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IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CECIL SCOTT, ET AL	:	
V.	:	C.A. NO. B-84-1103-CA
MONSANTO COMPANY	:	

VIDEOTAPED DEPOSITION OF

DAN RUSSELL BISHOP

June 29, 1987
Bruntrager, Bruntrager & Billings
1015 Locust Street, Suite 1140
St. Louis, Missouri

Cheryll K. LeFevers
Texas CSR No. 1690/Notary Public
Nell McCallum & Associates
2900 Smith, Suite 104
Houston, Texas 77006

WATER_PCB-SD0000002208

APPEARANCES:

For the Plaintiffs:

MICHAEL A. POHL
ERIC NIELSEN
Gilpin, Pohl & Bennett
1300 Post Oak Boulevard, 24th Floor
Houston, Texas 77056

For the Defendant:

JONATHAN SHOEBOTHAM
STEPHEN S. ANDREWS
Woodard, Hall & Primm
4700 Texas Commerce Tower
Houston, Texas 77002

The Videographer:

JAMES HEIRONIMUS
Executive Services Group
P.O. Box 890306
Houston, Texas 77289-0306

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Videotaped deposition of DAN RUSSELL BISHOP, a witness called by the Plaintiffs, on June 29, 1987, at the offices of Bruntrager, Bruntrager & Billings, 1015 Locust Street, Suite 1140, St. Louis, Missouri, commencing at 12:45 p.m., before Cheryll K. LeFevers, CSR No. 1690 and Notary Public in and for the State of Texas, pursuant to Notice and Subpoena and the Federal Rules of Civil Procedure.

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P R O C E E D I N G S

THE REPORTER: Do you-all want signature?

MR. SHOEBOTHAM: Yes.

THE REPORTER: What about objections?

MR. POHL: Same stipulations. We're taking these by the Rules.

We had Noticed the deposition of those people from Monsanto who had met with Dr. Ward --

MR. SHOEBOTHAM: Is this on -- do you want this on the record?

MR. POHL: Yeah. This is what you and I talked about.

-- who had met with Dr. Ward Richter sometime in the 1970's and again in December of 1986. And I understand from Jon that nobody is being produced in response to that because you can't find anybody who met with him in the 1970's and the only people that met with him in the 1986 time frame are attorneys and you-all are claiming the work-product privilege as to those people.

MR. SHOEBOTHAM: That deposition Notice was served on us on Thursday, June 25th. We have not been able to determine what individuals, if any, met with Mr. Richter in the mid 1970's.

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As far as the individuals who met with Mr. Richter in December of 1986, it's my understanding that they were attorneys. And any testimony they might have to offer about that meeting would be their work product or would be covered by another exemption or privilege.

MR. POHL: If you do determine who it was that met with Mr. Richter during the 1970's, I appreciate your letting me know, though.

You want to go ahead and swear the witness, and we'll start this deposition.

(Discussion off the Record)

MR. SHOEBOTHAM: Before we begin, Mr. Pohl, let me discuss quickly the deposition Notices, along the lines of what we discussed this morning.

Mr. Bishop is produced here today in line with your June 11, 1987, correspondence. We received the deposition Notice, which has been marked as Exhibit 1, on June 25, 1987. It's my understanding that Mr. Bishop can speak to some aspects of Category Roman Numeral I-a, although not entirely. And Roman Numeral I-b, he is being produced in response to Roman Numeral I-b under the "Public Relations" portion of the Notice.

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As far as the documents, we have produced a box of documents here this morning in response to your June 11, 1987, correspondence. Those documents may or may not be responsive to portions of your June 19, 1987, correspondence and the duces tecum attached to Exhibit 1. However, we haven't had an opportunity to determine whether they're responsive or not.

And to the extent that a response to the June 19, 1987, correspondence and the duces tecum is required at this time, we would object that we haven't had sufficient time and notice.

MR. POHL: Jon, if you do find that there are documents that you haven't produced that fall within the scope of those two documents you're looking at, I'd appreciate you letting me know. And I have not had a chance to go through all the documents you produced today, but I do note that you did produce one full box full of documents this morning.

If you're ready to start, we can go forward.

MR. SHOEBOTHAM: Whenever you're ready.

(Shirley and Bishop Exhibit Nos.

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1 and 2 marked for
identification)

DAN RUSSELL BISHOP,
having been first duly sworn, testified as follows:

EXAMINATION BY MR. POHL:

Q. Would you state your full name?

A. Dan Russell Bishop.

Q. Mr. Bishop, by name is Mike Pohl. And I'm one of the lawyers in this case, and I represent the plaintiffs.

I would like to have a few agreements with you that will help us through this deposition.

A. Okay.

Q. First of all, if I ask you a question that is unclear to you or if I ask you a question that's garbled or I speak too softly or I speak too fast, I would appreciate your asking me to stop, having me rephrase the question, so that I can be absolutely certain that you understand every question that you give an answer to.

Can we have that agreement?

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A. Yes, sir.

Q. Also, I'd like you to answer audibly to each question; that is, do not answer by a shrug of the shoulders --

A. Right.

Q. -- or nod of the head.

A. Okay.

Q. I would also like to have an agreement with you that you will let me complete each question before you start to answer. And, by the same token, I will let you conclude each answer before I begin my next question.

Can we also have that agreement?

A. Yes, we can.

Q. Okay. Thank you.

You're here today to testify as the designated representative from Monsanto with regard to certain matters pertaining to public relations; is that correct?

A. Yes, it is.

Q. Okay. In preparation for today's deposition, have you reviewed any or all of the prior deposition testimony in this case?

A. No. No, none of it.

THE REPORTER: Sir?

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THE WITNESS: "None of it."

Q. (By Mr. Pohl) During the deposition, you'll have to speak up a little bit. I know the air conditioner -- conditioning vent is blowing, and the court reporter must hear both my question and your answer so she can take it down with her transcribing machine.

In preparing for today's deposition, did you have a chance to consult with Monsanto's attorneys?

A. Sure, yes.

Q. Do you understand that your testimony is under oath?

A. Yes.

Q. And that you're sworn to tell the truth, just as if you were in the courtroom today in front of the judge and jury?

A. Absolutely.

Q. Okay. Give me a brief, thumbnail sketch of your educational background.

A. I have a Bachelor of journalism degree from the University of Missouri, graduated in 1956.

Q. Any postgraduate work?

A. No, sir.

Q. Would you give us a brief, thumbnail sketch

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of your employment history?

A. Following graduation from college, I served six years in the United States Marine Corps as a pilot. I then worked for five months for Southwestern Bell Telephone Company; followed by two years with Los Angeles Airways in Los Angeles, California. And then I returned to St. Louis with Meloncrot Chemical Works and worked there until 1966, when I joined Monsanto Company.

Q. What year did you first start with Monsanto?

A. 1966.

Q. Okay. And in what position were you hired?

A. I was hired as manager public relations for Monsanto's agricultural division.

Q. And what is your position now?

A. I am director public affairs for Monsanto Chemical Company.

Q. And who do you report to?

A. I report to Mr. David Sliney, who is vice-president corporate marketing and vice-president Monsanto Chemical Company.

Q. Okay. Can you spell his last name?

A. S L I N E Y.

Q. Is Mr. Sliney the person that would be the

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highest person in public relations for all the Monsanto companies?

A. Mr. Sliney is not in public relations.

Q. Okay. Who is --

A. He is --

Q. I'm sorry.

A. I'm sorry.

Mr. Sliney is corporate vice-president and vice-president marketing for the chemical company unit of Monsanto Company.

Q. Is there a person that is the chief person in charge of public relations for Monsanto?

A. Not any longer.

Q. Was there?

A. Sure. Yes.

Q. Who was that?

A. Well, there were several during the period that I was -- that I have been with the company. When I joined the company in '66, the director of corporate public relations was Dan J. Forestall. He -- he retired in the early or mid Seventies -- I don't recall exactly when -- and was replaced by -- or succeeded by Mr. James E. McKee, who then retired at age 65 in -- I think it was 1980, and replaced by Mr. Jon Hussey, who left the company two years ago.

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Q. And I take it no one replaced Mr. Hussey?

A. We -- we reorganized. And as a party -- as a part of the reorganization, each individual entity now has its own public relations responsibility. And I head up the responsibility for the chemical company.

Q. Chemical company?

A. I have a counterpart in the ag company and with some of our other subsidiaries in other units.

Q. And in the -- in the 1970's, what was your job at Monsanto?

A. I had several jobs in the 1970's.

Q. Tell us about each one of those, starting with the earliest.

A. The earliest job in the Seventies was as manager advertising -- director advertising, public relations, and sales promotion for Astroturf surfaces until -- I think it was 1974. And from '74 to '75, I was manager of the corporate press relations in the corporate public relations department.

In 1975, I went to the unit that was then called "Monsanto Industrial Chemicals Company." I was there for two years. I went from that job in '77 to the company that was called

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"Monsanto Commercial Products Company." I was director of advertising and public relations in the Commercial Products Company for one year.

And then I went back to the corporate public relations department in 1978 as director of environmental communications. I held that position until January of 1985, when I assumed my current responsibilities with a nine-month period in 1982 that I was on special assignment in Brussels, Belgium, to reorganize Monsanto's European public affairs department.

Q. When did you first have any involvement as it pertains to PCB's and public relations?

A. When I went with the industrial chemicals company. I think it was 1975.

Q. Okay. Prior to that time, had there been anyone else who filled that role?

A. I don't -- I don't know who it would have been or whether there was anyone. I just don't remember or don't recall or didn't know. I had nothing to do with it.

Q. Are you still involved in the public relations aspect of PCB's?

A. Only in a very indirect way.

Q. And what way is that?

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A. Well, some of our plants have residual PCB contamination, a couple of them in the soil, from the use of electrical equipment back in the Seventies when it was common usage. And there's occasion where we get involved with the plant in making that information known to the community when we discover it.

Q. What is the job of the public relations department at Monsanto or the group of people who fill that function? What do you-all do?

A. Gee, we do all -- a whole host of things. That's a -- that's a really difficult question to answer.

Q. Let's try to narrow it, then.

A. Okay.

Q. For example, with regard to the chemical PCB's, what was your role?

A. My role was -- with respect to that, was to do several things: to disseminate information internally that appeared in the media; to keep people who had some involvement with PCB's informed of what was being said and done in the public arena; at the same time, it was to be the point of contact for the media when they had questions concerning PCB's.

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I wasn't the sole spokesman, but rather the first point of contact. If they needed to talk to somebody technical, I would sort it out and -- and direct them to the appropriate person. That was the major -- my major role -- and to translate technical language and reduce it to lay terminology so that people could understand it.

Q. Is that it?

A. Yes.

Q. In order to make decisions with regard to what information should be disseminated internally or in order to be the point of contact to people who made inquiries regarding PCB's, what kind of education did you receive from Monsanto with regard to that topic?

A. No formal education. I was on distribution lists for various internal documents from time to time over the years. I read a lot of -- of stories and articles about PCB's in the popular press. That's the extent of my education.

Q. Did anyone from Monsanto ever come to you and give you the history of Monsanto's use and the history of Monsanto's human health experiences with regard to PCB's?

A. The first of the use, yes. We put together

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a position paper, or a White paper, on PCB's that sort of took us through the whole history of our involvement with the product. And I was the one that was the editor of that document, putting together the history from information supplied to me by various Monsanto experts, technical experts, product management experts, historical information, things like that.

Q. And it was this White paper that you used as the source of your information that you would communicate to the media or others who might make inquiry?

A. Yes.

Q. Okay. Now, when did you edit the Monsanto White paper on PCB's?

A. The first one was somewhere in the mid Seventies. I'm not sure exactly when. It had to be in the '74, '75, time frame.

Q. Who was the principal author of the substance of the Monsanto White paper on PCB's?

A. The principal -- well, I was the editor.

Q. Yes, sir.

A. The information came principally from three people: Bill Pappageorge, David Wood, and George Levinskas.

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Q. As -- and it was that information that you obtained from those three sources, or those three persons, that you used by the mid 1970's to perform your function as one of the directors of public relations for Monsanto?

A. Yes.

Q. Okay. How often was that White --

A. For that specific issue, PCB's.

Q. Yes.

A. Yes.

Q. And -- and how often was that White paper revised?

A. I -- I don't really know. I -- I'm sure that I revised it at least once, but -- I know -- and I know that I did not revise it the last time it was revised, but I can't tell you how many times it's been revised over time.

Q. Okay. Now, is that White paper in the box of documents that your lawyer has produced in connection with your deposition today?

A. Yes, it is.

Q. Okay. Did -- was the one that actually gathered up these documents that pertain -- that portion of them that pertained to public relations, was it you?

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A. I don't know because -- no, it was not me. When I went to my new job in 1985, I didn't take along any old -- of my old files. I had no reason to. I left them behind in corporate public relations, in boxes. So, I -- I really don't know who did.

Q. Okay. Did you have a chance to look through the documents before the start of your deposition today?

A. No. Some of them, but not all of them.

Q. Okay. Now, in connection with the background information that you were provided with regard -- regarding the history of PCB's, that was the information you used to answer inquiries from the press or members of the public regarding PCB's?

A. Well, it wasn't the exclusive source of information; but it was to a large extent, yes.

Q. Okay. It was a principal source of information on PCB's?

A. Yes, it was.

Q. Okay. Now, in addition to the information that you received from Messrs. Pappageorge, Wood, and Levinskas in connection with the Monsanto White paper, did you make any independent inquiries yourself?

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A. No.

