, do you have Exhibit 55 in front of you?

WATER_PCB-SD0000068997

A. I do.

Q. Sir, is this a form letter?

A. Yes.

Q. Was this letter also sent to Aevorox Corporation?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Was this letter or a copy of this letter also sent to Cornell-Dubilier Electronics Corporation?

A. Yes.

MR. CONNELL: Excuse me. The last question referred to Government Exhibit 55?

MR. CENTOLA: Right.

MR. CONNELL: Thank you.

Did you understand it to refer to that exhibit, Mr. Papageorge?

THE WITNESS: Yes.

MR. CONNELL: Thank you.

MR. KENNER: Are we all questioning on Exhibit 55 now?

Q. (BY MR. CENTOLA) Do you know when this letter, a copy of this letter was sent to Cornell-Dubilier, sir?

WATER_PCB-SD0000068998

A. On or about January 7, 1972.

Q. Do you know when this copy of this letter was sent to Aevorox Corporation, sir?

MR. WINSLOW: Objection.

A. On or about the same date.

MR. CENTOLA: Exhibit 101 is Bates stamp number 10000260, and it's on Monsanto letterhead from Howard S. Bergen with no addressee.

[Papageorge Deposition Exhibit No. 101 marked for identification.]

MR. WINSLOW: Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Have you seen this document before, sir?

A. Yes.

Q. Can you tell me what it is?

A. It's a form letter on Monsanto letterhead signed by Howard S. Bergen.

Q. Sir, is this the way -- strike that. I have no further questions on that exhibit.

MS. FLORINI: Did this get marked as 101?

MR. CENTOLA: It just did.

MR. CONNELL: Is the exhibit that was marked 101 a two-page exhibit?

MR. CENTOLA: No. It's a one-page exhibit.

WATER_PCB-SD0000068999

I want to mark as Exhibit 102 a document with a Bates stamp number 10000165, with a date of March 3, 1969. There appears to be no addressee on the front page of the document, and it's three pages long. The last three numbers are 167. It's a three-page document.

MR. KENNER: As you distributed the copy, it appears to be stapled to other documents.

MR. CENTOLA: Detach it.

[Papageorge Deposition Exhibit No. 102 marked for identification.]

Q. (BY MR. CENTOLA) Do you see that document, sir?

A. Yes, sir.

Q. Have you ever seen that document before?

A. Yes.

Q. When was the first time you saw that document?

A. Early 1970.

Q. Do you know who prepared that document?

A. Yes.

Q. Who prepared that document?

A. Elmer P. Wheeler.

Q. Were you aware that Mr. Wheeler prepared that document at the time he prepared it?

A. No.

WATER_PCB-SD0000069000

Q. When did you first become aware that Mr. Wheeler prepared that document?

A. Early 1970.

Q. Do you know what the purpose of that document was?

A. I have an understanding.

Q. Okay. Where did you derive your understanding from?

A. Discussions with Mr. Wheeler.

Q. And after your discussion with Mr. Wheeler, what did your understanding come to be with respect to the purpose of preparing that document?

A. The purpose was to share with customers, Governmental agencies and the general public, when requested, on the status of Monsanto's understanding of PCBs and the environment at that time.

Q. Were copies of that letter sent out on or about the date that exists of the first page, which is March of 1969?

MR. WEIR: Objection.

A. That is my understanding.

Q. (BY MR. CENTOLA) Do you know to whom that letter was sent?

MR. KENNER: Objection.

A. This was sent to customers on record who

WATER_PCB-SD0000069001

purchased PCBs from Monsanto.

Q. (BY MR. CENTOLA) Do you know if that letter was sent to Cornell-Dubilier?

MR. WEIR: Objection.

A. That's my understanding.

Q. (BY MR. CENTOLA) Do you know if that letter was sent to Aevorox Corporation?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. That is my understanding.

Q. (BY MR. CENTOLA) Upon what do you base your understanding?

A. From my discussions with Mr. Wheeler.

Q. Did Mr. Wheeler send out those documents?

MR. KENNER: Objection.

A. They were mailed under his direction.

MR. CENTOLA: I'm going to have marked as Exhibit 103 a document that's on Sangamo Electric Company letterhead with a Bates stamp number in the lower right-hand corner, 82001704, and it's a three-page document, and the last three digits of the Bates stamp number go through 82001707. It was also used as Tuttle 18.

MR. FITZMAURICE: Do you mean it's a four-page document?

WATER_PCB-SD0000069002

MR. CENTOLA: Yes.

[Papageorge Deposition Exhibt No. 103 marked for identification.]

Q. (BY MR. CENTOLA) Sir, please look at that document? Have you ever seen this document before?

A. I have seen parts of it.

Q. What parts have you seen before?

A. Pages 2 and 3.

Q. When did you first see pages 2 and 3?

A. Late 1970 or early 1971.

Q. What circumstances brought your attention to this document at that time?

A. This is when Monsanto was invited to participate on a committee sponsored by the NEMA Association regarding the use and handling of PCB dielectric fluids.

Q. Was this the first time Monsanto was invited for this purpose?

A. To my knowledge, yes.

Q. Was this the first involvement with Monsanto with NEMA?

A. Oh, I don't know.

Q. What is your understanding of what NEMA is?

A. It's an association of companies that manufacture electrical equipment.

WATER_PCB-SD0000069003

Q. Do you know who at NEMA invited Monsanto to attend?

A. It came from several individuals.

Q. Do you know who they are?

A. Yes.

Q. Could you tell us?

A. Mr. Ed Rob from General Electric Company, Mr. Salazar, an official of the NEMA organization, and a John Rissinger from Westinghouse.

Q. What was the date when you first saw this document?

A. Late 1970.

Q. Did you attend a meeting at NEMA in this time frame?

A. Yes.

MR. WEIR: Objection.

Q. (BY MR. CENTOLA) When did you attend the meeting at NEMA?

A. I don't recall the exact month. It would either be late 1970 or early 1971.

Q. And that was as a result of an invitation you just told us about?

A. Yes.

Q. Were you contacted directly at Monsanto?

A. Yes.

WATER_PCB-SD0000069004

Q. Where was the meeting held, sir?
A. I don't recall the specific location because there were several meetings that took place.
Q. Were you -- did you attend all the meetings that took place?
MR. WEIR: Objection.
A. I attended most of them as best I recall.
Q. (BY MR. CENTOLA) Through what time period are we talking about?
MR. KENNER: Objection.
A. Late 1970 into fairly late 1972.
Q. (BY MR. CENTOLA) Was the purpose of each meeting the same?
A. Yes.
MR. KENNER: Objection.
MR. WINSLOW: Objection.
Q. (BY MR. CENTOLA) Did you give presentations at any of those meetings?
A. Yes.
Q. Did you give presentations at all the meetings you attended?
A. Yes.
Q. And what was the subject matter of your first presentation?
A. It was a status report on Monsanto's

WATER_PCB-SD0000069005

understanding of the PCB issue and environmental presence of contamination.

Q. What was Monsanto's understanding of those issues in late 1970?

MR. KENNER: Objection.

A. Late 1970 --

Q. (BY MR. CENTOLA) Let me add as imparted to them in your presentation?

MR. KENNER: Objection.

A. That PCBs of the higher chlorine content were being identified in the environment. The methodology had been developed that established that; that the lower chlorinated biphenyls appeared to degrade fairly readily; that toxicity studies sponsored by Monsanto were underway, and at that point in time nothing of concern was noted.

Q. Did you discuss disposal techniques at NEMA, at the NEMA conference?

A. Yes.

Q. What did you discuss with respect to disposal?

A. Primarily the important objective of keeping it from mixing with water, which made control much more difficult.

Q. When you say "it," what are you referring to?

A. PCBs. We shared with them Monsanto's

WATER_PCB-SD0000069006

experience regarding entrapment devices, sampling techniques.

Q. What was Monsanto's experience with entrapment devices, sir, at that time?

A. Well, we had hard concrete surfaces as an example compared to crushed rock. We had curbs around those surfaces. These surfaces were provided at places where PCBs might have been spilled underneath tank cars or loading spots, tank truck loading spots, underneath operating units. We also had underneath the operating unit an underground catch basin which was designed to take care of a catastrophic spill of PCBs, preventing it from getting out onto the ground and eventually in places we couldn't control. We installed sampling devices that prevented the material from dripping onto the floor and getting into the sewer system.

Q. Would you repeat that?

A. We installed sampling devices that would permit us to sample material without liquid PCBs getting onto the floor and into the sewer system. We shared with them our recommendations as we had done to make certain that the operating equipment was properly sealed, that no covers were removed from tanks, that vents were scrubbed so that free PCBs didn't discharge into the atmosphere. That's all I can remember at the moment.

WATER_PCB-SD0000069007

Q. Did you discuss the use of drip pans at the NEMA conference?

A. Oh, yes. That's very common.

Q. Did you discuss the use of specific type of sump pumps?

MR. KENNER: Now, are we still talking about the first conference in late 1970?

Q. (BY MR. CENTOLA) That's my understanding. Is that your understanding?

MR. KENNER: Have your answers been limited to that one conference?

THE WITNESS: Yes. All of these technologies were available at that first conference.

Q. (BY MR. CENTOLA) Now, my last question was: Did you discuss a specific type of sump pumps used where PCBs were being used?

A. I don't recall any reference to specific pump designs, no.

Q. Do you recall discussing the use of a sight glass system?

A. Not specifically, no.

Q. When you say "not specifically," is there some --

A. I don't recall a discussion that addressed sight glasses as a unique piece of equipment and what

WATER_PCB-SD0000069008

should be done about them.

Q. Did you discuss the possibilities of overloading tanks and how to prevent that, sir?

MR. KENNER: Objection.

A. Well, we discussed the desire not to overflow tanks. We didn't go into details of how to prevent this.

Q. (BY MR. CENTOLA) Do you recall any other -- whether you discussed any other handling or disposal procedures?

A. Well, we discussed the difference in disposal problems relating to liquid as compared to solid materials, and the fact that the disposal of solid materials was extremely difficult because no technology was available to help any of us, and cautioned that the burial of such materials should be done under permitted conditions with no water present.

Q. How about with respect to liquid disposal?

A. Liquid disposal, we at that time had talked about Monsanto's program for developing a unit to incinerate liquids, and we also shared with them our intent or program for receiving material from the customer for eventual disposal by incineration.

Q. Are you aware whether representatives from Cornell-Dubilier were present at this NEMA conference?

MR. WEIR: Objection.

WATER_PCB-SD0000069009

A. No, I do not.

Q. (BY MR. CENTOLA) Are you aware if representatives from Aevcrox Corporation were present at this first conference?

A. No, I don't.

Q. Are you aware if representatives from Cornell-Dubilier were present in any of those conversations during the time frame?

MR. KENNER: Objection.

MR. WEIR: Objection.

A. I don't remember.

Q. (BY MR. CENTOLA) Do you remember if representatives from Aerovox Corporation were present in any of those conversations in that time frame?

MR. KENNER: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. I do not.

Q. (BY MR. CENTOLA) Do you know if minutes were taken of these conversations, sir?

A. Yes. I believe they were.

Q. Pardon me?

A. Yes, they were taken.

Q. Do you know if these minutes were distributed, sir?

WATER_PCB-SD0000069010

A. Yes.

Q. Do you know if they were distributed to Cornell-Dubilier?

MR. KENNER: Objection.

A. No, I do not know.

Q. (BY MR. CENTOLA) Do you know if they were distributed to Levorox Corporation?

A. I do not. No.

Q. Do you know who did the distribution of the minutes?

A. Mr. Salazar, the executive secretary of the NEMA organization.

Q. Do you know of any other publications that reflected what took place during those conversations that were distributed other than minutes?

A. There was a proposed standard developed by that committee issued under NEMA sponsorship, and later the same standard was issued under the American National Standards Institute sponsorship.

Q. When you say "later," when do you mean?

A. 1974.

Q. Let's take the first standard that NEMA promulgated. What was the date of that one?

A. I believe it was 1972.

Q. Was this standard distributed?

WATER_PCB-SD0000069011

A. Yes.

Q. To whom?

A. To members of the committee.

Q. NEMA?

A. Of the NEMA committee, yes.

Q. Do you know if it was distributed to members outside of the NEMA committee?

A. Yes.

Q. Do you know if it was distributed to Aevorox Corporation?

A. I don't recall.

Q. Do you know if it was distributed to Cornell-Dubilier Corporation?

A. I don't recall.

Q. Do you know what committee C-107 is of the American National Standards institute?

A. Yes.

Q. Is that the committee that promulgated the standards that you just referred to?

A. Yes.

Q. Do you know if Cornell-Dubilier was a member of that committee?

A. I don't remember.

Q. Do you know if Aevorox Corporation was a member of that committee?

WATER_PCB-SD0000069012

A. I do not remember.

Q. Now, earlier you were just discussing what you discussed during the first conference at NEMA, sir.

A. Yes.

Q. Was similar -- was the same subject matter covered at subsequent conferences?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. CENTOLA: What is the basis for that?

MR. WINSLOW: It's vague.

MR. CENTOLA: The word "same"?

MR. WINSLOW: Yeah.

MR. KENNER: Same subject matter, do you mean where PCB is discussed? Is that the question?

MR. CENTOLA: No. I mean specifically what he referred to with respect to disposal and restriction of PCBs as articulated and delineated in detail by him just a few minutes ago.

MR. WINSLOW: The objection stands; vagueness.

MR. KENNER: Objection.

Q. (BY MR. CENTOLA) That's my question, sir.

A. Subsequent meetings, I reported to the group the statistics of any new findings, developments in these areas that I previously discussed.

WATER_PCB-SD0000069013

Q. What industry was represented in NEMA?

A. In NEMA it's the electrical equipment manufacturers.

Q. Would that include manufacturers of electrical capacitors?

A. Yes.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) Now, I believe you testified previously on a prior day that you attended some EIA meetings at the ad hoc committee; is that correct, sir?