Q. Okay.

A. No.

Q. You relied on what they told you about PCB's?

A. Yes. I may have made inquiries to them in the course of putting it together, or I might -- I might have had to ask them for additional information about something I didn't understand so that I could write it in a way that it was understood and not unintentionally misleading.

Q. And as a person who majored in journalism and has specialized in public relations, what role do you play in editing a paper like the PCB White paper?

A. Well, generally I get a draft from -- from a technical source who makes the first stab at -- at the particular document. And I just try to improve the English, make it more readable and more understandable.

Q. Is one of the goals that you would have in editing papers for Monsanto to be sure that -- that the proper message is communicated to the reader?

A. My major goal is to ensure the dissemination of factual, accurate information, yes.

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Q. Okay. And what you try to do is make sure that you have a good mental understanding of the issue; is that correct?

A. Well, to the extent that my nontechnical background will permit.

Q. And then you try to take your understanding of the issue and you try to communicate in an honest and truthful way to whoever the reader might be?

A. Yes. And before I do that, though, I test it with -- with my contacts to make sure that I have, indeed, kept the -- the accuracy of the information.

Q. And who would the contacts be as impacts the PCB's?

A. The same -- the same ones I mentioned earlier.

Q. Pappageorge, Wood, and Levinskas?

A. Yes.

Q. Okay. And you used the word, in one of your answers, "not misleading." Would -- would one of the roles that you play be to make sure the wording was such that the average reader could comprehend it in a way that wouldn't be calculated to mislead that reader?

A. Yes.

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Q. Okay. And would that be important to you?
A. Yes, it would.
Q. Okay. And with regard to any chemical, no matter how dangerous or nondangerous it might be, you would want to make sure that, whoever the reader was, that they would be presented a full, fair, and accurate picture of that chemical's propensities?
A. Yes.
Q. Okay. And who did you anticipate the readers might be of information that was disseminated from Monsanto about PCB's?
A. Well, my -- my major audience was the news media, reporters that were calling, requesting information.
Q. So, that would be a direct source?
A. They would, then, use what information they chose to use from that, along with whatever else they had in the way of information, and do an article or a news release, whatever.
Q. Okay. So, then, the people that they would be -- their audience would be the general public?
A. Not always. Sometimes.
Q. Could be?
A. Sometimes it would be a trade journal; so, it wouldn't be the general public. It would be a

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particular segment of industry.

Q. I have just -- in thumbing through these documents your lawyer's provided this morning, I noticed there some articles and communications where "Wall Street Journal" --

A. Sure.

Q. -- and various magazines --

A. Right.

Q. -- and some newspapers?

A. Right.

Q. Correct?

A. Right. Right.

Q. And, so, the information that you would disseminate to the news media would be information that would go to people who had a special interest in a technical area and also to members of the general reading public?

A. Sometimes.

Q. And you knew that when you were disseminating the information?

A. Sure.

Q. Okay.

A. I knew that was possible.

Q. Right.

A. Absolutely.

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Q. And, in fact, you knew it occurred because it looks like you gathered up copies of the actual printed articles; is that correct?

A. Well, I -- when they appeared, I did. I also gathered up copies of printed articles where they did -- where we were not contacted, but that were on the subject, as part of my role to keep people informed internally.

I suscribed to clipping services, and we screened the clippings for information concerning particular issues, and PCB's was one; and I would circulate the information that the press was -- was saying about PCB's to people who had an interest internally.

Q. Okay. How did you accomplish that in your job? Did you have people, for example, who worked for you that were told to read a certain number of periodicals?

A. No. No, no. You can subscribe to clipping services, independent companies, and you can instruct them to clip all articles concerning whatever subject it is you want. And then you would get monthly reports from them with the clippings included.

Q. What clipping service did you use as it

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pertains to PCB's?

A. There were two that I can recall: Burrells and Bacons.

Q. Can you spell both names please, sir?

A. B A C O N S. And I believe it was B U R R E L L S.

Q. Okay. And where are they located?

A. I don't -- maybe New York. I'm not sure.

Q. Okay. And let me see if I understand this correctly. What you would do is say that, "My name is Dan Bishop and I work at Monsanto and I've got an interest in all articles that come out in the published press that pertain to PCB's. Would you clip those and mail them to me?"

A. We could -- we -- we probably would more narrowly define it. In particular I can remember in the -- in the days when I was manager of Astroturf P.R. We started out with that kind of an instruction and had to quickly change because we were getting boxloads of press clippings. Every time the word Astroturf was mentioned, we'd get an article and -- you know, at an expense of 50 cents a clipping or a dollar or whatever it is.

So, we -- we tried to more narrowly focus it. We might say, "Send us all articles

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concerning EPA pronouncements about something or other."

Q. Well, just as it pertains to PCB's, Mr. Bishop --

A. Uh-huh.

Q. -- when did you first start the practice of obtaining for Monsanto clippings of the articles that appeared in the press pertaining to PCB's?

A. I didn't start that practice. That practice has been in place ever since I can remember, before I came to Monsanto, and it's still in place. Everybody in the public relations function, at one time or another, subscribes to the clipping service. It's just a matter of maintaining information.

Q. Okay. I'm talking about as it pertains to PCB's.

A. Yes. That plus something else --

Q. So --

A. -- of importance.

Q. -- you've been with the company over 20 years --

A. Right.

Q. -- and Monsanto has been obtaining clippings from the public press on the printed

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matter that pertains to PCB's since before you came to the company?

A. I don't -- I don't know that for a fact. I know that when I -- when I went to my new job in the Industrial Chemicals Company, there was already a clipping service in effect that was tracking PCB issues because it had started to become an issue. We don't just routinely track everything. We only do it if it's -- if it's an issue.

Q. Okay. But as long as you can recall, PCB's have been an issue that you tracked through the media clippings?

A. No, not -- not necessarily. It was in effect when I joined the chemical -- MIC, Industrial Chemicals Company, and it was -- we clipped PCB clippings for the two years I was there.

I can't tell you for sure that they continue to clip them today.

Q. I see.

A. I just -- I just don't know.

Q. Okay. So, you don't know whether Monsanto is continuing the practice of --

A. No. No.

Q. Because --

A. I'm sorry. From time to time, we would

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cancel because we no longer have a need for -- for the press clippings or we would ask them to start up clipping things. If we introduced a new product, we may want to track the publicity that it -- that it is able to generate, for a period of time; but we don't leave that order in effect forever.

Q. With regard to the two services that you recall Monsanto having used to obtain clippings with regard to PCB's, what were the instructions?

A. Just to clip -- I -- I'm not sure specifically what the instructions were.

Q. As best you recall.

A. Clip anything concerning PCB's that mentions the name Monsanto.

Q. Okay.

A. That would be a typical request.

MR. SHOEBOTHAM: Mr. Bishop, do you recall that; or are you just guessing?

THE WITNESS: No. I think that's -- I -- I do recall that.

MR. SHOEBOTHAM: Okay.

THE WITNESS: I do recall that.

Q. (By Mr. Pohl) And then you would read those clippings as they came in?

A. I would glance through them. I wouldn't

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read every one -- every word. Frequently you would get 35 clippings that all said the same thing because it was a wire service story and they clipped it everywhere it appeared. So, I may -- I may send one along to a distribution list and throw the rest away, which was typical.

Q. Okay. And who would be the people that you would -- let me back up. Strike that question.

What you would do, then, is xerox copies of the --

A. Uh-huh.

Q. -- particular article that you found pertinent on PCB's --

A. Uh-huh.

Q. -- and you would send to various people in Monsanto employ?

A. Right.

Q. Okay. Who would those people be in the 1970's?

A. Well, the three I mentioned earlier; and I don't remember specifically who beyond that. At one time or another, there was probably other people that may have received them; but I don't remember who.

Q. And then sometimes you would write letters

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back to the newspapers or the magazines if you had some question about the article that they had published regarding PCB's?

A. Sure.

Q. And if you had a quarrel with them about the way they characterized PCB's, you would let them know about that, wouldn't you?

A. If it was inaccurate, I would. There were a lot of articles that I didn't care for the way they were characterized but I didn't challenge them because they were entitled to their opinion. But if it was a -- if it was a factual inaccuracy, yes.

Q. And some of the instances in which you challenged the newspaper articles would be if they referred to PCB's as a carcinogen?

A. That's true.

Q. Okay. Are there any other instances that you recall where you challenged the accuracy of a newspaper's or magazine's written statement regarding PCB's?

A. "Deadly toxic," a tag line, was one that was particularly disturbing because it's grossly inaccurate to refer to PCB's as "deadly toxic," based on everything I've ever been told and -- and read.

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Q. And what about "carcinogen," would the same be true, that that's just grossly inaccurate --

A. Yes.

Q. -- based upon everything that you've ever been told and read?

A. Yes. But "deadly toxic" was the most frequently used tag line that troubled us.

Q. Okay. Other than references in the published media to PCB's being a carcinogen and PCB's being a deadly toxic, were there any others that you took particular offense at or found objectionable?

A. Not that I recall offhand, no.

Q. Okay. And what -- as being -- being in public relations, you understand well the usage of the English language, correct?

A. I hope so.

Q. Okay. And what does "deadly toxic" or "deadly toxin" convey to the public?

A. I -- I don't know what it might convey to the public. It's just an inaccurate statement. The fact is that PCB's are classified as "mildly toxic" by the Professional Society of Toxicologists, and certainly that conjures up a different definition in most people's mind, I would think, than "deadly

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toxic."

Q. What is your understanding of the meaning of "mildly toxic"?

A. Only that it puts the product in a category with a number of other ingredients that -- some of which are ingested intentionally, like common table salt --

Q. I saw that --

A. -- like fuel oil, motor oil. They're in the same list that's published by the -- this Professional Toxicologists Society.

Q. I saw references in some of your documents to the fact that PCB's were equated with common table salt.

A. Uh-huh.

Q. That's one of the comparisons that -- that you liked to make back in the Seventies, when you were dealing with PCB's?

A. Well, it was -- it was an analogy that people could understand and relate to, and it was recommended by our technical experts that we use an analogy like that. Because I was looking for one to further elaborate on what "mildly toxic" was.

Q. And who was it that suggested to you that you compare PCB's to table salt?

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A. Well, it wasn't specifically table salt. It gave us several choices, and it was Dr. Levinskas.

Q. Okay.

A. He'd say you could compare it with table salt or motor oil.

Q. I saw in the documents references to the word "mineral oil"?

A. Mineral oil, as well. There's three different --

Q. The three different ones were table salt, motor oil, and mineral oil?

A. Uh-huh. Yeah. There were -- and there were a lot of others, but they would be products -- I don't remember what they were. But at the time I -- I recall that at the time they were products that the public wouldn't readily identify with, nor did I.

Q. Okay. Do you recall what any of the others were today?

A. No. No.

Q. So, the three products that you remember equating to PCB's in the 1970's were table salt, mineral oil, and motor oil?

A. Yes.

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Q. Okay.

A. We're talking about acute toxicity.

Q. All right. That's going to be my next question.

A. Yeah.

Q. And when you compare PCB's to table salt, you're referring only to the acute toxicity aspects, correct?

A. The immediate effects of ingestion.

Q. Sure. If you were to drink a glass of PCB's today or if you were to drink a glass of table salt, it would have approximately an equivalent acute effect?

A. I don't know that for a fact. I don't know what the range is within the classification of "mildly toxic." I'm not technically qualified to answer that.

Q. But -- but what you understood, as the person who had to disseminate information to the public, after having spoken to Dr. Levinskas; is that correct?

A. Would you restate that question?

Q. Sure. When you went to Dr. Levinskas, I think you indicated to me that you wanted to know the names of some things that were roughly

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equivalent --

A. Right.

Q. -- to PCB's on an -- on an acute-exposure basis, correct?

A. Right.

Q. Okay. And, so, what Dr. Levinskas said was that there were three things -- and possibly others that you can't recall today -- that would be roughly equivalent to PCB's on an acute basis?

A. Yes. Yes.

Q. Okay?

A. Right.

Q. And so that if you were to take a glass of PCB's or a glass of table salt and ingest those, they would have approximately the same effect?

A. No, that's not what that means at all.

Q. Okay. What does it mean?

A. There is a technical definition -- and I don't remember what it is; I just vaguely recall that there is one -- that -- that talks about specific amount that you ingest to get mildly toxic effects. And I would -- and I'm sure that it's less -- a lot less than a glass.

Q. Okay. And when you communicated with the news media or people who would call the company and

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have inquiries and if they asked for what you considered to be a comparison to PCB's, one of the names or one of the products that you identified for them would be common table salt?

A. Sometimes.

Q. Okay. Do you recall doing that?

A. Once or twice, probably, yes.

Q. I think you -- do you recall having written it in communications to the news media?

A. Yes, early on we did; and then we changed it to mineral oil or motor oil because it was something that was more liquid, more -- more comparable.

Q. And mineral oil would be like a common mineral oil that you would ingest?

A. There's several grades and forms of mineral oil, from my understanding.

Q. What about baby oil? Is it a --

A. No, I don't -- I don't know.

Q. Okay.

A. I don't know.

Q. Was there ever a time when you stopped using the comparison of PCB's and common table salt as being accurate?

A. Not as being accurate.

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Q. Okay. And that would be your position today, as well?

A. Yes.

Q. Okay. So, is it your testimony, then, that today, as we're sitting here giving this deposition, June of 1987, it would be accurate to compare the effects, the human health effects, of PCB's on the one hand and common table salt on the other?

MR. SHOEBOTHAM: I object to the --

A. I'm not qualified to answer that.

Q. (By Mr. Pohl) Okay.

MR. SHOEBOTHAM: I have two objections to the question. One is it misstates his testimony. His testimony was directed toward the acute toxicity of the substances. The second is Mr. Bishop points out he is not a technical person.

Q. (By Mr. Pohl) Okay. And I'm not asking you these questions in a technical sense. Understand me. I'm just asking you about the way that people who specialize in public relations, like yourself, communicate information to members of the press or members of the public.

A. Right.

Q. Do you recall approximately when it is that you began to prefer the comparison of PCB's to motor

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oil or mineral oil?

A. No, I don't.

Q. Okay.

A. Just evolved over time.

Q. And, so, when you were telling people that they could accurately compare PCB's to common table salt, for example, you were talking just about the acute effects of that exposure?

A. Yes.

Q. Okay. Did -- and you assumed that they understood that when they were making their inquiry?

A. Oh, it was clear.

Q. Okay.

A. From the discussion, sure.

Q. Do you have a recollection of having told any of these people about what the effects would be of a long term or chronic exposure to PCB's?

A. No. We didn't -- those were separate issues completely, and I wasn't talking about long-term or chronic health effects of PCB's in -- in the discussion about what it compares to in terms of its toxicity.

Q. Sure. What did you tell people in the press and people who would write in or call in with inquiries about the long-term effects of exposure to

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PCB's?

A. To humans?

Q. Yeah.

A. Whatever was in the position paper that was developed back in the mid Seventies. I don't recall exactly what we said. Basically, that it -- that there was no documented scientific evidence of long-term health effects, as I recall.

Q. Okay. So, what you were saying is that, so far as you knew, from what the people that you consulted with in Monsanto had told you, there were no long-term human health effects from exposure?

MR. SHOEBOTHAM: Mr. -- Mr. Bishop, I don't want you to guess or speculate on something if you're not sure about it or if you're memory is not clear. If you do recall precisely what was said to people regarding chronic toxicity, feel free to testify to that.

A. I don't recall exactly what was said. That's ten years ago.

Q. (By Mr. Pohl) Sure. And I'm just asking generally what was said.

A. Sure.

Q. What's your general understanding of what you told them with regard to the chronic long-term

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health effects of exposure? Is it, so far as you know, as far as you had been told, there weren't any long-term adverse health effects?

MR. SHOEBOTHAM: Again, Mr. Bishop, don't feel compelled to speculate or guess if you don't recall what it was that you told people regarding the chronic effects of PCB's.

A. I don't recall exactly what it was. It's in the files. Whatever we said in the position paper in the Seventies, we said in the Seventies. I haven't had that much involvement with it since, and I don't remember all the specifics about it. I really don't.

Q. (By Mr. Pohl) Well, I think you indicated at the first of your deposition you still dealt with PCB's --

A. Very -- very, indirectly, as I say. Actually, I don't personally handle it. I have a person reporting to me in a new job that was just created two months ago, and he has some responsibility for press relations with respect to PCB's that involve Monsanto Chemical Company plants.

Prior to that, we had no -- I've had no involvement, nor has anybody in our organization,

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since 1980 -- January of 1985. See, when I went to the new job in January of 1985 in the chemical company, a person that worked with me in the corporate department and handled, among other things, the PCB issue in the late Seventies -- I'm sorry -- in the early Eighties, stayed behind in corporate public relations and continued to have that responsibility.

A short time later, he went to a new job in the agricultural company; and there was really no one in corporate public relations that had that as a specific responsibility. We formalized it back into my organization just two months ago.

Q. And what was that man's name that left and went to the agricultural department?

A. Larry O'Neal.

Q. So, what you told members of the public or members of the media that would make inquiry at Monsanto was whatever it said in the Monsanto White paper with regard to the long-term health effects of exposure to PCB's?

A. If that was the question, yes, that would be essentially correct.

Q. Well, do you recall people having made such inquiries?

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A. Not specifically. The -- the questions on PCB's over time have become much less frequent from the media. In the early Seventies the media was very interested in the issue as it was emerging but the questions have fallen off greatly and you may get a simple question like, "Which Aroclor compound did you sell to a certain company?"

And I would go back to the product people and ask them if they had any information on that, and we would supply it. I mean, every question we got wasn't with respect to short- or long-term health effects or toxicity. There are a number of other questions that can be asked about PCB's.

Q. Okay. But do you -- but back in the 1970's, when you received these phone calls about the potential adverse health effects of PCB's, if somebody had just asked you the question, generally, "Would PCB's hurt you," did you assume they were talking about acute exposure or whether they were talking about long-term health effects?

A. You mean if a media person would ask?

Q. Yeah.

A. They wouldn't really phrase the question like that.

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Q. Give me some examples of how they would phrase it.

A. Well, they really wouldn't phrase it. What they would say, "The PCB's were characterized by so-and-so at the EPA as being 'deadly toxic.'"

And I would say, "Well, we don't" -- "the fact is that PCB's are not deadly toxic. They are classified as mildly toxic by the Professional Toxicology Society." And we would just go from there.

Q. Okay. And, so, what you would do, then, when you told them about "mildly toxic," you would be giving the comparison for episodes of acute exposure?

A. Not necessarily. It would depend on how far -- you know, a lot of them would just leave it at that.

Q. Well, as to those who wouldn't just leave it at that and they asked you what might be the long-term health effects of --

A. That's a -- that's -- that's not what they would -- that -- that's -- that wouldn't happen.

Q. Did it ever happen?

A. They wouldn't jump from that to -- not that I can recall, no.

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Q. No one ever made an inquiry to, however they might phrase it, no one ever made an inquiry to you about the subject of the long-term health effects?

A. No, that's not what I -- I'm sorry. That's not what I said, and that's not what I thought you were asking.

I thought you were asking that they would go from a question about the acute toxicity right into the long-term health effects.

MR. SHOEBOTHAM: Why don't you let Mr. Pohl go on ahead and restate his question?

THE WITNESS: Okay. Sure.

Q. (By Mr. Pohl) Sure. I don't want you to be confused.

What I'm asking you is -- and we'll break it down -- number one, did people inquire about the long-term health effects of exposure to PCB's?

A. I'm sure they must have at one time or another.

Q. What was your position with regard to that inquiry?

A. Whatever was said in the PCB background.

Q. What's your recollection of how someone in

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the news media, for example, would make an inquiry about that subject matter?

A. I can't remember the specifics of things that happened ten or twelve years ago about that subject. I'm sorry. I just can't.

Q. Okay. And how often did you deal with members of the news media or members of the public that might call in and have questions about PCB exposure?

A. How often?

Q. Yeah. How much of your time, for example, did it consume?

A. Very -- very seldom with the public. I can't even recall ever talking to a member of the public about PCB's.

Q. Well, you got letters from members of the public about PCB's, didn't you?

A. I don't remember.

Q. Well, there's some in your file; and we can go back over that.

What about from members of the media. Wasn't there a time when there was considerable concern not only about the health effects but also the environmental effects of --

A. The environmental effects were the first

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issue to emerge on the subject of PCB's in the time frame when I was in the industrial chemicals company and had responsibility for all their products, including PCB's, yes.

Q. Okay. And what was your position in public relations with regard to the environmental dangers of PCB's, if any?

A. That there was a growing body of knowledge that suggested that they were persistent in the environment and that precautions needed to be taken to ensure that they were disposed of in a proper way.

Q. Did you tell people that asked that PCB's could kill birds and fish?

A. No one asked me that.

Q. No one ever asked you that?

A. No one ever asked me that.

Q. If they had of asked you, what would you have told them?

A. That there is evidence to suggest that that has happened.

Q. Did it ever cause you any concern that if a product can kill birds and fish that it might hurt people?

A. That's something that you have to be

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concerned about, certainly --

Q. Were you --

A. -- to watch out --

Q. Were you concerned about it?

A. Yes, I was; but I was assured by our technical people that that wasn't a problem.

Q. Did you ask your technical people what their own experience had been with PCB's when they first embarked on the manufacturing of PCB's?

A. I didn't know who the first technical people were that embarked on it. That was back in the late Twenties, early Thirties.

Q. All right. You never -- did you ever independently make a study of what the effects --

A. No --

Q. -- of exposure would be?

A. -- that wasn't my job.

I'm sorry.

Q. Okay. I'm sorry. We overlapped a little bit.

A. I'm sorry.

Q. Did you ever make an inquiry yourself to see what the human health effects were to exposure to PCB's by the Monsanto workers when that -- when they first commenced making PCB's?

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A. I had no way or wherewithal to do that sort of thing; and it certainly wasn't in my area of responsibility, no.

Q. Did -- did you understand that Monsanto had purchased Swann Chemical Company that was the original manufacturer of PCB's?

A. Yes.

Q. And did you understand that Monsanto had acquired Swann Chemical Company's patent for the making of PCB's?

A. Yes.

Q. Okay. Did you understand that there were documents that were available to Monsanto which demonstrated the health effects associated with this very early manufacturing --

A. No.

Q. -- of PCB's?

A. No.

Q. Did you ever ask Dr. Levinskas or Mr. Pappageorge or Mr. Wood if they could provide you with any documents that would show what the effects were on the Swann or Monsanto workers from their early exposure to PCB's?

A. I didn't ask for documents, no.

Q. Did you ask them verbally?

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A. I didn't have to. They told me that --

Q. What did he did they tell you?

A. They told me that, based on our experiences, there was no -- no evidence to suggest that there was any concern on worker exposure.

Q. So, what you're telling me is that Mr. Pappageorge, Mr. Wood, and Dr. Levinskas told you, or represented to you, that from the very earliest exposures to PCB's there was no evidence of any adverse human health effect?

A. I don't know that I can say "from the very earliest exposure." We were talking in the time frame of the early 1970's, early to mid 1970's. I don't know that -- I don't recall anybody ever talking about any -- any exposure or anything earlier than that.

Q. All right. So, you don't have any recollection today of anybody at Monsanto ever having told you about any health problems associated with the manufacturing of PCB's in the 1930's?

MR. SHOEBOTHAM: That's not --

A. No.

MR. SHOEBOTHAM: That's not what the witness said.

MR. POHL: Okay.

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Q. (By Mr. Pohl) Well --

A. But it is true. I do not -- I do not -- I do not have any knowledge -- or I don't recall having ever had any knowledge about any health effects in the Thirties or Forties or Fifties.

Q. Okay. So, even as we speak today, in June of 1987 -- June 29th of 1987, you don't have any knowledge of ever having been given any information with regard to adverse health effects from the very earliest exposures to PCB's by Monsanto worker?

MR. SHOEBOTHAM: Well, Mr. Bishop told you that he knew about information contained in the various PCB White papers, all of which are in the file. And I think that topic is certainly addressed in the PCB White papers.

Q. (By Mr. Pohl) You can go ahead and answer.

A. I don't remember any -- ever hearing anything about health effects or lack thereof in any time period before the 1970's, when I got involved. I never heard of PCB's till I went to work for the Industrial Chemicals Company in '75.

Q. (By Mr. Pohl) Yeah. And you became educated on PCB's by what the company told you through the people you principally identified, who I

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believe were Pappageorge, Wood, and Levinskas?

A. That's basically right.

Q. Okay. And, so, you learned about it that way?

A. Yes.

Q. And you never learned that you can recall about any adverse health effects going back in the 1930's, for example?

A. No. No.

Q. And you're the kind of man that, if you had learned about any adverse health effects in the 1930's, you would have truthfully and accurately reported that to the media or whoever else might have made inquiry of you?

MR. SHOEBOTHAM: I object to the form of the question. It's vague. It's ambiguous. I'm not sure what you mean by it.

Q. (By Mr. Pohl) You can go ahead and answer it.

A. Well, I'm the kind of man -- I'm an honest person.

Q. Sure.

A. Yes. And I believe in disseminating the infection factually, yes. I had no knowledge of any health effects in the early Thirties, Forties,

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Fifties, or Sixties.

Q. And if somebody had told you about adverse health effects in the early 30's, for example, you would have truthfully and accurately passed that information on to someone who might have made inquiry of you?

A. I would like to think that if there were serious health effects with a product of ours in the Thirties, we wouldn't still be making it in the Sixties or Seventies.

Q. That's what you would like to think?

A. Yes.

MR. POHL: I'll pass the witness.

MR. SHOEBOTHAM: Okay. Let's take a break.

(Short Recess)

THE VIDEOGRAPHER: We've been off the record for a short break. We're now back on the record. The time is 1:56 p.m.

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EXAMINATION BY SHOEBOTHAM:

Q. Mr. Bishop, my name is Jon Shoebotham. I represent Monsanto Company. I'd like to ask you just a few questions about some of the testimony that you gave in answer to Mr. Pohl's questions.

A. Uh-huh.

Q. Let me ask you a few questions, if I could, about your background. Have you -- you provided some testimony regarding your background to Mr. Pohl. Have you ever had any kind of a chemistry background?

A. No, sir, none.

Q. Have you ever had any kind of a toxicology background?

A. No, sir.

Q. You don't work as or you never held yourself out to be a toxicologist, have you?

A. No, sir.

Q. Have you ever had any kind of pharmacology background?

A. No, sir.

Q. Okay. So, you've never worked as or held yourself out to be a pharmacologist?

A. No, sir.

Q. Have you ever had any kind of a medical

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background?