A. Yes. I did, yes.

Q. Do you recall when the first one was that you attended?

MR. WEIR: The first one that he attended?

MR. CENTOLA: Yes.

MR. WEIR: I didn't hear that. Fine.

A. The best I can recall, it would be about 1972.

Q. (BY MR. CENTOLA) And who, if you recall, invited Monsanto to attend that first meeting?

MR. KENNER: Objection.

MR. WEIR: Objection.

A. Mr. Tuttle.

WATER_PCB-SD0000069014

Q. (BY MR. CENTOLA) And did he contact Monsanto, or did he contact Monsanto directly through you?

MR. KENNER: Objection.

MR. WINSLOW: Objection.

A. He contacted me.

Q. (BY MR. CENTOLA) Okay. And when he contacted you, did he ask -- did he discuss with you the purpose of your presence at the ad hoc committee?

MR. KENNER: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And what did he tell you he wanted you to be there for?

A. He wanted me to review with the group assembled the status of the PCB issue as it related to dielectric usage.

Q. And when you attended your first meeting in 1972 of the ad hoc committee, did you give a presentation?

A. Yes.

Q. And what was the subject matter of your presentation?

A. What PCBs were, what the uses for PCBs had been, Monsanto's program for terminating some of the sales to some of the uses.

Q. Could you be more specific about that?

MR. KENNER: I object to you interrupting his

WATER_PCB-SD0000069015

answer.

Q. (BY MR. CENTOLA) Could you be more specific about that?

A. I was referring to the termination of sales of PCBs to those uses that were perceived by Monsanto as leading to easy release to the environment, such as plasticizers in plastic items, hydraulic fluids, use in inks, use in adhesives, that type of open use, non-contained.

Q. What else did you discuss with him?

A. I talked about the evolving analytical methodology and what the experienced laboratories were capable of doing in analyzing PCBs. We talked about biodegradation studies conducted by Monsanto and the results of those studies.

Q. Did you talk about toxicity?

A. We talked about the status of toxicity studies.

Q. Did you talk about handling?

MR. KENNER: I object. Why don't you let the witness finish his answer instead of having a conversation with him so we can have a question, then an answer, and then another question.

Q. (BY MR. CENTOLA) Do you recall anything else, sir?

WATER_PCB-SD0000069016

A. Let me see. We talked about the availability of Monsanto's incinerator. We talked about the availability of some commercial units that were being placed in service. Let's see. We talked about Monsanto's attempts to find alternative liquids to replace the PCB dielectric fluids, and we covered our understanding of where the regulatory agencies were addressing the PCB issue. I can't recall any more.

Q. Do you recall if you discussed handling techniques with the EIA at that meeting?

A. Yes.

Q. Could you tell me what you recall with respect to those discussions?

A. It was a re-emphasis of our recommendations to maintain systems in such a way that leakage would be avoided as much as possible; the providing of basins and curbing such that if leakage still occurred, it would be controllable; the need to keep PCBs away from water because the control then become extremely difficult. I can't remember any others.

Q. Did you discuss how PCBs might get into water in their plants?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

A. Yes.

WATER_PCB-SD0000069017

Q. (BY MR. CENTOLA) What do you recall with respect to that conversation or discussion?

A. Of course, we addressed their sewer systems and the access from the factory floor into the sewers of any PCBs. We discussed their unloading and storage areas outdoors and spillages that might be impacted by storm waters. We discussed the need to be careful when washing down areas where the water goes, and we discussed things such as washing out tanks and vessels and pipelines where those washing fluids might go. And, of course, we emphasized that disposal in any burial site should not be near ground water or surface water.

Q. Do you recall any specific conversation with Mr. Tuttle or any representative at Aerovox, from Aevcrox Corporation, during that first meeting with respect to Aerovox Corporation's sewer system?

MR. McLAUGHLIN: Objection.

A. No. The discussion was not specific to any system or any customer.

Q. (BY MR. CENTOLA) Did Mr. Tuttle or anybody at Aerovox seek you out during that meeting and express their concerns about their own system to you?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. I don't recall that, no.

WATER_PCB-SD0000069018

Q. (BY MR. CENTOLA) Did anyone from Cornell-Dubilier discuss their particular system of discharge at their plant with you?

MR. WEIR: Objection.

A. I don't recall any such discussion.

Q. (BY MR. CENTOLA) You mentioned that you had an incinerator available at Monsanto; is that correct, sir?

A. Yes.

Q. At this time?

A. Yes.

Q. Was that incinerator offered to the members of the ad hoc committee at that time?

A. Yes.

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

Q. (BY MR. CENTOLA) In what respect, sir?

MR. WEIR: Objection.

MR. McLAUGHLIN: Can I have the time? Still at this first meeting?

MR. CENTOLA: I'm talking about the first ad hoc meeting he attended. I believe he said it was in 1972.

WATER_PCB-SD0000069019

Am I correct, sir?

MR. KENNER: Well, he said it was approximately late in 1972, is my recollection.

MR. CENTOLA: Well, why don't we ask him?

When was that?

A. Sometime in the 1972 period. I'm not certain of the exact point in time.

MR. McLAUGHLIN: Can you clarify that with the question?

MR. CENTOLA: Could you read back my last question?

(Reporter propounded previous question.)

Q. (BY MR. CENTOLA) Let me strike the last question. Can you be specific with respect to what was said with regard to Monsanto's incinerator and its possible availability to the people in the ad hoc committee?

MR. WINSLOW: Objection.

A. At that point in time all customers of Monsanto had been previously informed of the availability of an incinerator and the type of service that we could give to incinerator waste PCB liquids. At this first meeting with the ad hoc committee, I took the opportunity to remind those at the meeting that this service was available, and they should certainly take advantage of it.

WATER_PCB-SD0000069020

Q. (BY MR. CENTOLA) You also testified about the availability of some commercial units; is that correct, sir?

A. That is correct.

Q. What do you mean by "commercial units"?

A. These are incinerators owned and operated by individuals in the business of disposing of wastes.

Q. Did you give them -- were names given to the ad hoc committee?

A. Yes.

Q. You also said you discussed the understanding of regulator agencies at that time; is that correct, sir?

A. That is correct.

Q. What agencies did you discuss?

MR. McLAUGHLIN: Can I have the last part of that question?

Q. (BY MR. CENTOLA) What agencies did you discuss?

A. There was the Food and Drug Administration and its interest in the presence of PCBs in food and animal feed; the U. S. Environmental Protection Agency and its interest in the presence of PCBs in waterways. And the intent on the part of both of these agencies was to eventually come up with some standards, guidelines, regulations and whatever it took to control PCBs.

WATER_PCB-SD0000069021

Q. Okay. At that time was it a concern of the EPA to control the discharge of PCBs into the environment?

A. Yes.

MR. McLAUGHLIN: Objection.

Q. (BY MR. CENTOLA) Did you ever hear of the Westinghouse report, sir?

A. Not under that -- I don't recognize that expression.

Q. Okay. By me giving you that expression, did a report come to mind, sir?

MR. KENNER: Objection.

A. Westinghouse, as I recall, was involved in a study of Chesapeake Bay. I don't know if that's the report.

Q. (BY MR. CENTOLA) Okay. And when was that study done?

A. It was going on for several years. I'm not intimately familiar with it. In the early 1970's, the best I can recall.

MR. CENTOLA: I'm going to mark as Exhibit 104 a document that was also Tuttle Exhibit 3. It's a six-page document. It appears to be to a Mr. Abe Kalstein. I don't have a Bates stamp on mine. It appears to be to Mr. Abe Kalstein dated February 18, 1971.

[Papageorge Deposition Exhibit No. 104 marked

WATER_PCB-SD0000069022

for identification.]

Q. (BY MR. CENTOLA) Mr. Papageorge, have you had an opportunity to review that exhibit?

A. Yes.

Q. Have you ever seen it before?

A. I have seen parts of it.

Q. What parts of it have you seen before?

A. Pages 4 and 5.

Q. What does page 4 -- strike that. When did you see page 4 before?

MR. WEIR: When did he first see page 4?

Q. (BY MR. CENTOLA) I believe when you are referring to page 4, you are referring to the page that at the top says "Aroclor 1242 (Trichlorobiphenyl)"?

A. I'm looking at the page with the underlined title "Capacitor Dielectric MCS 1016."

Q. Okay. I'm sorry. When did you first see that page?

A. Early 1971.

Q. Do you know who put that page together?

A. I don't know the specific individual, but it's someone in the research and development department of Monsanto.

Q. And what does this page represent?

MR. WINSLOW: Objection?

WATER_PCB-SD0000069023

A. This is a list of the properties of the material MCS 1016 and the typical values or descriptive phrase that might apply.

Q. (BY MR. CENTOLA) Page 5, when was the first time you first saw that page?

A. Oh, sometime in the late '60s.

Q. And was this page prepared by the same group that prepared page 4?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection.

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Sir, do you know what the purpose of the preparation of those two pages was?

MR. KENNER: Objection.

A. I do.

Q. What was the purpose of the first page, if you know, the first page which you have identified as having seen before, which is page 4 of this document?

A. Yes.

MR. McLAUGHLIN: Wait a minute. Could I have that back, please? What page are you referring him to?

MR. CENTOLA: Page 4 of the this document, which is the page that has "Capacitor Dielectric MCS 1016"

WATER_PCB-SD0000069024

at the top.

MR. McLAUGHLIN: Thank you.

A. This is intended to characterize the dielectric fluid designated as MCS 1016.

Q. (BY MR. CENTOLA) Okay. Was this page meant -- strike that. Was this page distributed to anybody outside of Monsanto?

MR. KENNER: Objection.

A. Yes.

Q. (BY MR. CENTOLA) To whom?

A. To customers of dielectric fluids used in capacitors.

Q. And was page 5 distributed to persons or companies outside of Monsanto?

A. Yes.

MR. KENNER: Objection.

Q. (BY MR. CENTOLA) To whom?

A. To anyone who used Aroclor 1242.

Q. Do you know when those -- do you know when page 4 was first distributed to these persons?

A. Roughly, 1971.

Q. And do you know when page 5 was first distributed?

A. No, I don't.

Q. Okay.

WATER_PCB-SD0000069025

I'll have marked as Exhibit 105 a memorandum, which is also Turrle Exhibit 5, dated December 20, 1971, with the name Mr. W. Koch on the top.

[Papageorge Deposition Exhibit No. 105 marked for identification.]

Q. (BY MR. CENTOLA) Sir, have you had an opportunity to look at Exhibit 105?

A. Just now I have, yes.

Q. Okay. Have you ever seen this exhibit before?

A. I do not recall ever seeing this document.

Q. Did you ever meet Mr. Hutzler?

A. I don't remember meeting him.

Q. Did you ever speak to Mr. Hutzler?

A. I don't remember.

Q. Did you know who Mr. Hutzler was in December of 1971?

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

Q. Do you have a recollection as to when you first saw the name Hutzler?

A. No, I don't.

Q. Do you have a recollection as to when you first heard of Mr. Hutzler?

A. I don't.

Q. Do you now today know who Mr. Hutzler was

WATER_PCB-SD0000069026

back in 1971?

MS. ROBERTSON: Objection.

A. I vaguely remember the name. That's all I remember.

Q. (BY MR. CENTOLA) Having read this document just now, do you have any knowledge of what $60 million suit is being referred to in the document?

A. I believe I do.

Q. What lawsuit is being -- is that a lawsuit that's been referred to, sir?

A. Yes.

Q. Do you have -- do you know what lawsuit is being referred to in this document?

A. This refers, I believe, at that point in time to a lawsuit involving contamination of chickens and eggs with PCBs.

Q. Do you know where that was, sir?

A. Where?

Q. Where that contamination allegedly took place.

A. I know the location of the company, but I do not know the location of their plants.

Q. Where was the location of the company?

A. North Carolina.

Q. What company are you referring to?

WATER_PCB-SD0000069027

A. Holly Farms.
Q. Was Holly Farms a defendant in that suit?
A. No. They were the plaintiff.
Q. They were a plaintiff in the suit?
A. Yes.
Q. And they were suing Monsanto, sir?
A. Among others, yes.
Q. Was a -- okay. Strike that. Was the contamination you are referring to contamination with respect to PCBs?
A. Yes.
Q. Did Monsanto communicate the existence of this suit to its customers, sir?
A. I personally don't know.
Q. Do you know if Mr. -- strike that. Do you know if this lawsuit against Monsanto was a factor in Monsanto requiring its customers to sign a written hold harmless agreement?
MR. WINSLOW: Objection.
MR. CENTOLA: On what basis?
MR. WINSLOW: Asked and answered.
Q. (BY MR. CENTOLA) You can answer the question.
A. It's my understanding it was a factor, yes.
MR. CENTOLA: Off the record.

WATER_PCB-SD0000069028

(Discussion held off the record.)

MR. CENTOLA: I want to have marked as Exhibit 106 what appears to be a label for Aroclor 1016, which is also Tuttle 20, and as 107 what appears to be a label of Aroclor 1254, Tuttle 19.

[Papageorge Deposition Exhibit Nos. 106 and 107 marked for identification.]

Q. (BY MR. CENTOLA) Let's refer to 106 first, sir. Have you had an opportunity to observe or to look at this exhibit?

A. Yes.

Q. Okay. Do you recognize it?

A. Yes.

Q. What do you recognize it as?

A. This is a copy of a label which was used by Monsanto to place on containers of Aroclor 1016.

Q. Do you know, sir, when that label was first used?

A. 1971.

Q. In 1971, was that label used on all containers containing Aroclor 1016 that were sold to customers?

A. Yes; if we define containers as drums, distinguished from tank cars.

Q. Okay. So in 1971, was Aroclor 1016 sold in

WATER_PCB-SD0000069029

55-gallon drums, sir?

A. Sometimes.

Q. And would those 55-gallon drums in 1971 that originated from Monsanto, would those drums have that label on it?

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Is that the actual -- is the exhibit you have in your hand the actual size of the label that was on the drums?

A. It's very close to the actual size.

Q. Is that exhibit you have in your hand the color of the label that was on the drum?

A. I don't recall. It could be that this area that shows up as a black background behind the word "Aroclor" was red initially.

Q. Would you please look at Exhibit 107? Do you recognize this exhibit, sir?

A. I do.

Q. What do you recognize it as?

A. It is a copy of a label which Monsanto used to place on containers of Aroclor 1254.

Q. Now, would you please look at the second page of that exhibit?

A. Yes.

WATER_PCB-SD0000069030

Q. Do you recognize the second page of that exhibit?

A. Yes.

Q. And what do you recognize that as?

A. This is a copy of that same label, the section of that label which conveys the PCB environmental message in four languages.

MR. CENTOLA: Would you read back the answer, please?

(Reporter propounded previous answer.)

Q. (BY MR. CENTOLA) Was that also placed on -- strike that question. Was that also placed on containers containing Aroclor 1242?

MR. WINSLOW: The second page?

MR. CENTOLA: Yes.

A. Yes.

Q. (BY MR. CENTOLA) Now, when was the first time, if you know -- and I said 1242, and I apologize. I meant 1054.

MS. OLESKEY: 12.

Q. (BY MR. CENTOLA) I mean 1254. When was the first time that those warnings were placed on containers containing Aroclor 1254, if you know?

A. There were two distinct changes made. The reference to presence in the environment or preventing

WATER_PCB-SD0000069031

entry to the environment was placed on labels in early 1970. Later the reference to contact with food, animal feed stuffs and pharmaceuticals was included, and that would be about 1971.

Q. Was the label as depicted in Exhibit 106 on containers that were sold to Cornell-Dubilier in 1971, when these labels first came out?

A. Yes.

MR. KENNER: Objection.

Q. (BY MR. CENTOLA) Were these labels put on containers containing Aroclor 1016 that were sent to Aevorox Corporation in 1971, when they first came out?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Was there ever a discontinuance of the use of this label by Monsanto?

A. No.

Q. Was this label on containers containing Aroclor 1016 until you stopped selling it, sir?

A. That is correct.

Q. "You" being Monsanto?

A. Correct.

Q. Were these -- was the label that says "Aroclor 1254" on containers sold to Cornell-Dubilier in

WATER_PCB-SD0000069032

1971?

MR. WEIR: Objection.

A. Yes; assuming they purchased this.

Q. (BY MR. CENTOLA) Okay.

A. I don't know.

Q. Okay. Would the same be true with respect to Aevorox Corporation, sir?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Sir, were warnings -- strike that. Were labels containing the same caution as is contained in Exhibit 107 placed on tank cars that were delivered to customers?

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) I should say placed on tank cars in which Aroclors were delivered to customers.

MR. WINSLOW: Objection.

A. Not to my knowledge.

Q. (BY MR. CENTOLA) Were the labels themselves, without being attached to containers, sent to customers for their use for disposal of Aroclors?

A. Not the labels submitted as exhibits here.

Q. Were labels sent to customers for that

WATER_PCB-SD0000069033

purpose?

A. Yes.

Q. Were did Monsanto first send in those labels to customers?

MR. WINSLOW: Objection.

A. The latter part of 1970.

Q. (BY MR. CENTOLA) And do you remember what the substance of those labels were, sir?

A. They referred to the presence of PCBs and the contents of that container. They had the message regarding avoidance of spillage into the environment, and they later included reference to food and animal feed and pharmaceuticals.

Q. Is that the same time frame you testified about earlier with respect to page 2 of Exhibit 107?

A. Yes

MR. WEIR: Object to the form.

MR. CENTOLA: Want to break for lunch?

Off the record.

(Brief recess held.)

MR. CENTOLA: I want to mark as Papageorge Exhibit 108 a document with a Bates stamp number in the upper right-hand corner of 706856 through -- and I'm referring to the last two documents, last two digits -- 863, and it's entitled "Polychlorinated Biphenyl (PCB)."

WATER_PCB-SD0000069034

[Papageorge Deposition Exhibit No. 108 marked for identification.]

Q. (BY MR. CENTOLA) Mr. Papageorge, have you had an opportunity to look at this exhibit?

A. Yes.

Q. (BY MR. CENTOLA) Do you recognize that document, sir?

A. I do.

Q. What is it?

A. It's a copy of a presentation I made in November of 1973 before an advisory committee to the EPA.

Q. And where was that presentation, sir?

A. In Washington, D. C.

Q. Were you invited to give that presentation? Strike that. How did that presentation -- how did your presentation come about?

MR. WINSLOW: Objection.

A. I was on the agenda of one of the company meetings. I have forgotten whether I was invited or whether we requested an audience.

Q. (BY MR. CENTOLA) Who was your audience at that presentation?

A. Members of the Effluent Standards and Water Quality Informational Advisory Committee.

Q. Were any representatives from commercial

WATER_PCB-SD0000069035

concerns present in the audience?

A. Well, Monsanto was certainly there. I don't recall of any others.

Q. Sir, was this document distributed by Monsanto to anyone?

A. Yes.

Q. To whom was it distributed, if you know, sir?

A. Certainly to members of that committee, to members of EPA, and to customers.

Q. Was this document distributed to Aerovox Industries, Inc.? You have a question before you, sir. I'm sorry. I thought you were -- was this document sent to Aerovox Industries, Inc.?

A. I don't recall.

Q. Do you recall any of the customers you sent this to?

A. Not specifically, no.

Q. Do you recall what kind of customer you sent this to?

A. They were customers of PCB dielectric fluids.

Q. Do you recall when you sent it to these type of customers?

A. I believe it was, of course, after this meeting with the committee. It was not a Massachusetts mailing. It would have to be early 1974.

WATER_PCB-SD0000069036

Q. Do you know who did the sending of this document to your customers?

A. There were several of us that had copies, and we would share them freely; salespeople out in the field, Mr. Benignus' office in St. Louis, out of my office.

Q. Okay. I want to direct your attention to page 7, sir.

MR. McLAUGHLIN: Page what?

MR. CENTOLA: Page 7.

It's the actual page 7 of the document itself. It says "7" on top of the document. Would you please review that paragraph to yourself?

A. I have read it.

Q. Did you believe at that time that a concentration of PCBs of more than 1.4 parts per trillion could cause an adverse effect on the aquatic environment?

MR. WINSLOW: Objection.

A. No. I don't recall having established an upper limit.

Q. (BY MR. CENTOLA) Why did you establish this limit, sir?

A. Well --

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

A. -- we had demonstrated that we could control

WATER_PCB-SD0000069037

PCBs well enough to reach this one pound per 100,000 pounds produced, and then by arithmetic calculations, based on average flow of the river, we came up with this 1.4. There was no evidence to indicate to any of us that 1.4 parts per trillion would cause any adverse effects. Therefore, having demonstrated we could control it to one pound for every 100,000 pounds, we felt that it was achievable.

Q. Did there come at this point in time when you gave this presentation, did you maintain a belief that there would come a point when the concentrations of PCBs would be such to cause an effect on the aquatic environment?

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection.

A. Yes.

Q. (BY MR. CENTOLA) What kind of adverse effect did you think it would create on the aquatic environment?

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Objection.

WATER_PCB-SD0000069038

MR. WEIR: Objection.

MR. CENTOLA: Hold on just a second. Can you tell me the basis?

MS. ROBERTSON: I couldn't understand the question before it, and this question is based on that question by use of the word "it." So --

MR. CENTOLA: You don't understand it? That's your objection?

MS. ROBERTSON: I thought the question was not understandable.

MR. McLAUGHLIN: My objection is you haven't laid a qualification of this person to render an opinion as to the aquatic environment.

MR. WEIR: You are also asking for a hypothetical.

MR. KENNER: Your question was objectionable to form in that you use the pronoun "you," and it is unclear whether we are getting personal belief or cooperate position.

MR. CENTOLA: Okay. I'll try to clear it up.

Sir, was this position taken that is represented in paragraph 2 of page 7, the position taken by Monsanto?

A. Yes.

Q. When you say you prepared this presentation, did you have help in preparing this presentation, sir?

WATER_PCB-SD0000069039

A. Yes.

Q. Who helped you in preparing this presentation?

A. Members of Monsanto's medical department, manufacturing representatives, research and development representatives, public relations representative, legal representative.

Q. Sir, did Monsanto --

Well, what I want to do is go back if I can to that question that was objected to.

(Reporter propounded previous question and answer.)

Q. (BY MR. CENTOLA) Did Monsanto maintain a position on what kind of adverse effect PCBs might have on the environment if they were in the environment, sir?

MR. WINSLOW: Objection.

A. At that point in time the only guideline we had that was applicable was the PCB level that FDA would permit in edible fish tissue, and based on our understanding of how PCBs magnify in the environment, the calculation was made to show that 1.4 parts per trillion in the water to which fish are exposed would not within the fish's lifetime exceed the FDA's guideline in place at that time.

Q. (BY MR. CENTOLA) So, are you saying that

WATER_PCB-SD0000069040

Monsanto's definition as to that adverse effect was the same as the EPA's?

MR. KENNER: Objection.

A. I don't know that I knew EPA's definitio.. of "adverse effect."

Q. (BY MR. CENTOLA) What I'm trying to get from you is what Monsanto meant by "adverse effect."

A. It's the build-up of PCBs in edible fish tissue.

Q. And that would be an adverse effect?

A. Yes.

Q. Referring to exhibit -- it was marked earlier today, Exhibit 95, sir. Was the level of Aroclor 1016 as reflected under sample number 1 higher or lower than that level that you have here in paragraph 2 on page 7 of Exhibit 108?

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection as to form.

A. Higher.

Q. (BY MR. CENTOLA) Is there any level of Aroclor, either 1016 or 1254, reflected on Exhibit 95 that is lower than that which is represented in paragraph 2 of page 7 of Exhibit 108?

WATER_PCB-SD0000069041

MR. KENNER: Object as to form.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

A. I see one specific level that is lower.

Q. (BY MR. CENTOLA) Which one is that, sir?

A. For sample number 7 under Aroclor 1016, there is a number shown that reads less than .1 part per billion. No, that's higher. I stand corrected. No, I don't see any level there that reaches the 1.4 parts per trillion mentioned in the second paragraph of page 7, Exhibit 108.

MR. FITZMAURICE: Excuse me. Can you read back that answer?

(Reporter propounded previous answer.)

Q. (BY MR. CENTOLA) When you say "reaches," sir, did you mean -- could you explain that?

A. I should have said that is less than 1.4 parts per trillion.

Q. So, sir, then -- so is it your testimony, sir, that there is no level on Exhibit 95 which is lower than that which Monsanto set -- strike that. Is it your testimony, sir, that all of those levels exceed the level which Monsanto set with respect to an adverse effect on the aquatic environment?

MR. WINSLOW: Objection.

WATER_PCB-SD0000069042

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. WEIR: Objection.

MR. KENNER: Objection to form. Not only are you mischaracterizing, you are stating the answer of what his testimony was, and I don't know why you choose to mislead the witness.

Q. (BY MR. CENTOLA) Can you answer the question?

A. I don't think I understand it clearly.

Q. Okay. What I'm asking, sir, is: Do all the levels on Exhibit 95 exceed the level that Monsanto set on paragraph 2 of page 7 of Exhibit 108?

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

MR. KENNER: Object to the form.

A. There are two notations on Exhibit 95 shown as N.D., which is interpreted by footnotes as non-detected; and then the further statement that if present, and then they show less than 50 for the one asterisk and less than .02, both in parts per billion, for the double asterisk. If there is no PCB present in those samples, then they would fall below the 1.4 parts per

WATER_PCB-SD0000069043

trillion.

Q. (BY MR. CENTOLA) Thank you.

Okay. I want to mark this as Exhibit 109.

[Papageorge Deposition Exhibit No. 109 marked for identification.]

MR. KENNER: Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Sir, have you had an opportunity to look at Exhibit 109?

A. I have, yes.

Q. Let me just for the record tell you what it is. It appears to be on Monsanto stationery, and it purports to be to Mr. Curtis L. Lopes. It's dated March 26, 1971, and the sender appears to be Joe Landwehr, L-a-n-d-w-e-h-r, and it looks like Exhibit 5 in the Lopes deposition. The Bates number is not legible, so I won't give it. Sir, have you ever seen this document before?

A. I don't recall it.

Q. Do you recognize the name at the bottom of the document?

A. Yes, I do.

Q. Could you say the name for me, sir?

A. Joe Landwehr.

Q. Who is Joe Landwehr?

A. Joe Landwehr at that time was the

WATER_PCB-SD0000069044

superintendent of the Anniston, Alabama Monsanto plant technical services department.

Q. And what were the functions of the technical services department at that time?

A. They were the engineering part of the plant organization.

Q. Did that department provide services for customers at that time?

A. Occasionally.

Q. What type of services would they provide for customers or did they provide for customers?

A. It varied with the request from the customers of the several products they manufactured at that plant.

Q. Did you have knowledge in 1971 of Cornell-Dubilier -- of communications between Cornell-Dubilier and Monsanto concerning the design of a sump pump?

A. I'm not -- I was not and am not aware of any discussions relating to a sump pump.

Q. Were you aware of any discussions related to a skimmer?

A. Not specifically to a skimmer.

Q. Were you aware of anything relating generally to a skimmer, sir?

A. I was aware that they were seeking

WATER_PCB-SD0000069045

recommendations regarding the control of PCBs in water.

Q. Who was seeking that? You just said "they." I want you to identify "they."

A. I don't recall the specific individuals, but representatives of Cornell-Dubilier were, through the marketing Monsanto representatives, seeking advice regarding some engineering designs and Monsanto experiences --

Q. And --

A. -- and this reflects Monsanto's reaction to that request.

Q. Do you know, sir, if Aevorox Corporation in 1971 was seeking advice with respect to what you just testified to?

MR. WINSLOW: Objection.