A. No, sir.

Q. Okay. Your -- your background, as I understand it in answer to Mr. Pohl's questions, is in the area of journalism?

A. Journalism degree, University of Missouri.

Q. Right. And your work with Monsanto has been in the Monsanto public relations department?

A. Public relations and advertising --

Q. I see.

A. -- on and off.

Q. Now, in your work in the public relations department with Monsanto, do you work with technical people on technical issues --

A. Sure.

Q. -- that might arise?

A. Yes, sir.

Q. Okay. And I believe you told Mr. Pohl, in answer to some of his questions, that you worked with some technical people at Monsanto concerning the PCB issues?

A. Yes.

Q. Did you find that the technical people that you worked with at Monsanto concerning PCB's were open with you?

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A. To my knowledge, they were always very open and straightforward with me, yes.

Q. Did you find that the technical people that you worked with at Monsanto back in the mid Seventies would provide you for -- information that you asked for?

A. Yes.

Q. And was there ever an occasion when you went to the technical people at Monsanto and asked them for a question concerning PCB's that they didn't provide you the information you asked for?

A. No, never.

Q. Did you find that the technical people that you worked with concerning PCB's were cooperative with you?

A. Yes.

Q. And did you provide that -- did you find that the technical people that you worked with at Monsanto back in the mid Seventies concerning PCB's provided you with accurate information?

A. To my knowledge, yes.

Q. Now, that's been about 12 years or so ago that you worked --

A. Yes, it has.

Q. All right. So, that would be about 12

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years or so ago that you worked with those technical people concerning the PCB issues; is that correct?

A. That's the first association with them, yes.

Q. All right, sir. Is it possible that you discussed with those technical people at that time issues concerning PCB's that you, frankly, don't recall today?

A. Oh, yes, very -- very definitely. I know that I authored the first White paper. I haven't looked -- had occasion to look at it in years, and I don't remember what's in the White paper specifically.

Q. All right, sir.

MR. SHOEBOTHAM: I'll pass the witness.

Thank you sir.

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RE-EXAMINATION BY MR. POHL:

Q. Well, Mr. Bishop, I think you started working with PCB's 12 years ago; is that correct?

A. That's right.

Q. And during that time, not only did you help write the Monsanto White paper on PCB's, but I see here from some documents I've just seen you attended at least more than one luncheon program sponsored by Monsanto to discuss the PCB situation?

A. Luncheon program?

Q. Yes, luncheon program.

A. Would you elaborate, please? I don't recall a luncheon program. I'm sure there is one. I just don't know what it is.

Q. Sure. Here's one, for example, in which you were invited to attend in January, 1985.

A. Yes. Okay. Those luncheons were held very infrequently. More of them were canceled than actually went down -- occurred.

I don't remember anything specifically about it. But I do remember, now that you've shown me that, that there were occasional lunches.

Q. That's just --

A. I keep people up to -- updated on what was going on with a particular issue concerning PCB's.

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Q. So, Monsanto had a policy of trying to keep the people that were involved in PCB's updated --

A. Yes.

Q. -- on information?

A. That's correct.

Q. And that included you?

A. To -- to some extent we -- yes. I mean, it depended on -- my involvement was not as intense in the '85 time frame. I did not even have primary public relations responsibility for PCB's at that time.

Q. But at one time your involvement was more -- your involvement regarding PCB's was more active than it was in 1985?

A. That's correct.

Q. Yet in 1985, you were still being invited to luncheons sponsored by Monsanto for the purpose --

A. Yes.

Q. -- of discussing PCB's?

A. That's right.

Q. Okay. And during any of the meetings that you had with Pappageorge, Levinskas, or Wood or during any of the Monsanto-sponsored luncheons, did anyone at Monsanto ever tell you that Monsanto's

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earliest experiences with the exposure of its workmen to PCB's resulted in yellow dystrophy of the liver to some of the workmen?

A. I honestly don't recall that. I honestly do not recall that.

Q. Okay. Has anybody ever to this day told you that some of the long-term health effects of exposure to PCB's include liver damage?

A. I'm familiar vaguely with the health effects observed in the so-called Yusho incident in Japan. I read some of the accounts of that in the news media and I guess at one time or another saw a technical paper that was written on the subject that I was on the distribution for. And as I recall, people ingested great quantities of -- of contaminated rice oil and had some health effects, which it's my understanding they recovered from, that were reversible effects.

Q. Okay. And that included, I guess, the birth defects in their children?

A. To my knowledge, that's never been documented as being caused by the PCB's.

Q. Okay. Now, let's not focus on Yuchang and Yusho right now. I just want to know what Monsanto people told you about what they knew.

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Did Dr. Levinskas tell you, for example, that chronic exposure to PCB's can cause hardening or blackening of the fingernails?

A. No. I don't recall that ever being said to me.

Q. Okay. Did Dr. Levinskas tell you that PCB's can cause a swelling of the mucous membrane and impair the respiratory function?

A. No, not that I can recall.

Q. Did Dr. Levinskas ever tell you that exposure to PCB's can cause a swelling of the eyelids?

A. You -- you're citing a -- a litany of, I suppose, acute health effects from high exposure?

Q. No. I'm not limiting my questions to acute in any way.

A. Well -- well, then the answer, in any event, is "no." I don't recall ever being involved in a discussion like that with anybody.

Q. All right. Did Dr. Levinskas ever tell you that severe exposure to PCB's can cause gastrointestinal problems in human beings?

A. Not that I can recall.

Q. Did Dr. Levinskas ever tell you that severe exposure to PCB's can cause a change in the color of

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the skin?

A. The Yusho incident showed that. I don't recall anybody telling me, other than what I read in the Yusho incident report.

Q. But specifically, and again ignore Yusho and Yuchang for just a moment --

A. Yeah.

Q. -- did Dr. Levinskas ever tell you that -- that exposure to PCB's can cause a change in the pigmentation of the skin?

MR. SHOEBOTHAM: Mr. Bishop, I don't want you to feel like you have to answer Mr. Pohl's questions in a particular way that he tells you to ignore something that you know or don't know. With regard to these questions, too, if you don't recall one way or the other --

THE WITNESS: I -- yeah.

A. I don't recall. I just don't recall discussing those things with Dr. Levinskas. As far as I can remember, I did not discuss them; but I don't remember everything about what happened ten or twelve years ago.

Q. (By Mr. Pohl) Sure. Do you have any recollection today of ever having told anybody from the public that might inquire, whether they were

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from a magazine or whether they were from a newspaper or whether they were just an inquiring member of the public, that any type of exposure to PCB's could cause liver damage or gastrointestinal damage?

A. I don't remember.

Q. You don't remember telling anybody that?

A. I don't remember whether I did or didn't.

Q. Well, if you didn't think that it caused those problems, how could you have told them about it?

A. I didn't. I don't remember.

Q. So, you didn't tell them?

A. I don't remember.

Q. All right.

A. I just don't remember.

Q. Is it likely that you would have told them about a problem resulting from exposure to PCB's that you didn't know about?

MR. SHOEBOTHAM: Mr. Pohl, I object to the question. You're now to the point that you're badgering Mr. Bishop. He's told you that he does not recall whether or not he did convey that -- that type of information, and you're badgering him now.

Q. (By Mr. Pohl) Let me see if I can approach

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it this way, because I don't want to quibble with you.

If you had known in the 1970's that PCB's could cause gastrointestinal problems, for example, would you have told that to someone who inquired about it?

A. It's -- that's not a simple question to answer. It -- it -- you know, it depends on what the -- what the issue is. Every substance under certain circumstances can be harmful.

If you're talking about normal exposure to something in service, in commerce, or in the workplace -- and that's where the media was coming from. They weren't -- they weren't talking about what's going to happen to you if you fall into a vat of something. They're talking about what happens if a transformer explodes in the backyard of some residential home or if a worker in the workplace accidentally becomes exposed to a small amount of substance.

So, it's not a simple question to answer. You don't -- I couldn't begin to cite every known effect of every chemical at every possible exposure. So, it's always in context or in perspective.

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Q. But if someone had come to you and told you in the 1970's that PCB's could cause gastrointestinal problems --

A. If someone?

Q. -- in humans -- yes. If someone had told you, like Dr. Levinskas --

A. If someone in authority that I respected and who was -- I considered had expertise in the subject gave me a list of potential health effects of -- of something at some exposure level and someone wanted that information, we'd make it available.

Q. Okay.

A. Certainly.

Q. You'd want to pass along any information that could help the person who was making the inquiry?

A. Kept in perspective, yes.

Q. Sure. Because you wouldn't want to pass out any information that might mislead the inquiring person?

A. Absolutely not.

Q. And you wouldn't want to pass out to the inquiring person any information that might cause that person or someone else to suffer any kind of

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personal ill health as a consequence of the advice that you gave?

A. You mean anguish?

Q. Sure.

A. There was certainly a lot of that occurring in the media because of misrepresented information, inaccurate information, coming from other sources. It was my concern and one of my objectives to try to keep the information factual and set the record straight and to bring some kind of sanity back to bear on that subject.

Q. Sure. And if, for example, using your example, someone had called about a transformer explosion in their backyard and wanted to know, "Should we go out there and mop up this oil that spilled" --

A. Uh-huh.

Q. -- or, you know, "Is it okay for my kids to play in their sandbox that's next to the transformer that leaked the oil," what would you have told them?

A. I would have told them to avoid exposure to it and that -- to inform the EPA, who had cleanup procedures, and they would execute them immediately and that they should stay away from it.

Q. Okay. And what if they had told you that,

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"Well, little Tommy and little Susan had been playing there, in their sandbox, where the PCB oils had leaked or fallen," what would have you told them to do with regard to little Tommy and Susie?

A. I would have told them that I would have had them -- one of -- one of Monsanto's medical experts get in touch with them with recommendations immediately.

Q. And why would you have told them?

A. Because that's the an appropriate and responsible thing to say. We're not -- we never claimed that PCB's are innocuous, that they're just like water. We never said that. Anything, under certain circumstances, can be harmful -- almost anything.

So, it -- you know, prudence suggests that you err on the side of caution. You certainly don't want little children playing around any chemical.

Q. So, if you're going to communicate any information to the public, you want to err on the side of being most cautious; is that correct?

A. Cautious within practical boundaries, yes.

Q. So, if you were going to make any error one way or the other in the type of information that you

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were going to communicate, you would want to err on the side of absolute safety?

MR. SHOEBOTHAM: Your question, Mr. Pohl, had to do with children playing in a sandbox where -- that had been contaminated by a transformer. The witness told you that he would err on the side of caution in that circumstance and told you that he would direct that person to the Monsanto medical people.

I don't -- you're grossly over generalizing the things that he's saying. If you have a specific question to ask this witness, go on ahead and ask him a specific question; but let's get off of all these just sweeping generalities.

Q. (By Mr. Pohl) Well, I really was trying to get you to generalize. That was the purpose of my question, because I wanted to see if, generally speaking, that was your policy, in a very general way, to have a preference to err on the side of safety?

A. Certainly.

Q. Okay. No question about that, is there?

A. Not in my mind.

Q. Okay. And you'd indicated to me, I believe, earlier today that one of the comparisons

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that Dr. Levinskas had given you would be to compare exposure to PCB's to exposure to table salt; is that correct?

A. On an acute short-term one-time exposure basis, which is vastly different from -- from a long-term --

Q. Sure.

A. -- exposure.

Q. And would, then, the acute exposure of a child playing in the sandbox near a transformer who had gotten some of the PCB oils on their skin on an acute one-time basis be much like if that person reached into a sack of salt and got the salt on their skin on a one-time basis?

A. I'm not qualified to answer that question, and we're not talking about exposure. We're talking about -- toxicity is, in my mind, in my layman's mind, I'm thinking in terms of ingestion not skin contact.

Q. Okay. So, the correct comparison would be if little Tommy or Susie happened to swallow, get some on their hand and put it to their mouth and swallow some of the sand that had been exposed to the PCB's?

MR. SHOEBOTHAM: You're asking a

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medical question about that, Mr. Pohl?

MR. POHL: No. No.

A. I can't -- you know, I don't know what kind of concentration you're talking about. I just can't answer that question.

Q. (By Mr. Pohl) Okay. Are you familiar with what type of protective gear the EPA uses to clean up PCB -- PCB spills?

A. No, I'm not.

Q. Did you ever ask?

A. Did I ever ask? In the past, several years ago, I saw some news accounts where PCB contract employees showed up in protective gear to decontaminate some soil.

Q. Sure. And -- and they wore --

A. But they do that with lots of products. They're erring on the side of extreme caution to protect their contractors.

Q. Sure. They want to err on the side of safety, don't they?

A. They don't want -- yes. Yes.

Q. Okay. And -- and describe for the Court and jury this clothing that you were just telling me about.

A. Just boots, gloves, that sort of thing.

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Q. Well, I think the EPA uses an outside respirator?

A. I don't know that to be a fact with PCB's.

Q. Okay.

A. I really don't.

Q. You can't describe the clothing that the EPA used to clean up PC bills -- PCB spills any more specicfically than that they use boots and gloves?

A. Well, EPA doesn't really clean them up. In my -- it's my understanding they hire a -- a contract firm that -- who specializes in --

Q. Sure.

A. -- in decontamination or cleaning up spills.

Q. That's my understanding, too.

A. Yeah.

Q. And you were referring to an incident. I just wanted to get your recollection of what the type of protective clothing was.