A. I don't recall the specifics, no.

Q. (BY MR. CENTOLA) Do you know if Cornell-Dubilier eventually received and used the sump, a sump designed by Monsanto?

MR. WEIR: Objection.

A. I do not know.

Q. (BY MR. CENTOLA) Do you know if Cornell-Dubilier subsequent to this letter received and used a skimmer designed by Monsanto?

MR. WEIR: Objection.

WATER_PCB-SD0000069046

A. No.

Q. (BY MR. CENTOLA) In 1971, did any representatives from Cornell-Dubilier inform you personally that the water discharges from their plants, their plant in New Bedford Harbor, contained PCBs?

A. No.

Q. Do you recall if at any time a representative from Cornell-Dubilier told you personally that water discharges from their plant contained PCBs?

MR. WEIR: Objection.

A. No.

Q. (BY MR. CENTOLA) So, does that mean you don't recall, or does that mean it didn't happen?

A. That means I do not recall.

Q. Do you recall, sir, if representatives from -- strike that. Do you recall if Mr. Tuttle ever informed you personally that discharges of water from the Aerovox plant in the New Bedford Harbor was discharging water with PCBs in it?

MR. KENNER: Objection.

MR. WINSLOW: Objection.

MS. ROBERTSON: Objection.

MR. WINSLOW: Mr. Centola, may I ask that you state which Aevorox Corporation?

MR. CENTOLA: I specifically said Mr. Tuttle,

WATER_PCB-SD0000069047

and I said the Aerovox facility.

MR. KENNER: Objection.

A. I do not recall.

Q. (BY MR. CENTOLA) Do you recall --

Off the record.

(Discussion held off the record.)

Q. (BY MR. CENTOLA) Do you recall if any employees from the Aerovox facility informed you personally that water discharges from that facility contained PCBs or Aroclors?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. I do not recall.

Q. (BY MR. CENTOLA) Sir, do you recall if Monsanto required its purchasers of PCBs to obtain special insurance policies before being sold Aroclors?

MR. WINSLOW: Objection.

MR. KENNER: Objection to the form.

MR. WINSLOW: Could you inquire as to his memory or the substance separately, because I don't know whether you are asking him does he recall, or whether you're looking for the substantive response. You are asking two questions.

Q. (BY MR. CENTOLA) Okay. Let me try. Okay. Hold on. Do you recall, Mr. Papageorge, Monsanto

WATER_PCB-SD0000069048

requiring its customers to obtain a special insurance policy?

MR. WINSLOW: Same objection.

MR. KENNER: Object to the form.

MR. McLAUGHLIN: Objection.

MR. KENNER: Object especially to the phrase "special insurance policy."

Q. (BY MR. CENTOLA) An insurance policy?

MR. WINSLOW: Objection.

MR. KENNER: Same objection.

A. I was not involved with discussions of that nature. I do not know.

Q. (BY MR. CENTOLA) Sir, earlier today you testified that -- strike that. When was the -- could you tell me again when was the first time you became involved with the ad hoc committee of the EIA?

A. I believe it was sometime in 1972.

Q. Do you remember when your last contact with the ad hoc committee of the EIA was?

A. 1975.

Q. Do you recall if the ad hoc committee for the EIA had a chairman during that time period?

A. Yes.

Q. Do you recall if an EIA ad hoc committee had more than one chairman during the time period?

WATER_PCB-SD0000069049

MR. WINSLOW: Objection.

A. I do not.

Q. (BY MR. CENTOLA) Do you recall the names of any of the chairmen of that EIA ad hoc committee?

A. I do.

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) And who was that?

A. Mr. Clifford Tuttle.

Q. Did Monsanto act as a liaison between the ad hoc committee of the EIA and EPA?

MR. WINSLOW: Objection.

A. No.

Q. (BY MR. CENTOLA) Did Monsanto keep the EIA ad hoc committee informed of developments with respect to regulations for the EPA?

A. Yes.

Q. Did they have -- do you know if they had sources other than Monsanto concerning this?

A. They took independent action with EPA representatives.

Q. Did Monsanto, during this time period, keep the ad hoc committee of the EIA informed of EPA or other agency studies concerning PCBs, sir?

MR. McLAUGHLIN: Objection.

A. I don't understand the use of the word

WATER_PCB-SD0000069050

"studies."

Q. (BY MR. CENTOLA) Okay. Did EIA -- strike that. Did Monsanto keep EIA informed of the developing knowledge with respect to PCBs during this time frame between 1972 and 1975?

MR. McLAUGHLIN: Can I have that full question, please?

(Reporter propounded pending question.)

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Was there anyone else at Monsanto who attended these EIA ad hoc committees other than yourself, sir?

A. I believe I recall that Mr. Denignus and Mr. Graham attended some of these sessions.

Q. Was that in the same time period between 1972 and 1975?

A. As best I recall, yes.

Q. Why was your involvement finished with respect to the EIA ad hoc committee in 1975, sir?

A. It was shortly after that in February, '76, that my assignment was changed; and, therefore, others were the Monsanto contacts.

Q. Okay. Who were those others?

WATER_PCB-SD0000069051

A. Mr. -- let me think. Mr. Wood, David Wood, and Mr. J. C. Weber.

Q. Did either of these two individuals take your former position?

A. Mr. J. C. Weber.

Q. So, he assumed the same title you had assumed up until 1976?

A. He had the title. He just picked up the additional assignment relating to PCBs.

Q. I see. When did your involvement with NEMA terminate, if it did?

A. I suppose officially it terminated when the final report was issued under the ANSI sponsorship in 1974.

Q. And what report was that?

A. This is the publication of the standard for the proper use and disposal of askerel fluids.

Q. Why did your involvement terminate at that point, sir?

A. Well, the committee had completed its assignment, and it was an ad hoc group --

Q. I see.

A. -- not a permanent committee, and once it finished its assignment, there was no further need for it.

Q. Do you know if the ad hoc group with respect

WATER_PCB-SD0000069052

to the EIA ever disbanded?

A. I don't know.

Q. Sir, is it fair to say that Monsanto switched over from Aroclor 1242 to Aroclor 1016 when it did because Monsanto felt that 1016 was more biodegradable in the environment?

MR. WINSLOW: Objection.

MR. WEIR: Objection.

A. Yes.

Q. (BY MR. CENTOLA) In spite of that position by Monsanto, sir, was Monsanto still concerned about 1016 getting into the environment?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) Did Monsanto continue to advise its customers after the switch to 1016 to keep that Aroclor out of the environment?

A. Yes.

Q. Did Monsanto ever advise its customers that it was safe to allow 1016 to go into the environment?

A. No.

MR. KENNER: Object to the form.

Q. (BY MR. CENTOLA) I'm sorry?

A. No.

WATER_PCB-SD0000069053

MR. CENTOLA: Can you be more specific, please, Brian?

MR. KENNER: Yes. I think the phrase "into the environment" without any quantitative limit is vague and misleading.

MR. CENTOLA: What I would like is five minutes. I think I'm done, but I would like five minutes just to go over my notes.

Off the record.

(Brief recess held.)

MR. CENTOLA: Mark that.

[Papageorge Deposition Exhibit No. 110 marked for identification.]

Q. (BY MR. CENTOLA) Mr. Papageorge, I'm marking as Exhibit 110-Papageorge a document which bears the Bates stamp number that's lowest on the right-hand corner, 323062 through -- I think it's 68, but it's off the edge of the page, so let me do it this way. It's a five-page document. The front page is dated October 15, 1970, and it's addressed to Mr. Bill Robinson. Would you please take a look at this document?

Have you had an opportunity to review that document, sir?

A. Yes.

Q. Do you recognize it? Let me strike that.

WATER_PCB-SD0000069054

Have you ever seen that document before?

A. I don't recall the first page. I do recall the additional four pages.

Q. Would you turn to the page that says "rough draft"?

A. I have.

Q. Was a finalized form of that document ever completed?

A. Yes.

Q. Do you know when it was completed?

A. Either late 1970 or early 1971.

Q. Was the rough draft of that document sent to Cornell-Dubilier?

MR. WEIR: Objection.

Q. (BY MR. CENTOLA) As it -- was the rough draft of that document as it appears here in this exhibit sent to Cornell-Dubilier?

MR. WEIR: Objection.

A. I personally do not know.

Q. (BY MR. CENTOLA) Do you know if it was sent to Aevorox Corporation?

A. I do not know.

Q. Do you know if the final version of that, what appears to be a rough draft in this document, do you know if that final version was sent to Cornell-Dubilier?

WATER_PCB-SD0000069055

A. I do not recall.

Q. Do you know if the final version was sent to Aerovox Corporation?

A. I don't recall.

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) Do you know if that final version was sent to any of your customers?

MR. WINSLOW: Objection.

A. Yes.

Q. (BY MR. CENTOLA) What customers was it sent to?

A. All customers on record at that time when it was finally approved.

Q. When you say "all customers on record," would that include Aerovox Corporation?

A. Yes.

Q. Would that include Cornell-Dubilier?

A. Yes.

Q. Okay.

Mark that 111.

[Papageorge Deposition Exhibit No. 111 marked for identification.]

Q. (BY MR. CENTOLA) Back on the record. Have you had an opportunity to look at this document, sir?

A. I have just looked at it, yes.

WATER_PCB-SD0000069056

Q. Have you ever seen this document before?

A. No.

MR. McLAUGHLIN: I object again to an inquiry regarding a document that's been obviously altered.

Q. (BY MR. CENTOLA) Would you please look at page 2 of the document?

A. All right.

Q. Do you know the significance of any of the numbers contained on page 2?

MR. KENNER: Object to the form.

A. The numbers shown in the second column from the right and the reference to an Aroclor number in the first column from the right are of significance to me.

Q. (BY MR. CENTOLA) Would you tell me what the significance is to you of those two sets of numbers?

A. This tells me that the amount of each of the two Aroclors shown in the sample is as shown in parts per million of PCBs.

Q. I'm not sure I understand you, sir. Let me start with the top number in the second column from the right, 0.0176.

A. I see that.

Q. Okay. What significance does that number have?

A. That tells me that this sample --

WATER_PCB-SD0000069057

Q. Right.

A. -- contains .0176, or 0 -- I don't know what that is --

Q. Okay.

A. -- parts per million of PCBs identified as similar to Aroclor 1242.

Q. And what would the number 0.0021 represent to you?

MR. WEIR: Object.

A. That is the parts per million of PCBs in this sample which are similar to Aroclor 1254.

Q. (BY MR. CENTOLA) Now, there's a line underneath that number --

A. Yes.

Q. -- and a number immediately under that line, 0.0197.

A. I see that.

Q. Does that number have any significance to you, sir?

A. That is the total amount of PCBs in parts per million in that sample.

Q. So, the total parts per million PCBs in that sample would be 0.0197, sir, parts per million?

A. Parts per million, that's correct.

Q. And do all the numbers in that column have

WATER_PCB-SD0000069058

the same significance to you, sir, as you just described to me?

MR. WINSLOW: Objection.

A. They do, except that the second sample, I don't understand the initials "HC," and it also shows up in the bottom-most sample. And then back to the second sample, there is no reference as to the type of PCB identified.

Q. (BY MR. CENTOLA) Okay. Do you have any knowledge as to where these numbers were derived from?

A. No.

Q. Do you recognize the handwriting here, sir?

A. I do not.

Q. Have you ever seen a calculation sheet like this with numbers on it or without before?

A. No.

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) Sir, from your -- we're off this document.

MS. ROBERTSON: What was the answer?

MR. CENTOLA: He said no, I believe.

Sir, from your observations at the Aevorox Corporation plant in June of 1970, did you formulate an opinion as to whether Aroclors were entering the water discharges from that plant, sir?

WATER_PCB-SD0000069059

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

A. I did form an opinion.

Q. (BY MR. CENTOLA) And what was your opinion, sir?

MR. WINSLOW: Objection.

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

A. That they were entering the water system.

Q. (BY MR. CENTOLA) And what was the basis for that opinion, sir?

MR. McLAUGHLIN: Objection.

A. Visual evidence as well as general comments made during the discussion of controlling PCBs.

Q. Can you be more specific with respect to the general comments?

A. I can't be specific in terms of exactly who said what, but the understanding I had was that there was work to be done to control the loss to the sewer system and water system.

Q. And did you receive that understanding with conversations with people you met at Aevorox Corporation?

MR. McLAUGHLIN: Objection.

MR. WINSLOW: Objection.

WATER_PCB-SD0000069060

MR. WEIR: Object to the form.

A. Yes.

Q. (BY MR. CENTOLA) With respect to your visual observations, could you be more specific?

A. Well, I saw evidence of water being present in the manufacturing site and outdoors. I saw what I previously described as an oily appearance. I saw what to me appeared to be entries into sewer systems. I pointed out my concern about control in water and was not told anything at that point that would indicate that I had reached the wrong conclusion.

Q. Did you tell the people of your conclusion at Aevorox Corporation at that time?

MR. WINSLOW: Object to form.

MR. McLAUGHLIN: Objection.

A. Yes.

Q. (BY MR. CENTOLA) And what you told these people of the conclusion you had reached, did they respond to you, sir?

A. Yes.

MR. KENNER: Object to the form.

Q. (BY MR. CENTOLA) How did they respond?

MR. McLAUGHLIN: Objection.

MR. KENNER: Object.

A. I was left with the understanding that there

WATER_PCB-SD0000069061

was a commitment to do better.

Q. (BY MR. CENTOLA) Okay. Try to answer my question, sir. Do you recall how they responded?

MR. KENNER: Objection.

MR. McLAUGHLIN: Objection.

A. That was 15 years ago, sir. I don't remember the exact words, no.

Q. (BY MR. CENTOLA) Okay. Did they deny that the water contained -- the discharges of water contained Aroclor, sir?

MR. WINSLOW: Objection.

MR. McLAUGHLIN: Objection.