A. Rubber boots and gloves and -- I'm not -- I don't recall any respirators. They may have. I just don't remember.

Q. What about a body suit, a rubberized body suit?

A. I don't know.

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Q. You don't remember that?
A. No.
Q. Okay.
(Discussion off the Record)
Q. (By Mr. Pohl) He's going to look for another document in your box. I want to go back for just a minute. Let me ask you about --
MR. SHOEBOTHAM: Let's go off the record while he looks for that.
MR. POHL: Sure.
MR. SHOEBOTHAM: Let me talk to --
MR. POHL: Okay.
MR. SHOEBOTHAM: -- Mr. Bishop for just a minute.
THE VIDEOGRAPHER: We're off the record.
(Short Recess)
(Bishop Exhibit No. 3 marked for identification)
THE VIDEOGRAPHER: We've been off the record for a short break. We're now back on the record. The time is 2:25 p.m.
Q. (By Mr. Pohl) Mr. Bishop, let me show you a document that's been produced in a box of documents which was handed to me by your lawyers

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today. On the bottom of the first page and commencing on the second page, it has four numbered paragraphs. Do you see those?

A. Yes.

Q. And they contain certain conclusions or statements with regard to PCB's?

A. Yes.

Q. And are those four statements consistent with your understanding of PCB's in the 1970's?

A. They're consistent with my current understanding. I can't -- I can't track how far back that -- that particular knowledge goes in every incident there.

Q. I see. So, to rephrase that slightly, you would agree with the four statements made on the first and second page of Exhibit No. 3 to your deposition?

A. Based on what I've been told by our technical experts, yes.

Q. Okay. And would you read No. 4 into the record, please?

A. I'd like to point out, first, that this document is dated April 5, '82, and I was in Europe on special assignment from February through November of that year --

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Q. Okay.

A. -- and had no involvement with PCB's whatsoever.

Q. Let me ask another question, then.

With regard to the four points which you've identified as being accurate, would you read to the Court and jury Point No. 4?

A. Right. Point No. 4: "The only proven adverse human health effects resulting from PCB's are two skin conditions, dermatitis and chloracne, which are reversible after discontinuance of exposure."

Q. Okay. And from what you've been told by the people in Monsanto that you have respect for and that you rely on, that's true today?

A. As far as to my knowledge, yes.

Q. Okay. Let me show you another document.

First, I'll ask the court reporter to mark it as the next numbered exhibit to your deposition.

(Bishop Exhibit No. 4 marked for identification)

Q. (By Mr. Pohl) This is Bishop Exhibit No. 4, which purports to be a letter of June 11, 1981. And I would direct your attention to an attachment

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to that letter that says, "PCB Hazards: Facts and Fallacies."

A. Uh-huh.

Q. And at the end it says, "For additional information contact Dan R. Bishop, director, Environmental Communications Monsanto Company."

A. Me.

Q. Let me pass this document to you and your lawyer and ask you, first, if you are familiar with it.

A. Okay. Yes.

Q. Okay. Did you write it?

A. I edited this document from information supplied me by our technical experts.

Q. That, again, is Mr. Pappageorge, Mr. Wood, and Dr. Levinskas?

A. Yes.

Q. Okay. There is a part in yellow that uses some of the almost identical language to what you've used in your deposition today. Do you see there, where I've highlighted it?

A. "PCB's are considered only mildly toxic on an acute basis when ingested by humans, about on the order as common table salt."

Q. Okay. Was that language that you either

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wrote or approved?

A. I did not approve that language. That language was given to me by the technical experts, and I incorporated that into this position paper.

Q. Okay. And I may have been inartful in the way that I worded the question. What I meant to say is: That was either language that you wrote in the position paper or someone else wrote it and you approved it?

A. I -- I didn't have approval power over technical information like this document. I would write it. Others would approve it.

Q. I see. As far as the language that you read about the effects of PCB's being compared to table salt, is that language that you wrote and others approved?

A. That's language that was given to me to describe the toxicity of PCB's from our technical people. The precise words are mine, but the information that enabled me to put those words to paper were theirs.

Q. Okay. I understand. And what was the reason for writing this position paper?

A. As I recall, it was to give the news media accurate information on the subject of PCB's to

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combat the grossly inaccurate information that was appearing from time to time in news articles.

Q. And you, then, took this position paper and disseminated it to the press?

A. Well, several people may have. And you can see here I didn't do it. Some other person that was at that time in public relations disseminated it to the press.

Q. Okay. For example, there's a letter attached where someone at Monsanto, for example, takes that position paper and sends it to a TV station?

A. That's correct.

Q. Okay. And what was the purpose in sending your statement about the facts and fallacies about PCB's to a newspaper -- to a TV station?

A. Well, it was one of two reasons: One, they would ask for information; and we would supply it. Two, we would send this to -- to reporters, news media people, who had already done articles which included inaccurate information or exaggerated statements based on either their own limited knowledge or information that they had been given by others with limited knowledge.

Q. So, if the TV station, for example,

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exaggerated the possible human health effects of PCB's and said, "This stuff is really dangerous," someone in Monsanto's employment might take your position paper, comparing PCB's to table salt, and mail it to that TV station?

A. The only time the reference to table salt had any -- any relevance was when we were talking in response to the tag line that they were deadly toxic. Deadly toxic.

Q. And my question was a little bit different, Mr. Bishop, and that is that if someone, in Monsanto's opinion, would misstate or overemphasize the possible adverse health effects of exposure --

A. Right.

Q. -- to PCB, then Monsanto would, as it did in this case, send a copy of your position paper to that TV station --

A. Yes.

Q. -- for example?

A. Yes.

Q. Okay. And the hope was that that TV station would then air commentary consistent with your position paper?

A. That -- the hope was that the next time that they dealt with an issue concerning PCB's, that

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they would have these facts included in the material that they were working with.

Q. Okay. And in connection with the printed media, you would actually author stories or articles that you would hope that the news media would adopt, either fully or at least in part?

A. No. We'd issue -- we issued some news releases from time to time when there was a significant event that merited the release of information. You know, the other time, we didn't -- I didn't author any articles that I tried to sell to the -- pedal to the news media, if you will. We issued straightforward news releases and occasionally a letter to the editor when there was an article or editorial that was inaccurate.

Q. Sure. And I've seen some --

A. Right.

Q. -- where you've criticized newspapers or magazines because you felt that they over emphasized the potential adverse effects of PCB's?

A. They clearly did. It was a factual situation where they clearly factually exaggerated or inaccurately stated some effect or another.

Q. And the more accurate statement of the effects of PCB's are what you put forth in your

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position paper attached to your deposition today, for example?

A. Well, that's -- I don't know if I could -- you know, I'd have to -- this is accurate information.

Q. Sure.

A. But so -- so may some of the information that they included in their stories. So, I'm not saying it's an either/or situation, it's either this or nothing.

Q. Well --

A. But if they're going to treat these particular subjects, this is accurate information.

Q. Is one of your jobs in public relations to influence public opinion?

A. No, not to influence public opinion. To give the public the facts, and they can make their own judgments. I have enormous confidence in the public's ability to understand an issue if they're given all of the facts, if they're given both sides.

Q. And is it your opinion, then, as one dealing in public relations that if you compare PCB's with table salt that will allow the public to draw such accurate conclusions?

A. On an acute toxic basis. It's more

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accurate -- it's accurate for the public to understand that its immediate toxicity is more like table salt than like cyanide or arsenic, which is deadly toxic. A very small quantity, and you're dead, yes.

Q. Well, okay. So, the answer to my question is "yes"?

MR. SHOEBOTHAM: I think he answered the question, Mr. Pohl.

Q. (By Mr. Pohl) Let me -- let's read back the question just to be absolutely sure --

A. Okay.

Q. -- that you're satisfied with your answer.

A. Would you read back the question?

Q. She will.

A. Okay.

THE REPORTER: Do you want the question and the answer both?

MR. POHL: Just the question.

MR. SHOEBOTHAM: I think he's satisfied with his answer. Mr. Pohl happened to be talking to his colleague at the time. So, I suspect he'll be satisfied with your answer --

Q. (By Mr. Pohl) Do you have any --

MR. SHOEBOTHAM: -- once he hears your

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answer.

Q. (By Mr. Pohl) Do you have any dissatisfaction with your answer --

A. No.

Q. -- Mr. Bishop?

A. No.

THE REPORTER: "QUESTION: And is it your opinion, then, as one dealing in public relations that if you compare PCB's with table salt that will allow the public to draw such accurate conclusions?"

Q. (By Mr. Pohl) Would it be fair -- would it be fair to summarize your answer as being "yes"?

A. No, it would not be fair to summarize my answer as "yes." I summarized my answer, and I would ask that it be read back --

Q. Sure.

A. -- if you'd like to hear it, because I don't remember word for word what I said.

Q. Let me see if I can approach it this way: You have great confidence in the public's ability to make correct decisions if they're provided accurate information?

A. Yes.

Q. Okay.

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A. Given all the facts.

Q. Given all the facts.

A. (Witness nods head)

Q. And, so, one of the jobs that you would have in public relations is to be sure that the public was given all the facts about PCB's?

A. All the relevant facts.

Q. Sure.

A. "Relevant."

Q. And they didn't just obtain facts from other sources besides Monsanto that would alarm them about the potential adverse health effects of PCB's?

A. Say that again, please.

Q. Sure. You were telling me earlier that it concerns you that they were receiving information from other sources that PCB's were highly toxic, or words to that effect?

A. Yes.

Q. And that concerns you because you felt that was inaccurate?

A. Yes.

Q. All right. And, so, you have great confidence that if the public were given access to all the facts they could themselves make the right decision?

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A. Yes.

Q. Okay. And, so, what you told them is what you've summarized here, in your position paper that's marked No. 4 to your deposition; is that correct?

A. That's one thing -- that's what we told them at that point in time. As the period evolved, we gave much more information than that. That was an early two-page, I think, summary. The more extensive background we also have somewhere in there, which is still being used, to my knowledge.

Q. Well, this -- this is not an early document, Exhibit No. 4. If you you'll look at the date, isn't it dated September, 1980?

A. '80. Well, I --

Q. Yeah.

A. That's seven years ago. So --

Q. Okay.

A. What I'm saying is that a good deal more information has been provided since that document was first --

Q. Sure.

A. -- developed.

Q. But 1980 was several years after Monsanto stopped manufacturing PCB's?

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A. That's correct, yes. Three or four, as I recall.

Q. So, in 1980, you were still telling people that -- or you were still comparing the effects of PCB's to common table salt?

A. I wasn't comparing the effects. I was comparing the acute short-term toxic effects of PCB's to a list of products which are listed as "mildly toxic" by the Professional Toxicology Association, to give them some reference point because there are several different degrees of toxicity and, certainly, something that's mildly toxic and is generally agreed to be mildly toxic by the toxicologists, professionals, of this country would hardly be deadly toxic. Yet "deadly toxic" was the characterization that was frequently used in news accounts as I viewed them.

Q. Okay. Well, that quote wasn't quite responsive to my question, at least I don't think it was.

Let me see if I can rephrase it this way: The only product that you compared PCB's to in your Exhibit No. 4 that you edited and/or authored was table salt?

A. At that point. I've also --

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Q. Do you see any others in here?

A. I've also compared it -- we have also compared it to motor oil. I know that. That's in our current -- I think that's in our current position paper.

Q. And mineral oil, you mentioned earlier?

A. Yes, I think so.

Q. And my question to you was only that -- that in this particular position paper that you have here --

A. Yes.

Q. -- the one thing you compare it to is table salt; is that correct?

A. On an acute toxicity basis; that's correct.

Q. Sure.

A. Yes.

Q. And you don't mention anything about any other products in here, do you, that you can recall?

A. No.

Q. Okay. And then based upon the information that the public would have from someone might alarm them by saying PCB's are highly toxic or a deadly toxin and your statement that it can be compared to table salt, for example --

A. Right.

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Q. -- from that your belief was that the public could draw its on accurate conclusions?

A. That's right. And table salt can be very toxic if you take a big dose of it.

Q. Okay. Now, you're familiar with the IBT criminal trial, aren't you?

A. Yes.

Q. And you issued a number of press releases --

A. Yes.

Q. -- pertaining to the IBT criminal trial?

A. Yes.

Q. We've got some of them here today. And you prepared an IBT position statement, didn't you?

A. Uh-huh. Yes, sir.

Q. Okay. And where did you get your information about the IBT criminal trial?

A. Most of the information was from our law department and from people like Dr. Roush and Dr. Levinskas.

Q. Okay. So, Dr. Roush --

A. As best I recall.

Q. Okay. The legal department, Dr. Roush, and Dr. Levinskas were the ones that gave you information regarding the IBT criminal matter?

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A. As best I can recall. There were others, but I don't -- I mean, that I talked to from time -- but I don't remember who they were.

Q. All right. So, let me see if I can summarize it this way and see if this is accurate.

There was a group of people that gave you information regarding the IBT criminal trial.

A. Right.

Q. Among those, there were three principal ones: Dr. Roush, Dr. Levinskas, and the legal department?

A. Yes, sir.

Q. Okay. Now, did you also have an understanding that a then current employee of Monsanto, Dr. Paul L. Wright, was indicted in connection with the IBT investigation?

A. Did I ever know that?

Q. Yes.

A. Yes, sir.

Q. Okay. What was the purpose of Monsanto issuing press releases with regard to the IBT criminal trial?

A. You'd have to -- can you narrow that question to a specific press release?

Q. We can. They're -- let me see if I can

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approach it this way: What was it about the IBT criminal matter, that you can recall, that would have been of interest to Monsanto?

A. Well, one of our products was involved in the -- as one of the issues in the trial and in the Grand Jury investigation, one of the products we submitted for test to IBT.

Q. Let me show you a position statement on IBT and ask if this is one that you authored or edited.

MR. SHOEBOTHAM: Mr. Pohl, is this your highlighting on these documents here?

MR. POHL: Yes, it is.

MR. SHOEBOTHAM: Okay.

A. I don't -- Mr. Pohl, I don't believe this is a document that I edited or really had anything to do with. From the looks of this, it appears to be a Monsanto Agricultural Products Company document and was, in my opinion, written by them.

Q. (By Mr. Pohl) Let me show you another document pertaining to IBT and ask if you can identify this document.

A. Yes, I can.

Q. Is that your signature on the first page?

A. Yes, it is.

Q. What was the purpose of authoring that

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document?

A. There was a "Wall Street Journal" article that appeared a short time before this document, which made some -- which quoted a Federal investigator, as I recall, with some very inaccurate and grossly misleading information concerning Monsanto Company and we were very concerned with the appearance of that -- that information. And we got a lot of follow-up phone calls from other media that saw the article in the "Wall Street Journal" and we put together a fact sheet to respond to other media calls and to try to set the record straight. And that was the purpose of this.

Q. Who was the Federal investigator to whom you make reference?

A. I don't remember.

Q. Paul Sharp?

A. I don't remember.

Q. Adrian Gross?

A. I don't remember.

Q. The first paragraph of your memo dated May 25, 1983, says, "FYI." Do you mean "for your information"?

A. Yes, sir.

Q. "Attached is our revised IBT statement

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deemphasizing the WSJ article."

A. Right.

Q. Is that the "Wall Street Journal" article?

A. Yes, sir.

Q. And why did you want to deemphasize the --

A. Well, that --

Q. -- "Wall Street Journal" article in your IBT statement?

A. The first statement we issued was in specific point-by-point rebuttal response to the "Wall Street Journal" article. In the next two weeks the -- the issue became such that the "Wall Street Journal" article was no longer the specific focus of the media calls; but, rather, they just wanted information.

So, we expanded it to go beyond the specific article in the "Wall Street Journal." And that's what I meant by "deemphasize," deemphasize the focus on a point-by-point rebuttal in the Journal story.

Q. You note on Page 5 of your memo that Monsanto vice-president chairman Louis Fernandez went a step further, branding statements made in May 13th article in the "Wall Street Journal" as "baldfaced lies."

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A. Absolutely.

Q. What was it in the "Wall Street Journal" article that Monsanto considered to be baldfaced lies?

A. I'd have to review the document to refresh my memory on exactly what it was. I haven't looked at this in some time. I don't -- the article is not in this document that you gave me; so, I can't speak to the specifics.

Q. Yeah. Have you had any contact with Dr. Wright in the last several years?

A. No, sir.

Q. Okay. Have you ever met the man?

A. Yes, sir.

Q. Okay. When did you meet him?

A. A few times in the mid to late Seventies, as I recall. He was not a person that I had normal contact with. I just knew him very slightly; talked to him a couple of times, as I recall. I don't even remember what the subject of the conversation was. I didn't know him very well at all.

Q. Okay. Did he office near you?

A. No, no. No, sir.

Q. Okay. How was it you happened to run into him?

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A. Well, if I may have called Dr. Levinskas for some technical information or to confirm something or to explain something to me and if Dr. Levinskas wasn't in or was out of town and I needed -- I couldn't wait for the information, it may have been -- I may have been referred to Dr. Wright as one of his associates who maybe could help me and maybe couldn't.

Q. In any of the press releases that you prepared in connection with the IBT matter, did you ever confer with Dr. Wright to get his understanding of the facts?

A. No, sir.

Q. Okay. Did you or the public relations department make any investigation as to the relationship between Monsanto and IBT in order for you to prepare your press releases?

A. The public relations department did not make such an investigation. There were -- there were management task forces that did investigate that, as best I can recall; but we didn't do it in the public relations department. That would not have been our role.

Q. And why did the management have a task force that investigated the relationship between IBT

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and Monsanto?

A. To sort out the -- the testing to see what -- what could be salvaged from the -- from the work that was being done there and what would have to be retested, as I understood it.

MR. SHOEBOTHAM: Did you have any personal involvement in that management task force, Mr. Bishop?

THE WITNESS: No, sir. I did not.

Q. (By Mr. Pohl) Did you refer to these validation efforts in your press releases, however?

A. I didn't; but one of my associates in public relations at about this time -- in this time frame of the "Wall Street Journal" situation developed -- several of them were developing companion pieces related to their areas of interest. You saw the earlier one from the agricultural company, that I had no involvement in. There was another one done by one of my associates, which is in your documents there, which listed the -- sort of the status on the tests that had been submitted to IBT, those that had to be redone, those that needed to be revalidated and whatever. I had no involvement in that myself, in putting that together or in seeking --

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Q. (Indicating)

A. Yes, the document you're showing me is what -- I recall that that was all part of the package that we put together at that time, but my involvement was in the two-page position paper that you talked about earlier.

Q. Okay. So, the investigational relationship between Monsanto and IBT was limited to Monsanto's efforts to validate as many IBT studies as they could?

A. I don't know what the -- what the investigation -- scope of the investigation was. I was not a member of the management team that looked into that.

Q. Well, who reported to you the fact that they were at least investigating the validity of IBT tests?

A. I don't -- that was generally known. It probably was an announcement -- as I recall, it was an announcement that was made internally when the team was formed.

Q. Did you receive any information from Monsanto about the nature of the relationship between Monsanto and IBT?

A. Any information? Sure, some factual

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information on -- which I needed to prepare this statement.

Q. Okay. So, that -- so, you were provided some factual information regarding the relationship between Monsanto and IBT so you could prepare press releases?

A. Yeah, information like how many products were being tested there and when -- when did we start our relationship with IBT and just general things of that nature.

Q. For example, that there were 670 different tests done by IBT for Monsanto?

A. I don't recall exactly. That -- as I said, that document was put together by someone else. I just knew we had a lot of products that we had submitted to the -- their laboratory for testing. And when the problems with IBT surfaced, it certainly created an awful lot of work for Monsanto and a lot of other companies that had products up there being tested, because we needed to sort out which ones were required by some Federal agency for -- for product safety or regulatory requirements and which ones we could salvage, which ones we had to start over somewhere else, and which ones had been done just for our own edification and therefore

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we could put down lower on the scale of priorities.

Q. In connection with the information you were provided in order to issue your press releases pertaining to IBT, did Dr. Levinskas communicate to you that he had attempted to -- he had attempted to validate a number of the PCB tests done by IBT?

A. No, sir. We weren't -- I wasn't involved with PCB aspects of IBT, only well after the fact. My involvement was with specifically the product TCC, which was the -- one of the -- one of the four or five products that were the focus of the Grand Jury investigation and the indictments that were handed down.

The only involvement I had with PCB's was -- was as simple press query after the fact, which asked -- I think there was an article in some news -- in some news magazine that inaccurately characterized a conversation Ralph -- I mean, Levinskas had with somebody. And I was asked to get together with him and prepare a response, which I did.

Q. Okay. What was the nature of the mischaracterization?

A. I don't remember the specifics of the issue now. I just remember that that was the only time

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that PCB's ever came up in anything I was doing with IBT, that I remember.

Q. Now, in connection with the information that was provided to you by people in Monsanto about the relationship between Monsanto and IBT --

A. Uh-huh.

Q. -- did any of those people discuss with you the fact that Dr. Paul Wright had been employed for a time by IBT?

A. I -- I was aware that he had been employed there, sure, because the Grand Jury was investigating him.

Q. Okay.

A. I mean, I knew it at the time the Grand Jury was -- was in session.

Q. Did anyone at Monsanto tell you that while IBT was conducting tests on Monsanto products employees of Monsanto frequently traveled to IBT's place of business and viewed their facilities?

A. Not -- no, not -- not that I can remember.

Q. Did you ever have an understanding of that one way or the other?

A. Not really. It wasn't anything I would have even thought about.

Q. Did anyone ever tell you that employees of

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Monsanto and employees of IBT had traveled together to places in this country and also to Europe?

A. No, sir.

Q. Okay. Nobody told you that?

A. No, sir.

Q. Okay. Did anybody tell you that employees from IBT had come to Monsanto's place of business here, in St. Louis, and visited Monsanto?

A. No, sir.

Q. Okay. Did anyone tell you generally the extent, in terms of dollar volume, of the business that was done between IBT and Monsanto?

A. No, sir.

Q. Okay. I've shown you a document Monsanto 076379. Does it refresh your recollection as to the total number of tests done by IBT for Monsanto?

A. As I stated earlier, I did not prepare this document, even though my name is on it. It was done by one of my associates while I was working on something else. But I certainly have no quarrel with any of this information, as I recall it at that point in time in 1983.

Q. Okay. Well, how many studies were done by IBT for Monsanto according to this document?

MR. SHOEBOTHAM: Mr. Bishop, you have

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already indicated to Mr. Pohl that you don't know.

THE WITNESS: Yes, sir.

MR. SHOEBOTHAM: Is that your answer to that question?

THE WITNESS: Yes.

A. I don't know for sure. I did not have any direct involvement with that, but I know we had several hundred studies. I don't know exactly how many.

Q. (By Mr. Pohl) Okay. Well, the reason is that, you know, the document states it was authored by you.

A. But it was not authored by me. It was authored by one of my associates.

Q. Well, why --

A. I don't really know why my name is on there. You know, I would be happy to admit if I authored it because it's -- it was straightforward, factual information, as I understood it. But I did not author the document.

MR. POHL: Would you mark it as the next numbered exhibit?

(Bishop Exhibit No. 5 marked for identification)

Q. (By Mr. Pohl) I've had the document that

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you've been referring to marked as Exhibit No. 5 to your deposition.

A. Sure.

Q. Do you see that?

A. Yes.

Q. Okay. And I believe, to summarize, even though the document purports to show you as the author of the document, you did not author Bishop Exhibit No. 5?

A. That's correct.

Q. Okay. Now, let me ask you if you're familiar with a press release regarding a study done by Dr. Renate Kimbrough. Are you?

A. I don't know.

Q. Did you author one?

A. I'd have to see it. I don't remember.

Q. Are you -- are you familiar with a Dr. Parvis Pour, P O U R?

A. No, sir.

Q. Are you familiar with a Dr. Renate Kimbrough?

A. Yes, sir.

Q. Okay. What is your familiarity with her?

A. She's is -- as far as I know, she's with the Centers for Disease Control in Atlanta and did a

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early rat study on PCB's that was the subject of much controversy in the mid Seventies.

MR. POHL: Would you mark this as the next numbered exhibit?

A. Dr. Pour, was he with -- with the Eppley?

Q. (By Mr. Pohl) Yes.

A. Yeah. He was with them. I do remember vaguely.

(Discussion off the Record)

(Bishop Exhibit Nos. 6, 6-A, and 7 marked for identification)

Q. (By Mr. Pohl) Let me pass to you Bishop Exhibit No. 6 and ask you if this is a memo that you authored.

A. Yes, sir.

Q. Does it pertain to a study by Dr. Renate Kimbrough on rats fed Aroclor?

A. Yes, sir.

Q. Okay. And did you prepare a proposed press release regarding that subject matter?

A. Sir, may I see that?

Q. Let me pass to you Exhibit 6-A.

A. Yes, sir.

Q. Okay. Where did you get the -- are you through?

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A. (Witness nods head)

Q. Where did you obtain the information, Mr. Bishop, that's made the subject of your proposed press release, which we've identified here today as Exhibit 6-A?

A. Largely from Dr. Levinskas.

Q. Okay. And what did Dr. Levinskas tell you about what Dr. Pour found?

A. As I recall -- what's the date on that, again?

Q. This is dated 1975. It says "Immediately 1975."

A. Right.

Q. I assume that means immediate press release.

A. Immediate, you can use it immediately on receipt, yeah.

Q. Yeah.

A. '75. As I recall we sent Dr. Kimbrough's slides of -- or had -- or she agreed to send her slides -- whatever was the case -- at Dr. Levinskas' instigation to the Eppley Institute, which was a very prestigious independent laboratory, for an evaluation or total review of her work. And that essentially was what we were describing in the news

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release, the results of his -- or his conclusions, his findings.

Q. And why was it that the news release was to coincide with Dr. Kimbrough's speech on the public -- speech in Chicago on the subject matter of PCB's?

A. To give another side to the issue.

Q. You refer to Dr. Pour in your news release as "Dr. Peter Pour"; is that correct?

A. I guess. If that's what it says. I -- I don't remember.

Q. Who told you what his name was?

A. I don't know.

Q. Okay. Did you ever talk to Dr. Pour?

A. No, sir.

Q. Okay. Did Dr. Levinskas indicate to you that he had talked to Dr. Pour?

A. I think so, either Dr. Pour or one of his associates. I'm not sure.

Q. And what was it about Dr. Pour's finding that was particularly important from Monsanto's perspective? Why did you want a news release issued about Dr. Pour's findings to coincide with Dr. Kimbrough's speech on PCB's?

A. Because Dr. Pour, as I recall, did not see

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the same effects that Dr. Kimbrough had said she saw.

Q. Okay.

A. So, we wanted to offer another view on something that was very inconclusive and controversial at the time.

Q. Okay. And did Dr. Levinskas tell you that he had had any other scientist look at Dr. Kimbrough's slides before he had Dr. Parvis Pour look at those slides?

A. It was -- I don't remember that exactly. I do remember that Dr. Pour was the only scientist that did a thorough review of Dr. Kimbrough's work. Whether there were other people that looked at aspects of it, I can't remember and don't recall.

Q. Okay. So, what you were told by Dr. Levinskas was that Dr. Pour was the one who had done the most thorough review of Dr. Kimbrough's work?