MR. KENNER: Objection. Did who deny?

Q. (BY MR. CENTOLA) The individuals that you spoke to at Aerovox. Did you hear any denials, sir?

A. No.

MR. McLAUGHLIN: Objection.

MR. WEIR: Objection.

MR. WINSLOW: Objection.

Q. (BY MR. CENTOLA) You mentioned entries into sewers. Could you be more specific?

A. There were some openings in the floor and all that I concluded were part of a sewer system.

Q. Was this in the impregnation area, sir?

A. I don't remember the details.

WATER_PCB-SD0000069062

MR. CENTOLA: Okay. I have no further questions of this witness.

CROSS-EXAMINATION

QUESTIONS BY MR. WINSLOW:

Q. Mr. Papageorge, since the time you received your master's degree, have you been employed by any person or company other than Monsanto?

A. Yes.

Q. Starting from the time immediately after you received your master's degree, who was your employer at that time?

A. Phillips Petroleum Company, Bartlesville, Oklahoma.

Q. When did you first start working for Phillips Petroleum?

A. About August or September, 1947.

Q. What was your position or occupation with Phillips Petroleum?

A. I started as a research engineer and then became a process design engineer.

Q. Was there any particular area of research that you were responsible for?

A. Yes.

Q. Can you tell me what that was?

WATER_PCB-SD0000069063

A. Research associated with oil well drilling and with secondary recovery.

Q. Did you conduct any research regarding PCBs with Phillips Petroleum?

A. No.

Q. When did you leave the employ of Phillips Petroleum?

A. 1951.

Q. Who was your employer at that point?

A. Monsanto Company.

Q. Why did you leave Phillips Petroleum?

A. Looking for greener pastures.

Q. Do you refer to yourself as a chemical engineer by training?

A. Yes.

Q. And is it true that you were not being produced here on behalf of Monsanto to discuss sales of PCB-containing products to Aerovox, the Aerovox companies or Cornell-Dubilier?

A. That is correct.

Q. And you were never responsible for sales of any Monsanto products to any of the Aerovox companies, either Aerovox Industries, Inc., Aevorox Corporation or Cornell-Dubilier?

A. That is correct.

WATER_PCB-SD0000069064

Q. If I could direct your attention to the document marked as Exhibit 33, do you have that?

A. 33?

Q. 33.

A. Yes.

Q. And further directing your attention to the fourth page of that document, the two lines that appear on that fourth page have some numbers that precede them on the left column. Do you see that?

A. I do see it.

Q. Do you know what any of those numbers mean? Is there any significance of those numbers?

MR. McLAUGHLIN: Object. To be consistent, I have to object to the inquiry into a document that's obviously been altered.

A. I do not know anything about those numbers.

Q. (BY MR. CENTOLA) Do you know what a Monsanto location code is?

A. Yes.

Q. What is a Monsanto location code?

A. It's a number that designates the location of a unit of Monsanto's.

Q. And does it also designate the location of a customer of Monsanto's?

A. That I don't know.

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Q. Do you know if there is a written list or a key to what these Monsanto location codes mean?

A. I have seen a list of that type. I don't know if it continues to exist or where it is.

Q. Do you know who at Monsanto would know of the location of such a list or document?

A. Not any particular individual. I'd have to go to a function.

Q. And what is that function?

A. I would go to the management information systems group.

Q. As you understand the Monsanto location codes, do you know whether those codes are delineated as to state, or do they go further and delineate as to municipality within a state?

A. I'm not familiar with any code that distinguishes state or municipalities. It's a number assigned to a Monsanto location, which in some cases is referred to by municipality and state, and in some cases by some Monsanto term.

Q. Okay. Could you just describe to me as best you can the sales process by which Monsanto products came to be sold to Aerovox Industries, Inc.? And if I might just give it by way of illustration, did Monsanto have a manufacturer's representative acting on its behalf of

WATER_PCB-SD0000069066

sales to Aerovox Industries, Inc.?

A. Would you repeat that last part? Did Monsanto have a manufacturer's representative?

Q. Did Monsanto have a manufacturer's representative responsible for selling Monsanto products to Aerovox Industries, Inc. that you know of?

A. I'm not aware of any single individual assigned to the Aerovox location to sell Monsanto products.

Q. Was there a particular group or unit within Monsanto responsible for selling Monsanto products to Aerovox Industries, Inc.?

A. No.

Q. Have you had any contact since September, 1978 with Cliff Suttle, either in person, orally, or in writing?

A. No.

Q. Are you familiar with the name Ronald Murphy?

A. No.

Q. And to your knowledge, have you had any contact since September, 1978, with a person who you knew to be Norman Butterworth?

A. No.

Q. To your knowledge, have you had any contact, either in person, orally or writing, with any person

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representing Aerovox Industries?

A. No.

Q. (BY MR. WINSLOW) Excuse me. Strike that. To your knowledge, have you had any contact, whether in person, orally or in writing, with any representative of Aerovox, Inc.?

A. No.

Q. Are you aware, Mr. Papageorge, of communications at any time from any person to the Monsanto health department of PCB-related health problems experienced by Monsanto employees?

A. I don't recall any employee health problems, if I understand your question correctly, documented or reported to -- I don't recall any.

Q. The health department?

A. I don't recall that.

Q. Do you know of any health problems related or allegedly related to PCBs involving Monsanto employees from any sources?

A. Yes.

Q. And what was the source or sources of that knowledge?

A. Initially, it was the plant physician at the Anniston, Alabama plant, and later the medical department in St. Louis.

WATER_PCB-SD0000069068

MR. CONNELL: Excuse me, Mr. Winslow. I would just like to voice an objection on the record here, a technical objection, actually. This witness, I do not believe, is designated by Monsanto as a 30(b)(6) witness with respect to the health effects of PCBs on its own employees. I don't object to your asking these questions of Mr. Papageorge as an individual, but I do object to those questions if his testimony is considered the testimony of Monsanto pursuant to a 30(b)(6) designation.

MS. OLESKEY: I only want to observe for Monsanto that if we are going to areas like sales and health where the witness has not been produced as a 30(b)(6) witness, and later we are going over on the 6th of May because he was asked questions of these little areas, Monsanto will be less eager to bring people back thereafter.

MR. McLAUGHLIN: Well, I am going to put on the record now I think there's been a great deal of discussion elicited by many parties on this discussion with respect to warnings and knowledge allegedly transmitted from Monsanto to certain defendants in the case. The objection was being raised by either counsel on behalf of Monsanto or any party, so I think my position is it is fairly within the scope of cross-examination. I know other people disagree with me.

WATER_PCB-SD0000069069

MR. WINSLOW: For the record, I will direct counsel to Exhibit 85 and the attached exhibit to that document, paragraph 2, the date on which Monsanto first became aware that PCBs had potentially toxic or hazardous properties or that PCBs created a risk of damage to the environment, and I would contend that the extent of Monsanto's knowledge of effect of PCBs as to its own employees falls within that area of examination.

MR. CONNELL: Well, you may proceed. My objection is on the record.

Q. (BY MR. WINSLOW) Did the plant physician at the Anniston, Alabama plant communicate with you directly regarding employee health problems related or claimed to have been related to PCBs?

A. Yes.

Q. What was that physician's name?

A. Jack Francis.

Q. Do you know if Mr. -- Dr. Francis is still employed by Monsanto?

A. I do not know.

Q. Do you know Dr. Francis' hometown at the time of that communication?

A. Yes.

Q. What was his hometown?

A. Anniston, Alabama.

WATER_PCB-SD0000069070

Q. Did you have more than one conversation with Dr. Francis regarding that subject matter?

A. I don't believe so. I don't recall more than one.

Q. When was that conversation?

A. Early in 1965.

Q. And did that conversation occur in person between you and Dr. Francis?

A. Will you repeat that?

Q. Was that a conversation in person between you and Dr. Francis?

A. Yes.

Q. Where did the conversation occur?

A. In my office.

Q. At the Anniston, Alabama plant?

A. Yes.

Q. Was there anyone present in your office during the conversation besides you and Dr. Francis?

A. No.

Q. Can you tell me as best you recall what Dr. Francis said and what you said in the order in which it occurred?

A. These are not the exact words, but the intent of that discussion was for me to find out from the plant physician what types of medical problems had occurred at

WATER_PCB-SD0000069071

that site and what types was he experiencing at the moment, and share with me any medical knowledge as it related to that plant.

Q. What did Dr. Francis tell you?

A. I don't recall all of the conversation, but I do recall as it relates to PCBs. He did say that in the past, when employees did not protect their hands properly with gloves and washing as appropriate, they would end up with a reddening of the skin. He described it as having an appearance of chapped hands. He also mentioned that when they breathed fumes, excessive fumes from the PCB department, they would end up with symptoms that resemble a severe chest cold. And the conversation then was one of, "Have we experienced any of those lately?" He assured me we were not, and I personally felt comfortable that things were under control.

Q. Did he tell you over that period of time such symptoms occurred in the plant employees?

A. As I remember, he went back into the 50's with his knowledge, either personal or from records that he had perused, looked at.

Q. And those records are records within the medical or the physician's office at the Anniston, Alabama plant?

A. Yes.

WATER_PCB-SD0000069072

Q. And it was your understanding that such symptoms such as reddening of the skin and apparent chest cold symptoms from fumes had existed as of the 1950's?

A. That is my understanding.

Q. Did he explain or describe to you the frequency with which such symptoms occurred in the plant employees?

A. Yes.

Q. What did he say?

A. He said there weren't many, but there were some.

Q. Did he tell you how frequently?

A. Not specifically, no.

Q. Did you have an understanding from your conversation as to how often such symptoms occurred?

A. My understanding was they were a rarity, but they had occurred.

Q. Did you take any steps or communicate with any persons -- strike that. Did you communicate to any other persons at Monsanto the substance of your conversation with Dr. Francis at that time?

A. No.

Q. Did you take any actions of any kind to further investigate or evaluate the symptoms reported to you by Dr. Francis?

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A. No.

Q. Did you make a record of any kind of your conversation with Dr. Francis when it occurred?

A. No.

Q. Now, with regard to the subsequent communications by the medical department of Monsanto, which I believe you referred to a moment ago, did those communications -- did you have communications with the medical department on the subject matter of PCB health effects as to Monsanto employees?

A. Yes.

Q. Did you have more than one conversation with the health department?

A. Yes.

Q. When was the first conversation?

A. This was shortly after I was assigned the responsibilities for PCBs in January, 1970 as part of my indoctrination. I had several meetings with representatives of Monsanto's corporate medical department on this subject.

Q. Directing your attention to that first occasion when you had such communications with members of the medical department, where did that conversation occur?

A. In St. Louis.

Q. At the Monsanto headquarters?

WATER_PCB-SD0000069074

A. Yes.

Q. Who did you have that conversation with?

A. Elmer Wheeler.

Q. What was Mr. Wheeler's position with Monsanto at that time?

A. I believe his title was manager, environmental health.

Q. Was there anyone present in the room when you and Mr. Wheeler had this conversation?

A. No.

Q. What did Mr. Wheeler tell you and what did you tell Mr. Wheeler in the order in which it occurred during that conversation?

A. I do not remember the details. I can recall the general discussion, which was really a repeat of what Dr. Francis had told me. I did not pick up anything new.

Q. So the substance of Mr. Wheeler's conversation with you was that Monsanto employees had dating back to the 1950's experienced reddening of skin and chest cold symptoms related to PCB?

A. That is correct.

Q. Did he tell you anything else with regard to symptoms or health problems experienced by Monsanto employees related to PCBs?

A. There was an additional symptom noted.

WATER_PCB-SD0000069075

Q. What was that?

A. This was the presence of chloracne or an acne condition on the face of some employees, which I understood occurred in the 50's, when these employees were attempting to make a different kind of PCB, but that PCB was never commercialized.

Q. Did Mr. Wheeler tell you the basis of his knowledge during that first conversation?

A. I don't know that I understand your expression, "basis of his knowledge."

Q. Well, let me rephrase it. Did Mr. Wheeler tell you how he knew the information he was passing on to y about PCBs?

A. As a member of the medical department in Monsanto and as manager of environmental health, one of his duties was to keep informed of any new health symptoms noted amongst Monsanto employees, and in his position he did receive reports from the Anniston plant regarding this incident.

Q. Do you know whether Mr. Wheeler had received reports from the physicians or medical offices of other plants besides the Anniston plant regarding this condition?

MR. CONNELL: By "this condition," you mean the chloracne condition?

WATER_PCB-SD0000069076

MR. WINSLOW: I'll strike the question. Do you know whether Mr. Wheeler had received reports regarding PCB-related health problems reported or experienced by Monsanto employees from plants other than the Anniston plant?

A. I'm not aware of any other reports.

Q. You had testified that it was more than one conversation with a person or persons from the Monsanto medical department regarding reported PCB-related health conditions in Monsanto employees. When was the next such conversation?

A. Within a period of about two or three months I had a discussion with Dr. Emmett Kelly, who was the director of the medical department.

Q. Does Dr. Kelly still work for Monsanto?

A. No.

Q. Do you know where Dr. Kelly lives?

A. I'm not sure. I don't know.

Q. What was the last address or home town that you knew of for Dr. Kelly?

A. He had a home in St. Louis and a home in the outskirts of St. Louis. He had two homes. That's the best I can do.

Q. Do you know what town in the outskirts of St. Louis he had his second home?

WATER_PCB-SD0000069077

A. I don't know which jurisdiction his home fell in.

Q. What did Dr. Kelly tell you, and what did you tell Dr. Kelly in the order in which it occurred during that second conversation?

A. I don't know that I told him anything other than that I wanted to be indoctrinated pretty thoroughly in PCBs, and could he help me, and what did he know; and really, what he told me was a repeat of what Mr. Wheeler and Dr. Francis had previously described.

Q. After either the first conversation or the second conversation you have just described, did you take any action to further investigate these reports?

A. No.

Q. At any time after your conversation with Dr. Francis, did you ever undertake or have someone undertake at your direction to advise customers of Monsanto of these conditions that had been reported to you?

A. That information had already been communicated long before I was made aware of it. It was not something new.

Q. Do you know how that communication had been conveyed to Monsanto customers?

A. Well, I am certain of the labels that refer to skin protection and breathing protection.

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Q. Directing your attention to the document marked as Exhibit 38, you participated in the telephone conversation that is memorialized in Exhibit 38?

MR. CONNELL: Objection to the form of the question.

A. I am confused by your reference to "telephone conversation."

MR. KENNER: Just for the record, the stipulation still goes that one objection can be used by one or all if they choose to do so in the future?

MR. McLAUGHLIN: I assume we are still on the same stipulation with regard to motions to strike, too.

MR. KENNER: Yes, all the same stipulations.

MR. WEIR: That we hashed out yesterday.

MR. KENNER: Right.

Q. (BY MR. WINSLOW) Mr. Papageorge, directing your attention to the fourth line below the heading "Personnel contact," the sentence that states, "Call made with Bill Papageorge," was that call a telephone call?

A. No, sir.

Q. It was a personal visit?

A. Yes, sir.

Q. Was it your understanding during or as a result of that personal visit that Aerovox had been dumping scrap capacitors on Sullivan's ledge, which is

WATER_PCB-SD0000069079

located on a hill?

MR. McLAUGHLIN: Objection.

A. That was my understanding.

Q. (BY MR. WINSLOW) What did you base your understanding on?

A. The discussion that took place while we visited with the representatives of Cornell-Dubilier.

Q. Who at Cornell-Dubilier told you that information?

A. I don't recall the specific individual.

Q. That visit to Cornell-Dubilier occurred during the program of visiting plants you had described earlier?

A. Yes.

Q. How long did you spend at the Cornell-Dubilier plant on that visit?

A. It was a good part of the day, not the full day, but the day was devoted to that visit, so --

Q. Did you visit the Aerovox facility at 740 Belleville Avenue that same day?

A. I don't believe so. It was either the day before or the day after.

Q. How long did you visit the Aerovox facility location when you visited it?

A. Most of -- a good part of the day.

WATER_PCB-SD0000069080

Q. And during the week that you wer -- strike that. Did you visit any other Monsanto customers' plants other than Cornell-Dubilier's plants or the Aerovox facility plant during your trip to New Bedford at that time?

A. Yes.

Q. Who else did you visit?

A. I don't recall all of them, but we visited a General Electric plant in Pittsfield, Massachusetts. We visited a General Electric plant in Hudson Falls, New York. We visited a company called Jard, J-a-r-d. I have forgotten just where they were located, but part of this was the group that we visited.

Q. If I could direct your attention specifically to customers within the City of New Bedford --

A. Oh.

Q. -- did you visit any customers of Monsanto within the City of New Bedford other than the Cornell-Dubilier plant or the Aerovox location?

A. I don't recall any.

Q. I'm sorry?

A. I do not recall any others.

Q. Did you make any notes of your observations at either the Cornell-Dubilier plant or the Aerovox facility during your tours of those facilities?

WATER_PCB-SD0000069081

A. No.

Q. Did you take any photographs or did anybody in your presence take any photographs during those tours?

A. No.

Q. Do you know Mr. Randall Graham's present address?

A. I do not.

Q. Can you explain the circumstances of his departure from Monsanto's employ?

A. No. I'm not knowledgeable of what happened.

Q. Directing your attention to the document which has been marked as Exhibit 46 --

MR. CONNELL: Off the record.

(Discussion held off the record.)

Q. (BY MR. WINSLOW) To your knowledge, did anyone at Monsanto keep a record or a log of who this letter or this form of letter was sent to and the date each such person was sent the letter?

A. I do not know of such a person.

Q. Do you know of such a log or document?

A. No.

Q. You had earlier testified about a marketing department program within Monsanto to review Monsanto's customers' environmental policies. Directing your attention to that program, do you know if there was any

WATER_PCB-SD0000069082

written evaluation of the environmental policies of Aerovox Industries, Inc. or Aevorox Corporation performance by Monsanto?

A. A written evaluation of their policies?

Q. Yes, sir.

A. I'm not aware of any.

Q. Directing your attention to your visit to the Aerovox facility at 740 Belleville Avenue, you had described the existence of an oily substance in the impregnation room; is that correct?

A. Yes.

Q. PCBs are a chemical compound or substance; is that correct?

MR. KENNER: Object to the form.

A. They are a mixture of chemical compounds.

Q. (BY MR. WINSLOW) And the only definitive way to know whether a mixture or a compound is PCB is to conduct a chemical analysis of that compound?

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

A. Yes.

Q. (BY MR. WINSLOW) You cannot tell definitively that a substance is PCB merely by looking at it?

MR. CONNELL: Object to the form of the

WATER_PCB-SD0000069083

question.

A. That is true.

Q. (BY MR. WINSLOW) And you cannot tell definitively whether a substance contains PCB merely by it's odor?

MR. CONNELL: Object to the form of the question.

A. With experience you can tell the presence of PCB by odor. What you cannot tell is the amount.

Q. (BY MR. WINSLOW) And in the -- directing your attention still to your visit of the Aerovox facility, the impregnation room or part of the plant contains several tanks that are recessed in the floor?

MR. CONNELL: Object to the -- are you finished, Mr. Winslow?

MR. WINSLOW: Yes.

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

A. I do not remember the specifics of the Aerovox plant's impregnation chambers.

MR. WINSLOW: May I have the basis for the objection, Mr. Connell?

MR. CONNELL: It's a leading question, and it assumes facts not in evidence. There's no foundation for this witness' knowledge as to what was in those tanks.

WATER_PCB-SD0000069084

Q. (BY MR. WINSLOW) During your visit to the Aerovox facility, you went into an area of the plant you have described as the impregnation area?

A. Yes.

Q. Did you observe what you know or assume to be impregnation tanks in that area?

MR. KENNER: Object to the form.

A. I was directed to observe the area where impregnation took place. As best I remember, no impregnation was taking place at that time. I have forgotten the physical arrangement of the impregnation equipment. I don't remember any more than that.

Q. (BY MR. WINSLOW) Do you recall whether the impregnation equipment itself included vats or tanks in that area?

A. Yes, there were tanks and vats.

Q. Do you recall whether those tanks or vats had lids or covers to them?

A. No, I do not.

Q. Based on your experience in the manufacture of -- strike that. You have had personal experience in the manufacturing process of capacitors using PCB dielectric fluid?

A. No.

Q. Have you ever had occasion to observe the

WATER_PCB-SD0000069085

impregnation process of capacitors with dielectric fluid?

A. Yes.

Q. Can you explain to me that general process?

A. I can explain to you the process that was demonstrated for me.

Q. Please do.

A. It appeared to be a chamber about half the size of this room.

Q. And in feet, sir, what would that be?

A. So many cubic feet; I don't know, 10 by 10 by 10, roughly, very roughly. This chamber had facilities which would be used to evacuate the chamber to draw all the air and moisture out of it.

Q. And before --

MR. CONNELL: Excuse me, Mr. Winslow. I don't think the witness was finished with his answer.

Q. (BY MR. WINSLOW) Okay. Fine. Go ahead. I'm sorry.

A. There was provision to introduce into that chamber a metal basket which contain capacitors. These would be stacked into the room. There was piping leading into and out of this chamber. The piping conveyed the PCB liquid. There was provision for closing the vault, so to speak, tightly after all the capacitors were placed.

The PCB then, which was stored in tanks elsewhere

WATER_PCB-SD0000069086

and had been previously filtered through clay, is pumped into that chamber, and in this particular case the temperature was increased. The chamber was flooded. The PCBs entered each capacitor through a small hole in the top of the capacitor. After a given period of time the PCBs are withdrawn from the chamber.

The unit is again evacuated to pull as many fumes as they can out of it. It's opened, and personnel then enter and take these baskets and put them on the appropriate conveying equipment to send them out to the factory floor where employees then with soldering guns seal the opening of the top of the capacitor.

The capacitors, which are still dripping with the oily liquid, are eventually degreased. This oily film is removed with a solvent, and for the smaller ones, that represents the end of the process other than packing and tagging. For the larger ones, in some places they paint them. That's my introduction to the capacitor manufacture.

Q. Do you recall whether the manufacturing process -- strike that. Did you observe the manufacturing process of capacitors during your visit to Aerovox?

A. As best I recall, I was able to observe some of the winding steps in making the internal parts of the capacitor. They were not impregnating on that day.

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Q. You mentioned that provision was made in this process you have just described for closing the vault tightly.

A. Yes.

Q. How was the vault closed tightly in this process that you have described?

A. This particular one I saw reminded me of the kind of doors I see on ships with gasketing and a turn wheel that tightens up fully. I don't know if that's typical, but that's what I saw.

Q. Was it similar to a lid or a cover over the vault you have just described?

A. Well, this was a side entry I saw.

Q. Oh, I see. You didn't actually conduct a chemical analysis of the oily substance you observed at the Aerovox plant during your visit?

A. No.

Q. Did you inquire of anyone who was with you during the tour of the use of hydraulic fluids in the impregnation room?

A. I don't recall if that subject came up with the Aerovox visit.

Q. Did you inquire of anyone as to the use of lubricating oil to maintain equipment in the impregnation room at Aerovox?

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A. I do not recall.

Q. If you knew that at the Aerovox facility at the time of your visit hydraulic oil was used to lift and lower the impregnation tank covers, would you change your opinion about the PCB content of the oily substance you observed?

MR. CONNELL: Object to the form of the question.

A. I don't know that I had a specific opinion about the PCB content of the oily surface. It's just that oil, no matter what it is, shouldn't get into water. That's the general theme here.

Q. (BY MR. WINSLOW) So, your testimony is that you did not form an opinion that the oily substance you observed at Aerovox in the impregnation area contained PCB?

MR. CONNELL: Object to the form of the question.

A. I had only a suspicion, not a concrete opinion. The fact is that oil and water should not mix, and this is a message I try to convey.

Q. (BY MR. WINSLOW) And the message you tried to convey was that regardless -- strike that. The message you tried to convey was that oil, even oil that does not contain PCB, should not be mixed with water?

WATER_PCB-SD0000069089

A. Yes; not in those words. I used the expression, "Your operation should be bone dry."

Q. And that expression was not directed exclusively to the existence of PCB at the plant?

A. That's right.

Q. And your testimony would be the same with regard to the other oily substances you had observed at other locations in the Aerovox plant during that visit?

MR. CONNELL: Object to the form of the question.

MR. KENNER: It's incomprehensive.

A. Yes.

Q. (BY MR. WINSLOW) You also observed what you have described to be an oily-appearing substance in other areas of the Aerovox during your visit?

A. As best I remember.

Q. What other areas of the Aerovox plant did you make that observation?

A. It seems to me I recall outside the building, the rail spur appeared to be oily, at least the surface between the tracks, around the rail tracks.

Q. Were there any other areas in which you made that observation?

A. I don't recall specifically, no.

Q. Is there anything that would refresh your

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memory as to other locations of an oily-appearing substance at the Aerovox plant during that tour?

MR. CONNELL: Well, I object to the form of that question.

A. I don't recall specifics. The overall impression is the only thing I recall. It was oilier than any of us would like to see it.

Q. (BY MR. WINSLOW) And with regard to the oily-appearing substance that you observed on the railroad tracks in the plant, did you conduct any chemical analysis of the substance that you observed that day?

A. No.

Q. Did you know that substance to be, in fact, a PCB-containing substance?

A. No.

Q. Mr. Papageorge, if I could direct your attention to the document marked as Exhibit 53, and further directing your attention to the second paragraph of Exhibit 53, the final two sentences of that paragraph, beginning with the words, "Paul also," if you could, just read those two sentences to yourself.

A. I have read them.

Q. Did you have an understanding that as of October 13, 1971, Monsanto would sell only to those companies that policed themselves in the proper use of

WATER_PCB-SD0000069091

dielectrics containing PCB and the resultant waste material?

MR. CONNELL: Object to the form of the question.

MR. WINSLOW: Grounds?

MR. CONNELL: Leading the witness.

MR. WINSLOW: Cross-examination.

A. I did not.

MR. CONNELL: The answer was you did not?

THE WITNESS: I didn't have that understanding.

Q. (BY MR. WINSLOW) Did Mr. Benignus use words to that effect, that is, the final two sentences of paragraph 2 of Exhibit 53 at any time in your presence?

A. No.

Q. So, your understanding was that Monsanto would continue to sell Aroclors to companies it determined had not properly policed themselves in the proper use of Aroclors or the resultant waste material?

MR. KENNER: Objection.

A. Yes.

Q. (BY MR. WINSLOW) Mr. Papageorge, if I may direct your attention to the document marked as Exhibit 54, with reference to the visit that is memorialized in this exhibit by Mr. Benignus and Mr. Bryant, did you ever

WATER_PCB-SD0000069092

have any conversation with either Mr. Bryant or Mr. Benignus in which they told you in effect that if gross PCB contamination is traced back to Aerovox, Monsanto would suspend all sales of Aroclor to Aerovox?

MR. KENNER: Excuse me, Mr. Winslow. Could you refer to the section?

MS. ROBERTSON: It's the last sentence.

MR. WINSLOW: On page 2.

MR. KENNER: Thank you.

Q. (BY MR. WINSLOW) Mr. Papageorge, was it your understanding at any time from any source that if gross PCB contamination was traced back to Aerovox, that Monsanto would suspend all sales of Aroclor to Aerovox?

A. No.

Q. If I could direct your attention, sir, to the document marked as Exhibit 56 for identification, that document is a form letter written by Monsanto Company?

A. Yes.

Q. Did Monsanto keep a correspondence log or document indicating who was sent that letter and the date on which each person was sent that letter?