A. That's correct.

Q. And that he disagreed with Dr. Kimbrough's findings?

A. Basically that whatever -- yes.

Q. Okay. And --

A. In some cases. I don't think he disagreed

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with everything she said, as I recall.

Q. All right. Well, at least that he disagreed with the finding of carcinogenicity?

A. Yes.

Q. Okay. And that was an important point for Monsanto?

A. Certainly.

Q. Okay. Now, as to the others that looked at Dr. Kimbrough's findings, what did he tell you, if anything, about the substance of what they found?

A. I don't remember discussing with anyone, Dr. Levinskas or anyone else, whether or not anybody else looked at any aspect of the study.

I just know that Dr. Pour's work was characterized to me as a thorough review of all of Dr. Kimbrough's work and the only one that had been done thoroughly.

Q. Okay. And therefore, you felt confident in relying on what Dr. Levinskas told you about Dr. Pour's thorough analysis --

A. Yes, sir.

Q. -- of what Dr. Kimbrough had done?

A. Yes, sir.

Q. And, therefore, you had no hesitancy --

A. No, sir.

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Q. -- to place that into a news release and disseminate it to the public?

A. Not at all.

Q. Assume --

A. I mean --

Q. Assume hypothetically that Dr. Levinskas had had two other pathologists look at the same slides, both of whom had agreed in writing that the slides demonstrated carcinogenicity. If you had known that fact, would that have been part of the complete and accurate information that you would have wanted to disseminate to the public had you been told about it?

A. How do I -- I mean, I don't know how I'd respond to that question. It would -- I'd have to know a lot of facts that I -- that I don't know.

It would depend on the credibility of those people, their scientific credentials; whether they did a thorough job or whether they did a piecemeal job; whether they were just a quick-and-dirty analysis and an opinion; or whether it was -- you know, the -- all the -- all the technical things that one with a prestigious world cancer research center like Eppley would go through.

Q. You don't --

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A. You -- you just -- you don't -- you don't compare world class research by a famous person with a study done by a graduate student, for example, or offer one as a rebuttal to the other.

Q. Sure. I understand. And, so, what you're telling me is that if they had someone that did less than a thorough job -- I forget what words you used --

A. Yes.

Q. -- a haphazard --

A. No.

Q. Quick and dirty?

A. Less than thorough.

Q. "Quick and dirty" was, I think, the words you used.

A. I -- well, I meant less than thorough.

Q. Okay. So, then, if the other people did a less than thorough job, then there's no reason to report their findings in your proposed news release, is there?

A. No. You -- we -- we do not report findings that are not peer reviewed and do not accept findings that aren't peer reviewed. It has to pass that test, or it's really not a valid scientific study.

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That's what I've been told over the years, and I believe that. I can understand that.

Q. By Dr. Levinskas, for example; that's what he's told you?

A. Well, I -- yes, among others, certainly. I mean, that's fairly common policy and knowledge, I would think. And not only within Monsanto, but within the technical community in the United States and probably the world.

Q. Okay. So that the view that ought to be disseminated to the public would be that of the more qualified scientist who had done the most thorough study?

A. In other words, most studies -- yes, most studies that are published in technical journals have to go through a peer review process by other scientists who have credentials in that area of expertise before it can be published and given the authenticity, credibility, if you will. And that's the kinds of studies that Monsanto recognizes and the kinds of studies that we sponsor.

Q. Okay. And, so, you were relying on Dr. Levinskas to accurately and fully represent the facts to you?

A. Yes, sir.

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Q. And you relied on what Dr. Levinskas told you?

A. Yes, sir.

Q. And you were assuming that Dr. Levinskas had accurately told you what was the -- what was a thorough and well-considered review of Dr. Kimbrough's slides by someone else?

A. Yes, sir.

Q. And in Dr. Levinskas' opinion, the only one that he represented to you was Dr. Pour, who reviewed Dr. Kimbrough's slides and disagreed with her findings?

A. That's correct.

Q. And let me see if I can approach it this way: If there had been findings that were contrary to Dr. Pour's and they had not been quick and dirty, but had been very well considered, and had been conducted by one or more people that were very prominent in their trade and profession, is that the kind of information that you would have wanted to disseminate to the public?

MR. SHOEBOTHAM: I object to the question. It's been asked and answered. He told you it was a very complex question. It's a question that he would have to know the answers to a variety

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of different variables and I don't think it's that simple a question and I object to it on that basis.

MR. POHL: Sure.

Q. (By Mr. Pohl) You couldn't answer my question based on the information you have today?

A. Well, the way I would answer the question would be: If another doctor -- another scientist, with comparable credentials to those of the people at Eppley, came up with different conclusions, as well, that they would certainly be worthy of consideration, just as his should be.

Q. Yeah. And you would have expected Dr. Levinskas to tell you about that if that had happened?

A. If it had been a thorough evaluation. I did -- but he would not tell me about every partial or piecemeal less-than-thorough scientific observation.

Q. Okay. If it was less than thorough, you're satisfied in your own mind that you really wouldn't have to consider that in your position in public relations?

A. I wouldn't consider it a valid scientific information to communicate until it was peer reviewed and thorough.

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Q. And if it was a thorough analysis, then it's something that you should have considered?

A. Yes, it would have been.

Q. Okay.

A. And there were a number of analysis that -- that we have never used because we didn't consider they were thorough, although they would have supported our position on a matter -- on a given matter, but we wouldn't use them.

Q. Did Dr. Levinskas ever tell you that he had obtained a written report from at least two separate pathologists, named Donovan Gordon and Ward Richter, confirming Dr. Kimbrough's findings?

A. Not to my knowledge. Not to -- as best I can recall, no.

Q. Did Dr. Levinskas ever tell you that the reason he hired Dr. Parvis Pour was to try to find somebody who would criticize Dr. Kimbrough's findings?

A. No, sir.

Q. Did Dr. Levinskas tell you that he hired Dr. Pour after he had already personally looked at Dr. Kimbrough's findings in the presence of Drs. Squire, Gordon, and Richter, all of whom confirmed carcinogenicity in his presence?

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A. I don't remember that.

Q. He never told you that?

A. Not the best I can recall, no.

Q. Even to this day, he hasn't told you that?

A. No, sir.

Q. Okay. Let me hand you a document that's marked Levinskas Exhibit 15, which is a letter from Dr. Gordon to Dr. Levinskas, enclosing a written report from Dr. Gordon and Dr. Richter confirming carcinogenicity in the slides by Dr. Kimbrough and ask you if Dr. Levinskas ever to this day has shown you the documents I'm showing you now.

MR. SHOEBOTHAM: If you recall, Mr. Bishop; but please don't guess or speculate on something that you may or may not have seen 12 years ago.

THE WITNESS: No.

MR. SHOEBOTHAM: These documents are dated 1975.

A. To the best of my knowledge, I've never seen any of these documents or had any knowledge of that whatsoever.

Q. (By Mr. Pohl) Okay. One of the documents has a paragraph numbered 5 above the signature line of a man named Ward R. Richter, DVM, Diplomate

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American College of Veterinary Pathology. Would you read to the Court and jury the paragraph numbered 5?

MR. SHOEBOTHAM: Now, did you have anything to do with the writing --

THE WITNESS: No, sir.

MR. SHOEBOTHAM: -- of this, Mr. Bishop?

THE WITNESS: I had nothing to do with any of this. I've never seen it before.

MR. SHOEBOTHAM: Mr. Pohl, I think -- the document speaks for itself. I'm not going to allow the witness to read into evidence a document that he didn't author and had nothing to do with and which is a technical report.

MR. POHL: I've got you -- will you instruct him not to answer?

MR. SHOEBOTHAM: Yes, sir, I will.

MR. POHL: Okay.

Q. (By Mr. Pohl) Well, let me read the document. You tell me if I read it correctly.

"However, the lesions in Dr. Kimbrough's study were more severe than those in the Bio-Test study. The lesions that she and Dr. Squire are calling carcinoma are also carcinoma by my criterion. I would conclude from an examination

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of their material that Dr. Kimbrough's study demonstrated carcinogenicity," signed Ward R. Richter.

Did I read that correctly?

A. That's what -- you read the words that I'm looking at, yes, sir.

Q. And your testimony is that Dr. Levinskas never showed you this document, even up to this day?

A. That's correct.

Q. Okay. He never communicated to you the substance of the facts that I just read aloud to you?

A. I -- not that I can recall.

MR. POHL: Let's take a short break because his tape is out.

THE VIDEOGRAPHER: Off the record.

(Short Recess)

(Bishop Exhibit Nos. 8, 8-A, and 8-B marked for identification)

THE VIDEOGRAPHER: We've been off the record for a short break. We're now back on the record. The time is 3:27 p.m.

Q. (By Mr. Pohl) Mr. Bishop, the documents that I've just shown you and the one that I read a portion of have previously been marked as Levinskas

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Exhibit 15; and I've had the court reporter number those as Bishop Exhibit 8 and the attachments as 8-A and 8-B. Do you see that?

A. Yes, sir.

Q. Those are the same documents I showed you a moment ago, aren't they?

A. Yes, sir.

Q. Okay. Now, in discussing matters pertinent to IBT with Dr. Levinskas and in discussing with him the issue of PCB's and what you should put in your proposed press releases, did he explain to you his role in the IBT studies on Monsanto's Aroclor products?

A. Not -- no, sir, not as I -- best I can recall. My main interest in the IBT affair was in their product TCC, as I tested earlier. I wasn't even aware for quite awhile that PCB's were -- were ever studied at IBT. I mean, I wasn't involved in that. That wasn't an issue. The issue was the toxicity tests on TCC that were submitted to IBT.

Q. Okay. Now, let's not focus on the criminal trial at this point.

A. I'm talking about the Grand Jury.

Q. Sure. Or the Grand Jury.

A. Right.

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Q. Let me -- let me change gears, will you --
A. Yes, sir.
Q. -- and talk about something else.
In connection with the information that Dr. Levinskas provided to you about PCB's and the possible health effects of exposure to PCB's, did he ever indicate to you that IBT had done PCB studies for Monsanto?
A. Not to my knowledge.
Q. Okay.
A. Not as best I can recall.
Q. Did Dr. Levinskas ever tell you that he had asked IBT to change the wording of some of the conclusions of the Monsanto sponsored PCB studies?
A. The only knowledge I have of anything regarding that was an article that appeared in "Newsweek" magazine, as I recall, after the criminal trial was concluded, which referenced something about that in one of the documents that became public. And in my capacity, as director of environmental communications, I had occasion to talk with Dr. Levinskas about that point; and he explained to me that he did have correspondence with someone at IBT, that it was based on a request to have the reports consistently reported using the

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same apples-to-apples comparisons. And that was the subject of a letter we sent to "Newsweek," which they did not publish. And that's the only extent of my knowledge of that particular issue, that I can remember.

Q. Okay. So, you did have a conversation with Dr. Levinskas pertaining to a change in a Monsanto-sponsored IBT Aroclor study?

A. Well after the fact. Well, well after the fact, years after --

Q. Okay.

A. -- this apparently took place, yes.

Q. But he remembered having requested a change in one of the IBT studies --

A. Yes.

Q. -- when he talked to you?

A. Yes. As I recall, yes.

Q. Okay. And he had an explanation that appeared to be satisfactory to you for why --

A. Yes, sir. Excuse me.

THE REPORTER: Excuse me. You should let him finish.

THE WITNESS: I'm sorry.

A. I thought you were finished.

Q. (By Mr. Pohl) I'm sorry. Dr. Levinskas

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had an explanation as to why he had asked IBT to change one of the conclusions of its Aroclor study that appeared satisfactory to you?

A. It wasn't my understanding nor is it my recollection that he was asking anyone to change a conclusion, but rather to use consistent phraseology in describing the observations. That's -- that's what I recall.

Q. Your understanding is that he didn't ask them to change a conclusion?

A. No, sir, not a conclusion.

Q. Okay. He didn't tell you that he'd asked them to change a conclusion, then?

A. Well -- he -- it wasn't -- it wasn't something he told me. It was -- the "Newsweek" article said that he had asked someone to change the characterization of something that was observed in one study versus others because it was a -- it was using an apples-to-oranges comparison, and we wanted it to be apples-to-apples for consistency purposes. That's my -- my recollection.

Q. Okay.

A. Beyond that, I don't remember anything.

Q. Let me focus, then, just specifically on your conversation with Dr. Levinskas about this

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change in an IBT report.

A. Okay.

Q. Just that. Okay?

A. Okay.

Q. Okay. Now, did Dr. Levinskas tell you that he had requested a change in a conclusion of an IBT Aroclor study?

A. As I recall, it wasn't in a conclusion. It was in the way a particular thing was characterized --

Q. All right. And --

A. -- for consistency purposes.

Q. Yes, sir. And what I'm asking is a little bit different than that, and I just want to make it as simple as I can.

When you talked to Dr. Levinskas about a change in one of the IBT Aroclor studies, did he tell you that he had requested a change in one of the written conclusions of an IBT Aroclor study?

A. I've already --

MR. SHOEBOTHAM: That's the same question the witness just answered.

A. I think -- I tried to answer the question the best I can.

Q. (By Mr. Pohl) I just -- I apologize. I

WATER_PCB-SD0000002326

didn't understand your answer.

MR. SHOEBOTHAM: Let's read the answer back and let Mr. Pohl listen to it.

THE REPORTER: "ANSWER: As I recall, it wasn't in a conclusion. It was in the way a particular thing was characterized for consistency purposes."

Q. (By Mr. Pohl) Okay. Let me rephrase the question. I don't think that quite answered the point that I was trying to make.