A. Yes.

Q. And kept a -- okay. Strike that. Where is that document located?

A. I don't know.

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Q. Who kept that document? Who compiled it? Strike that. Who compiled that document?

A. I don't know the individual that compiled it.

Q. Do you know what unit or division within Monsanto was responsible for compiling that document?

A. It was in the functional fluids business group.

Q. Have you ever seen such a document?

A. Yes.

Q. When did you first see that document?

A. I saw a document fairly late in 1972. I do not believe it was a complete list.

Q. Who showed you that document, if anyone?

A. It was not a formal situation. It was a casual discussion with somebody in the marketing group. I don't recall.

Q. How many pages is the document?

A. I really don't remember.

Q. Do you recall whether it was more than one page long?

A. Not really. See, I had nothing to do with it, so I didn't pay much attention.

MR. WINSLOW: Off the record.

(Brief recess held.)

Q. (BY MR. WINSLOW) Mr. Papageorge, directing

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your attention to the document marked as 53 for identification --

A. I have it.

Q. -- and further directing your attention to the second page of that exhibit, the paragraph beginning with the digit "2," what is the answer to the question that was put to you by Mr. Buttle at that time?

A. I don't recall my answer.

Q. Based on your present understanding of who Monsanto's companies were that used the Aroclors identified in that paragraph, do you have an answer today to that question?

A. I don't know that I ever memorized the full list of customers. I can't respond. I just don't remember.

Q. What are the -- strike that. What were the circumstances of Mr. Stewart's departure from Monsanto's employ, if you know?

A. He retired.

Q. How old was he when he retired?

A. I don't know.

Q. Was he over 60?

A. I don't know.

Q. Mr. Papageorge, you had earlier described a meeting in which Francis J. Fitzgerald read a prepared

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announcement in Washington and that some of Monsanto's customers were present at the time that statement was read. Which of Monsanto's customers were present at that meeting?

A. I don't remember all of them.

Q. Which of those were there that you do remember?

A. I do remember only two: General Electric and Westinghouse.

Q. Do you remember whether any representative from Aerovox Industries, Inc. or Aevorox Corporation was present?

A. I do not remember.

Q. Is R. G. Potter still an employee of Monsanto's?

A. Yes.

Q. What is his or her present position with Monsanto?

A. Mr. Potter is president of Monsanto Chemical Company, an operating unit of Monsanto Company.

Q. What is his first name?

A. Robert.

Q. Before becoming president of Monsanto Chemical Company, is it --

A. Yes.

WATER_PCB-SD0000069096

Q. -- was Mr. Potter the director of the Monsanto functional products division?

A. Back in 1970's, yes.

Q. Directing your attention to the document marked as Exhibit 76 for identification, do you know whether the call memorialized in that exhibit was a telephone conversation or a personal visit?

A. It's my understanding that call reports are made on personal visits. They are not telephone calls.

Q. And that is true of all Monsanto call reports to your knowledge?

A. To my knowledge, yes.

Q. Did you ever have any conversations with either Mr. Alley or Mr. Paton regarding the subject of the October 13, 1976 call memorialized in Exhibit 76?

A. No. I was no longer involved.

Q. Directing your attention to the second page of this exhibit, the fifth paragraph down from the top beginning with the words, "Cliff wants," did you before you stopped your involvement -- strike that. Before your involvement with the PCB aspects of Monsanto's products stopped, were you familiar with the objectives of Monsanto's decontamination program of its plant?

A. No.

MR. CONNELL: Object to the form of the

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question.

MR. WINSLOW: Grounds?

MR. CONNELL: That you have not specified which plant of Monsanto your question refers to.

Q. (BY MR. WINSLOW) Let me put another question to you, Mr. Papageorge. With regard to the fifth paragraph of page 2 of Exhibit 75, do you have an understanding of what Monsanto plant is referred to in the first paragraph -- excuse me, in the first sentence of that paragraph?

MR. CONNELL: I object to the form of that question. I'm sorry. I withdraw that objection.

A. There was only one plant in operation at that time, so it must have referred to that plant.

Q. (BY MR. WINSLOW) What plant was that?

A. The Sauget, Illinois plant.

Q. Before you were no longer involved with Monsanto's PCB products in 1976, did you have an understanding of what the objectives were of Monsanto in decontaminating its Sauget, Illinois plant?

A. Yes.

Q. What were those objectives?

A. To remove PCBs from equipment and structural steel and concrete and whatever else is associated with a plant that's being dismantled to the point that they could

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be buried in an approved landfill.

Q. Was the Sauget, Illinois plant being dismantled at that time?

A. Not yet, no.

Q. The Sauget, Illinois plant is still in existence?

A. No.

Q. Is the physical structure of where the Sauget, Illinois plant was still in existence?

A. No.

Q. I might have misunderstood you. It has not been dismantled at this time?

A. It has been dismantled.

Q. Oh, it has. I'm sorry.

A. But the plant was developed in 1976 in anticipation of its use later, '77, '78.

Q. When was the Sauget, Illinois plant dismantled?

A. 1978.

Q. And did you have an understanding of what the objectives of Aerovox Industries, Inc. or Aerovox Corporation would be in decontaminating the Aerovox facility?

A. No.

Q. Did you have an understanding of what the

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objective of a capacitor manufacturer generally would be in decontaminating its plant of PCB presence?

A. No.

Q. Do you know how, if at all, Monsanto's objectives in decontamination differ from the objectives of a capacitor manufacturer's decontamination objectives?

MR. CONNELL: Object to the form.

A. I do not.

Q. (BY MR. WINSLOW) Do you have any recollection of the location of pipes -- strike that. Do you have any recollection of the location and size of pipes leading into or to the impregnation tanks at the Aerovox facility?

A. I do not.

Q. Who at the Aerovox facility told you what water discharges went from the Aerovox plant?

MR. KENNER: Could we have a time frame on this, please?

MR. WINSLOW: During his tour.

MR. McLAUGHLIN: Objection.

A. I don't recall any specific individual.

Q. (BY MR. WINSLOW) Are PCBs water soluble?

A. Up to a point, yes.

Q. Directing your attention, Mr. Papageorge, to the document marked as Exhibit 86 for identification,

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other than the date and the addressee and the indication of blind carbon copies in the lower left-hand side of the last page, is the document marked as Exhibit 06 a form letter that was written by Monsanto?

A. Yes.

Q. Who is B. H. Stevenson?

A. I do not know.

Q. Does the word "Holyoke" have any significance to you in terms of Monsanto's operations?

A. No.

Q. Did Monsanto keep a log of the persons or companies that were sent this form letter and the date on which each company or person was sent the letter?

A. I do not know.

Q. To your understanding, this form of a letter was sent to all customers of record of Monsanto that had purchased dielectric fluids containing PCBs?

A. No.

Q. What persons or category of persons received this form of letter from Monsanto?

A. This was sent to those customers who returned waste liquid PCBs to Monsanto for disposal in such a manner that it didn't -- that it fit the description of the letter of unsuitable drums or overfilled or containing solid materials. They didn't follow the instructions that

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we had given them.

Q. Do you know for a fact that this form of letter was not sent to all persons or companies that returned PCB waste products to Monsanto for disposal?

A. That is true, yes.

MR. WINSLOW: Could I have the last question, please, read back?

(Reporter propounded previous question and answer.)

Q. (BY MR. WINSLOW) How do you know that?

A. Well, the one, the example that vividly is in my recall is that a company used their own tank truck to return liquid PCBs, did not involve drums, did not involve solid wastes. So, he did not get this letter. It would have made no sense receiving that letter. There were others that did use the appropriate heavyweight drum and labeled it properly and whatever it took to make a good shipment.

Q. Did Monsanto keep any record or documents of any kind which indicated which of the persons returning PCB waste products to it returned those products in unsuitable condition?

A. Yes.

Q. Have you ever personally seen that document?

A. I saw a list from the Sauget plant with

WATER_PCB-SD0000069102

markings on it relating to an acceptable method of shipment or packaging.

MR. WINSLOW: Off the record.

(Discussion held off the record.)

MR. WINSLOW: Back on the record. Mr. Oleskey, if we could ask that Monsanto undertake a search of its records and produce to us the document just described by the witness regarding Exhibit 86.

MS. OLESKEY: I've responded that we will take that under advisement.

MR. WINSLOW: Thank you.

MR. OLESKEY: I just don't know what the burden is involved for the people at Monsanto in a search.

Q. (BY MR. WINSLOW) Mr. Papageorge, you had previously described a sampling program by which Monsanto would receive effluent samples from customers for analysis, and identical samples were also sent to independent laboratories for analysis as well. Was there ever a correlation or a comparison done between the Monsanto analysis of the Aerovox facility effluents and the analysis performed by any outside laboratory of the Aerovox facility effluents?

A. I personally did not see such a correlation.

Q. Do you have any knowledge of whether the results of the Monsanto analysis were different from any

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independent laboratory's analysis of Aerovox effluent samples?

A. I don't recall any.

Q. Is it your experience as a chemical engineer that analysis results can vary depending on the methodology involved in performing analysis?

A. Yes.

Q. Directing your attention to Exhibit 95 for identification, the final sentence of that document, were you familiar with a particular methodology by which Monsanto requested its customers to calculate and report effluent sample analysis?

A. Yes.

Q. Could you please describe that methodology to me?

A. I don't know that I recall the specifics. I do know the methodology was adopted by the ASTM.

Q. What does that stand for, sir?

A. American Society for Testing Materials, which is a standards organization. And as best I remember, that methodology called for the measurement of the peaks in the graph that was plotted by the instrument representing each of the types of PCBs, and using the proper factors, convert that height to an amount of PCBs, and by dividing that amount of PCBs by the amount of total sample, we got

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the ratio that eventually was calculated in parts per million or parts per billion or parts per trillion.

Q. Did that methodology, to your knowledge, have a particular name?

A. Well, the title is something like the "Analysis of PCBs in Water," or "The Analysis of PCBs in Sediments," or "The Analysis of PCBs in Biological Samples." Those are not the exact words, but there are three methods that were developed with subjects similar to what I just described.

Q. And Monsanto recommended that one of those three methods be used by its customers in gathering and analyzing PCB effluent samples?

A. Yes.

Q. Would you please describe for me what the other two methodologies involved, beginning with the second?

A. The other methodologies had to do with sediment and with biological samples, which are fish tissues, poultry tissues and the like. The difference in the methodologies are primarily in how the sample is prepared initially to result in a liquid action tract upon which the PCB analysis is made that has to do with extracting the tissue or the soil sample or the sludge sample with an appropriate cleaning solvent. It describes

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the number of extractions that should be made, and how they shall be made, and how to concentrate the sample and to control the quantities so that calculations could eventually be made. I don't remember the exact terms, the procedure, but that's the substance of it.

Q. Were you familiar in 1974 with methodology that could be used for analyzing PCE content in a liquid effluent other than the methodology you have just described that was used by Monsanto?

MR. KENNER: Other than the three? Object to the form.

A. The only other method that I am personally aware of is a method whereby instead of the heighth of the peak, the total area under the curve that is plotted by the instrument is measured as indicative of the quantity of PCB in that sample, and there are factors that convert from score milliliters to parts per million in that sample.

Q. Okay. Just for the sake of simplicity if nothing else, I'll refer to those two methodologies as the peak methodology and as the total area methodology. Would you understand --

A. I understand.

Q. (BY MR. WINSLOW) -- that I'll be referring to them as that?

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A. All right.

MR. CONNELL: I object to your characterization of those methodologies for purpose of examining the witness.

Q. (BY MR. WINSLOW) Why did Monsanto choose to use the peak methodology rather than the total area methodology in recommending to its customers the means for analysis of effluent samples?

A. It's my understanding that some of the peaks possible are not truly PCBs. So, by measuring the total area under the curve, you might get an erroneous result, whereas if you concentrate on the specific peaks, the analytical chemist knows very well which of the PCBs are represented by the peaks and is certain that they are PCBs rather than some other interfering chemical.

Q. Some of these peaks that appear on a graph could, in fact, be false readings that, in fact, do not indicate PCB presence?

A. That is my understanding.

Q. And the analyses of those peaks by the analytical chemist involve to some extent an analysis of which of the peaks are false readings?

MR. CONNELL: Object to the form of the question.

A. Well, when the chemist uses the area under

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the curve, there is no judgment call. It's just, "I will look at the area under the curve." The judgment call comes when you select the prominent peaks and identify them as being truly PCBs and not some other material.

Q. (BY MR. WINSLOW) Is it also your experience as a chemical engineer that analysis results may vary depending on the type of analytical equipment used?

MR. CONNELL: Object to the form of the question.

A. It's possible, yes.

MR. WINSLOW: Grounds for the objection?

MR. CONNELL: Leading.

MR. WINSLOW: Cross-examination.

And is it also your experience as a chemical engineer that the results of chemical analysis may vary depending on how the sample to be analyzed is prepared?

A. Yes.

Q. Are you familiar with the term "control" as it is used in chemical analysis?

A. Yes.

Q. What does that term mean?

A. Generally, it means preparing a sample of known concentration of the material of interest and performing an analysis on that known sample along with the unknowns, using exactly the same procedures at the same

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point in time by the same analyst to determine any deviation that might occur to see if the final result is within an acceptable range compared to the known introduced initially.

Q. Do you know whether Monsanto used a control in performing its analysis of the effluent samples obtained from the Aerovox facility?

A. No, I do not.

Q. Now, you mentioned a moment ago the word "deviation" and also the term "acceptable norm." Directing your attention once again to Exhibit 95, does the term "deviation" mean that actual PCB content may vary from reported PCB content in that context?

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

MR. KENNEL: Objection.

A. Yes.

Q. (BY MR. WINSLOW) And with regard to the term "acceptable norm," does what is considered an acceptable norm vary from the subject of analysis, or is there a universal acceptable norm in chemical analysis generally?

A. It varies with the material being analyzed.

Q. Do you know if there is a universal acceptable norm for analysis of effluents suspected to contain PCB compounds?

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A. I have never heard of one.

MS. ROBERTSON: Off the record.

(Discussion held off the record.)

Q. (BY MR. WINSLOW) Mr. Papageorge, Monsanto's first awareness that PCBs were present in the environment caused Monsanto to learn that PCBs persisted in the environment; is that correct?

MR. KENNER: I object.

A. No, that's not correct.

MR. KENNER: Can we have that read back?

MR. WINSLOW: Well, I'll withdraw the question.

MR. KENNER: Okay.

MR. WINSLOW: I'll withdraw the question. I object to that question.

It's your understanding, Mr. Papageorge, as a chemical engineer and as one who has studied PCBs on behalf of Monsanto, that PCBs persist in the environment?

A. Yes.

Q. And Monsanto also knows that PCBs can accumulate in animals exposed to them?

MR. WEIR: I object.

MR. McLAUGHLIN: Object.

A. Some of the PCBs can, yes.

Q. (BY MR. WINSLOW) You also have testified at

WATER_PCB-SD0000069110

various points in your deposition that Monsanto has conducted toxicity studies regarding PCBs?

A. Yes.

Q. When was the most recent toxicity study of PCBs conducted by Monsanto that you know of?

A. I wasn't personally involved, but I understand after my involvement with PCBs terminated, there were some studies placed. I don't know the dates nor the specifics of those studies, but they were subsequent to the previous studies that I was discussing with others.

Q. Based on your discussions with others, did you come to learn the substance of those toxicity reports?

A. The earlier studies, not those after 1976.

Q. Okay. Thank you. How long were you at the meeting of the EIA PCB ad hoc committee that you first attended?

A. I just don't remember. I think I was there for the full meeting, but I don't know how long it lasted.

Q. Do you know if Monsanto Company is covered by insurance for liability?

A. Not directly. I'm not involved with that, so I can't speak to it.

Q. Have you ever had any conversations with anyone at any time from Fireman's Fund Insurance Company

WATER_PCB-SD0000069111

regarding Aerovox Industries, Inc., Aerovox, Incorporated, or Aevorox Corporation?

A. No.

Q. Have you ever had any conversation with anyone from Fireman's Fund Insurance Company regarding PCBs?

A. No.

Q. Do you know who at Monsanto would know of the existence of insurance policies pertaining to Monsanto for products liability?

A. It would be our insurance section.

Q. Your insurance section is located at the home office in St. Louis?

A. Yes.

Q. Have you ever had any conversations with William Sevenc or Gary Centola or anyone from the law firm of Rivkin, Radler, Dunne & Bayh before this deposition?

A. No, sir.

Q. What was Department 031 at Monsanto in 1971?

A. This was the department number assigned to the incinerator operation, PCB incinerator.

Q. Did the PCB incinerator operation have a supervisor or someone in charge of it in 1971?

A. In 1971, it was under the supervision of the producing department. At that time it was referred to as

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Department A-246, as I remember correctly. Later it was given its own number, 831.

Q. When was the incinerator operation assigned the department number 831?

A. Oh, I don't remember.

Q. Do you recall whether it was before 1975?

A. Yes.

Q. Do you recall whether it was befor 1973?

A. It's about 1973.

Q. Directing your attention to the document marked as Exhibit 108 for identification --

A. I have it.

Q. -- which members of the Monsanto medical department assisted in preparing that document?

A. Elmer Wheeler, Dr. Kelly to a very limited degree, and that's all.

Q. Which members of the Monsanto manufacturing department assisted in preparing that document?

A. I don't believe I recall the speciric individuals, but it was the plant superintendent in charge of the PCB unit and the director of manufacturing responsible for that plant, and he is located in St. Louis.

Q. Do you remember the names of any of those people?

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A. I believe the director of manufacturing or manager of manufacturing -- I'm not sure of the title today -- was J. R. Savage.

Q. Is Mr. Savage -- or is it Miss? Is it a man? Is J. R. Savage a man?

A. Yes.

Q. Is Mr. Savage still with Monsanto as an employee?

A. Yes.

Q. Which members of the research and development department assisted in preparing Exhibit 108?

A. Dr. Keller and Dr. Richard.

Q. Any others?

A. I can't recall any others.

Q. Is Dr. Richard still with Monsanto as an employee?

A. No.

Q. What is Dr. Richard's first name?

A. William.

Q. Do you know where Dr. William Richard now lives?

A. No.

Q. Do you know what Dr. Richard's last address was? Strike that. Did you ever know Dr. Richard's address while he was an employee at Monsanto?

WATER_PCB-SD0000069114

A. Not specifically.
Q. Do you know what town or city he lived in?
A. St. Louis area is all I know.
Q. What members of the Monsanto public relations department assisted in preparing Exhibit 108?
A. In 1973, I believe it was Dan Bishop.
Q. Any others?
A. At that point in time, no. It would be no others.
Q. And is Mr. Bishop still an employee of Monsanto?
A. Yes.
Q. Do you know where Mr. Bishop lives?
A. No.
Q. What members of the Monsanto legal department assisted in preparing Exhibit 108?
A. In 1973, it had to be either John Stapleton or Wayne Withers. I don't remember specifically which of the two.
Q. Are either of those gentlemen still employed by Monsanto?
A. Mr. Withers is still with Monsanto.
Q. Directing your attention to page 6 of Exhibit 108 --
MR. WEIR: Is that page numbered?

WATER_PCB-SD0000069115

Q. (BY MR. WINSLOW) -- page number 6, second from the end, the paragraph under the caption, "Is PCB Biodegradable?" With regard to the first two sentences beginning with the words, "I mentioned before" --

A. I see it.

Q. -- did you ever tell anyone from Aerovox Industries, Inc. or Aevorox Corporation that PCB isomers do degrade?

A. Yes.

Q. Did you tell representatives of Aerovox Industries, Inc. and Aevorox Corporation that on more than one occasion?

A. Yes.

Q. When did you first tell representatives of Aevorox Corporation or Aerovox Industries, Inc. that?

A. I believe it was the latter part of 1970, when we shared with them our results of the biodegradation studies we were conducting at that time.

Q. And who did you communicate that to at Aerovox?

A. I personally communicated that to Mr. Buttle.

Q. Were those biodegradation studies in writing?

A. We had summary sheets of the status of those studies prepared periodically that were given to customers, yes.

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Q. And have we reviewed with you those biodegradation written summary sheets during your deposition?

A. One of them, yes.

MR. WINSLOW: I would just like to ask on the record, Mr. Oleskey, if Monsanto could make a search of its records and produce to us the other reports produced by Monsanto regarding the biodegradation of PCBs?

MR. OLESKEY: Same response, sir.

Q. (BY MR. WINSLOW) When was the next time you told representatives of Aerovox Industries, Inc. or Aerovox Corporation that PCBs are biodegradable?

A. I don't recall the exact time and place.

Q. With regard to the first conversation you just mentioned that you had with Mr. Tuttle, where did that conversation occur?

A. Well, certainly at the plant in the June, 1970 meeting.

Q. And by the word "plant," you are referring to the Aerovox facility?

A. Yes.

Q. Was there anyone else present in the room during your conversation with Mr. Tuttle?

A. Yes.

Q. Who else was present in the room?

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A. I don't remember the group. It was a changing group, many people, several people.

Q. Was there anyone from Monsanto besides you in the room during your conversation with Mr. Tuttle?

A. Yes.

Q. Who?

A. Randall Graham.

Q. Did Mr. Graham participate in this conversation between you and Mr. Tuttle at that time?

A. Yes. The conversation was with everybody in the room, not just Mr. Tuttle.

Q. Can you tell me what Mr. Graham said regarding the biodegradation, if anything, of PCBs?

A. I don't recall him saying anything.

Q. On that subject, with regard to the next conversation that you had with representatives of Aerovox Industries, Inc. or Aevorox Corporation regarding the biodegradation of PCBs, who did you have that communication with?

A. The only individual I recall was Mr. Tuttle.

Q. Do you recall where that communication occurred?

A. Not specifically, no.

Q. Well, do you recall whether it occurred in New Bedford?

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A. I'm certain it was not in New Bedford.

Q. Do you recall the circumstances under which that conversation occurred?

A. The subject came up every time the EIA ad hoc committee met. Mr. Tuttle did come to St. Louis, and the subject was covered there. So, there were many opportunities at which Mr. Tuttle heard my status report on biodegradation. I don't remember the exact dates, nor do I recall the cities in which these were held.

Q. So, would every meeting of the EIA ad hoc committee that you attended at which representatives of Aerovox Industries, Inc. or Nevorox Corporation were also present, you would communicate to them the fact that PCBs were biodegradable?

MR. CONNELL: Object to the form of the question.

MR. KENNER: I object, too.

A. Yes.

Q. (BY MR. WINSLOW) You had earlier testified, sir, that you would keep the EIA ad hoc committee informed of developments regarding PCBs from time to time. Were those status reports in writing?

A. No.

Q. None of them were in writing?

A. I don't recall any in writing, no.

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Q. Is David Wood still an employee of Monsanto?
A. Yes.
Q. What is his present position with Monsanto?
A. I don't know the assignment.
Q. Do you know what division or group within Monsanto he works at?
A. The last I heard, he was in the international division.
Q. And does he work at the home office in St. Louis?
A. I don't know.
Q. Does Monsanto have an overseas office that includes its international division?
A. It has many offices overseas.
Q. Can you tell me the first name of J. C. Weber?
A. I don't know that I ever heard it. I don't know it.
Q. Do you know if a person, a man or a woman named J. C. Weber, now works for Monsanto, to your knowledge?
A. He no longer works for Monsanto.
Q. What was Mr. Weber's position with Monsanto before he left its employ?
A. I don't believe I know the exact title, but

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he was something like a manager of products safety in one of the divisions within Monsanto that sold marketed food grade chemicals.

Q. Do you know when Mr. Weber left Monsanto's employ?

A. I believe he terminated the end of November, 1985.

Q. Are you aware of the circumstances of his departure from Monsanto's employ?

A. Retirement.

Q. How old was Mr. Weber at the time he retired from Monsanto?

A. I do not know.

Q. Do you know if he was over 60?

A. I do not know.

Q. Do you know where Mr. Weber lives?

A. St. Louis area.

Q. Do you know what municipality in the St. Louis area he resides?

A. I do not.

Q. Directing your attention to the document marked as Exhibit 110 for identification, which I don't have --

MR. McLAUGHLIN: Off the record.

(Discussion held off the record.)

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Q. (BY MR. WINSLOW) Mr. Papageorge, further directing your attention to the third, fourth and fifth pages of that document, beginning with the caption, "Polychlorinated Biphenyl Waste Control and Disposal," did Monsanto keep a record -- strike that. You indicated previously that Monsanto sent the final draft of this document to its customers of record?

A. As best as I recall, yes.

Q. Do you recall when Monsanto did that?

A. I believe it was the latter part of 1972 or thereabouts.

MR. WINSLOW: If I could ask, Mr. Oleskey, for Monsanto to make a search of its records and produce to us the final draft of the document which is attached to Exhibit 110.

MS. OLESKEY: Same response.

Q. (BY MR. WINSLOW) Did Monsanto keep a document or correspondence log indicating the names of the persons or companies that were sent the final draft of this document and the date on which each company was sent that final draft?

A. I do not know.

Q. So your previous testimony that the final draft was sent to all customers of record of Monsanto is not based on your personal knowledge?

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MR. CONNELL: I'm sorry. Can I have that question back?

(Reporter propounded pending question.)

A. It's based on my understanding.

Q. (BY MR. WINSLOW) And you have no personal knowledge that all of Monsanto's customers of record received the final draft of the document appended to Exhibit 110?

MR. CONNELL: Object to the form of the question.

MR. KENNER: I object to it as to a personal knowledge.

A. That is correct.

Q. (BY MR. WINSLOW) You have mentioned earlier that you formed the opinion or made the observation that PCBs had entered into the sewers at the Aerovox facility based on your observations?

A. Yes.

MR. McLAUGHLIN: Objection.

MS. ROBERTSON: To the answer or the question?

MR. McLAUGHLIN: The question and the answer.

Q. (BY MR. WINSLOW) And you based your observation -- strike that. And you based your conclusion on the fact that there were openings in the floor in the

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Aerovox facility that you observed?

MR. McLAUGHLIN: Objection.

A. As best as I can recall, yes.

Q. (BY MR. WINSLOW) And if these openings in the floor, in fact, did not lead to the municipal sewer system, would you change your opinion as to whether PCBs were entering into the sewer at the Aerovox facility on Belleville Avenue?

MR. KENNER: Object to the form.

A. Well, I'd have to know more about where they do lead, so all I know is that it left that area, went under the floor somewhere.

Q. (BY MR. WINSLOW) Did you make any inspection of where, in fact, those openings led while you were at the facility?

A. I didn't make an inspection, no. I asked some questions.

Q. But you have no personal knowledge of where those openings led at the Aerovox facility?

A. No.

MR. WINSLOW: Off the record.

(Discussion held off the record.)

MR. WINSLOW: For the record, in view of the hour, RTE Corporation and Aerovox Corporation will suspend their examination of this witness until a later date to be

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agreed upon by counsel.

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WILLIAM B. PAPAGEORGE

Subscribed and sworn to before me this _____ day of _____, 1986.

My Commission Expires:_____.

_____

[Notary Public]

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NOTARIAL CERTIFICATE

STATE OF MISSOURI)
)
CITY OF ST. LOUIS)

I, KATHRYN T. O'NEILL, a Registered Professional Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that pursuant to notice there came before me at the law offices of Messrs. Lewis & Rice, 611 Olive Street, St. Louis, Missouri 63101,

WILLIAM B. PAPAGEORGE,

who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in controversy in this cause; that the witness was ther upon carefully examined under oath and said examination was reduced to writing by me; that the signature of the witness was not waived; and that this deposition is a true and correct record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of April, 1986.

My commission expires June 3rd, 1986.

_____
[Notary Public]

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