Did you ask Dr. Levinskas in your discussions with him whether or not he had changed the written conclusion of an IBT Aroclor study? Did you ask that question?

A. It was not the issue.

Q. Did you ask the question?

A. No, sir, I did not ask the question.

Q. Okay. Now, number two, did Dr. Levinskas volunteer any information in his conversation with you about whether or not he had requested a change in the written conclusion of an IBT Aroclor study?

MR. SHOEBOTHAM: The question has been asked and answered.

Mr. Bishop, if you want to tell Mr. Pohl what your answer was again, feel free to do

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that.

A. My understanding was Dr. Levinskas asked that a particular finding be characterized in a consistent manner on an apples-to-apples comparison versus an apples-to-oranges comparison.

Now, that's the only way I know how to answer the question. That's all I know about it.

Q. (By Mr. Pohl) Okay. And where I think we're having a problem is I didn't ask you what your understanding was about what happened. I'm asking you what words Dr. Levinskas told you.

Did he tell you anything one way or another about his participation in the changing of a conclusion to an IBT Aroclor study?

MR. SHOEBOTHAM: Other than what he's just told you about?

MR. POHL: Yes.

A. Sir, I would just refer you, if I may, to the -- to the letter to the editor of "Newsweek," which I sent over my signature, based on conversation with Dr. Levinskas and information that he provided me. That essentially characterized what he told me and what I then transmitted to "Newsweek."

I don't remember the exact, precise

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words. It was several years ago, but I know it's a document that you have somewhere in there.

Q. Do you have any knowledge at all, from any source whatsoever, that would indicate to you that Dr. Levinskas requested that IBT change the wording of one of the conclusions of a Monsanto-sponsored Aroclor study?

A. Again, I refer you to the letter to the editor. That would summarize my knowledge.

Q. How many conversations did you have with Dr. Levinskas about a change in one of the IBT Aroclor studies?

A. As best -- best I can recall, one.

Q. Just one conversation?

A. One conversation.

Q. Did it take place at Monsanto's offices here in St. Louis?

A. Yes, sir.

Q. Okay. Do you recall about what year?

A. It was at the time the news media -- following -- immediately following the appearance of the "Newsweek" article, as best I can recall.

Q. Did he indicate to you the number of reports that he had asked to change in one way or another?

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A. No, sir.

Q. Did you ask him?

A. No, sir.

Q. Did you have any independent understanding of the number of reports that he had had changed?

A. No, sir. I wasn't aware that he had asked for changes in a number of reports. I wasn't aware of that, and I'm still not to this day aware of that.

Q. What number did you understand to be --

A. I don't have any understanding of what -- of any reports that he asked to have conclusions changed in.

I refer back to my comment earlier.

Q. That is, you're not aware that he asked to have conclusions changed?

A. I don't recall anything like that.

Q. Okay. Let me show you -- see if I can help refresh your recollection --

A. Okay.

Q. -- a letter to Dr. Joseph Calandra at Industrial Bio-Test from Dr. George J. Levinskas, which has been marked as Levinskas Exhibit 21, and ask you, first, did Dr. Levinskas ever show you this letter marked Levinskas 21?

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A. No, sir, I don't recall ever seeing this.

Q. So, even to this day, June 29, 1987, no one at Monsanto has ever shown you Dr. Levinskas' letter to Dr. Calandra at IBT dated July 18, 1975?

A. No, sir.

Q. Okay. And in responding to a press release -- I'm sorry. Let me strike that.

In responding to a -- an article in a periodical about a change in an IBT Aroclor study, you were never given the information contained in or the text of Levinskas Exhibit 21?

MR. SHOEBOTHAM: I object to the form of the question. It's actually two questions.

He's given you testimony that he was, in fact, advised of the content of the letter which you've marked as Levinskas Exhibit 21. He's told you what Dr. Levinskas told him --

MR. POHL: Sure.

MR. SHOEBOTHAM: -- with regard to that particular circumstance.

Q. (By Mr. Pohl) I thought we'd covered that. Let me break it down because I don't want there to be a problem with the question. And it was two parts.

Number one, in connection with the

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communication that you had to the -- what was the name of the periodical?

A. "Newsweek" magazine.

Q. Okay.

A. As I recall, it was "Newsweek." If --

Q. In connection with the response that you made to the "Newsweek" article, you were not shown a copy of Dr. Levinskas' letter to Dr. Calandra dated July 18, 1975?

A. The response to "Newsweek" was seven or eight or nine years after that letter apparently was written. What I was using as information for my response was firsthand discussion with Dr. Levinskas at that time.

Q. Okay. And at the time that you had your firsthand discussion with Dr. Levinskas, did he pull out this letter marked Levinskas Exhibit No. 21 and go over it with you?

A. I think we talked on the telephone. I don't -- and certainly I don't recall him pulling out any -- any documents.

Q. Okay.

A. No, sir.

Q. Did you issue any press releases regarding Congress' ban of PCB's?

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A. I don't remember. I really don't.

Q. Did you have any role to play in that whatsoever?

A. Role to play in?

Q. In Monsanto's public relation effort as it pertained to the Congressional ban on PCB's.

A. I recall the ban occurring, yes, sir. I don't -- I mean, you'd have to be more specific.

Q. Okay. To your knowledge, did Monsanto engage in any efforts to delay or forestall the Government's banning of PCB's?

A. To my knowledge, we were -- we stayed in the business at the request of the Environmental Protection Agency and our customers in the transformer and capacitor business long enough to give them time to test -- to develop and test alternate products.

We were prepared and ready to exit the business long before the ban actually took effect and had, indeed, announced our intentions to exit the business before Congress took that action. That's my recollection of that whole subject.

Q. Okay. And you indicated in your answer that you stayed -- Monsanto stayed in the business because of a request by the EPA and because of

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certain of your customers?

A. Yes. On -- we had already taken an action much earlier to limit the use of the products to closed-system applications in transformers and capacitors.

Q. And when was it that Monsanto or anyone else had an available -- had available a substitute product?

A. I don't remember, but -- I mean -- I don't remember.

Q. But sometime around the time that Monsanto got out of the PCB business?

A. We got out when we were satisfied that there were alternate products available.

Q. Okay. And what I'm trying to say is: How close in point of time to the availability of alternate products did Monsanto get out of the business?

A. I don't recall precisely. I don't remember that time frame. I wasn't involved in the management of the business, per se; and I don't remember.

Q. Would Monsanto have waited as long as, say, five years after the availability of an alternate product before getting out of the business?

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MR. SHOEBOTHAM: Mr. Pohl, the witness just told you three times he doesn't remember. The question has been asked and answered.

Mr. Bishop, you can tell Mr. Pohl one more time that you don't remember.

A. I do not remember precisely when alternate products were available.

And you need to define your term "available." You know, are they in commercial development, are they in research, or are they tested and commercially viable products? And even then I wouldn't know precisely when that happened because it was some ten or more years ago, I would think.

Q. (By Mr. Pohl) Now, from whom did you obtain an understanding that the EPA wanted Monsanto to continue in the PCB business?

A. Russell Train, the --

THE REPORTER: Who?

A. Russell Train, who was the administrator of the EPA at that -- at the time -- '74, '75 time frame, somewhere in there.

Q. (By Mr. Pohl) And he told that to --

A. He made a -- he made that -- he made that comment in a speech he delivered at some technical

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meeting. I don't recall where. And I think it might have even been included in an EPA press release around that same time.

Q. Okay. And how did you obtain the information regarding the substance of Mr. Train's speech?

A. I don't remember.

Q. Okay. In connection with your role in the public relations department in Monsanto, did there -- anyone ever tell you when Monsanto had available to it an alternate -- an alternative product to PCB's?

A. No, sir.

Q. Do you know a distinguished scientist in Monsanto named Dr. Ralph Munch?

A. Remember the name.

Q. Okay. Isn't it a fact that he developed and applied for a patent on an alternative product as early as 1972?

A. I don't recall that. I don't -- I didn't know that. I knew that Dr. Munch was in commercial development at Monsanto and working on possible alternates, but I didn't know anything about any patents or -- it's my understanding that none of the products that he was working on were really

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proved -- proved the test.

Q. That's not to say, though, that Monsanto didn't attempt to market those products and try to sell them to customers?

A. No, no. As far as I know, we didn't. We may have had some out for -- for testing on a commercial development and research basis, but we certainly never tried to market a product, like an alternate product, to my knowledge.

Q. Why was it, to your knowledge, that Monsanto decided to discontinue manufacturing PCB's prior to the Congressional ban?

A. Well, once -- once it became clear that -- that there -- they were entering the environment indiscriminately and persisting from their -- from their use in open applications, then we took the unilateral voluntary action to limit their use in production to closed-system applications for electrical uses for which at that time there were no alternates. The market for PCB's shrunk appreciably.

And then the EPA, over the period of the mid to late Seventies, was anxious to drum up support for passage of the Toxic Substance Control Act; and, as they are wont to do, they are skillful

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in using certain examples as reasons why they need to do that. It was always my strong feeling that -- that a lot of the PCB misinformation was -- was coming from Government officials who wished to incite the press and the public for the need for the Toxic Substance Act.

And once that started to happen, it was clear that no matter what we did or what scientific evidence ultimately came forward that would show that they could be safely used in closed applications, that it wasn't worth the effort; and that if there were, indeed, alternate products coming down the line, let's just get on with other businesses and utilize our resources in more productive ways.

Q. I take it from your answer, then, that the reason, as you perceived it, why Monsanto got out of the PCB business was because of Monsanto's concern for the environment?

A. Because of our concern that the public could no longer -- would just -- would no longer accept the fact that they could be safely used, no matter what the evidence was, because of the gross amount of inaccurate information that had been generated in the news media.

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Q. And is that the information that you told us about earlier that mischaracterized or overstated the adverse health effects of exposure to PCB's?

A. Just -- just misstated all sorts of aspects of the issue.

Q. In other words, indicated that PCB's were a dangerous or deadly product --

A. Deadly, yes.

Q. -- when, in fact, you felt that it wasn't dangerous or deadly?

A. They're not deadly. And under normal -- if you handle them properly, it's always been my belief and understanding that they're not dangerous if handled properly.

Q. Okay. And what was your understanding about how they should be properly handled?

A. Well, that --

MR. SHOEBOTHAM: Mr. Bishop, I don't want to you feel like you need to get off in technical areas or areas that you feel are --

A. I'm -- I'm not -- I can't -- I can't give you chapter and verse on what's considered safe. I -- I will say that it's -- it's pretty clear from the record that the use of PCB's in transformers and capacitors prevented a lot of -- of accidents where

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the public would have been at great risk.

Q. (By Mr. Pohl) And I just want to know: What did you mean when you used the word -- the phrase that "PCB's were safe if properly handled"?

A. Well, if they weren't irresponsibly disposed of in the environment. That's one term.

If in the -- if our customers followed good industrial hygiene in the -- in the manufacture of products containing, minimized worker exposure. The whole gamut of things and --

Q. Just keep worker exposure to a minimum?

A. Sure.

Q. Okay. And from what you've been told about the experts on PCB's inside Monsanto so that you could communicate effectively with the public and the news media, are PCB's the kind of product that you'd be concerned about if your family were to work around them?

A. Not if they were properly handled.

Q. I didn't ask you this at the first, but are you married?

A. Yes, sir.

Q. Do you have any children?

A. Three grown children.

Q. Three?

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A. Three grown children.
Q. What ages are they?
A. Thirty-one, twenty-nine, twenty-eight.
Q. And you don't have any problem -- you wouldn't have any problem even today with your children, who are 31, 29, and 28, working in or around PCB's?
A. Not based on what I know --
Q. Okay.
A. -- of the -- of the products.
Q. Okay. And --
A. If they're handled responsibly.
Q. And your wife, for that matter, too, if she were exposed to PCB's because one of your children came home with some on his work clothes, that wouldn't be a particular concern to you?
A. Well, they shouldn't come home with it on their work clothes.
Q. What if they did?
A. I -- I don't have any knowledge of any information or evidence that would suggest that that could be a problem.
Q. Okay. And nothing that's been told to you at Monsanto in having worked there over 20 years would cause you to be alarmed about that factual

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scenario?

A. No, sir.

Q. Okay. And stated a little bit differently: You've not been told anything in over 20 years as a Monsanto employee that would cause you to be alarmed if one of your children came home with some PCB's on his pants, for example?

A. That's an open question. What do you mean "PCB's"? How much? Parts per billion?

Q. Yeah, spilt some on his pants leg.

A. Parts per billion?

Q. Sure.

A. No concern.

MR. SHOEBOTHAM: Mr. Pohl, could you put some more specifics in your hypothetical? What -- what parts per million level? How much PCB's? How long is the exposure? What kind of PCB's?

All of those things would go into the inquiry.

Q. (By Mr. Pohl) Let me just ask you this: If -- if your son came home from work --

MR. ANDREWS: The real objection is that -- that same question has been asked and answered. You've talked to him about his children;

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you've talked to him about his wife. Now you're going back to children. He's answered. He answered that question. Let's go on to something new.

MR. POHL: I just want to accommodate John's objection first.

Q. (By Mr. Pohl) And if your son came home and spilt, say, a coffee cup full of PCB's on his pants leg and came home and said, "Mom, wash these trousers for me and clean them because I've spilt a cup of PCB's on my pants leg," you wouldn't be alarmed that your wife washed his trousers?

A. Well, that scenario is impossible --

MR. SHOEBOTHAM: Mr. Pohl, let me object to the question. You're getting very, very far afield from anything that this witness is qualified to be answering.

This witness has made it clear that he is not a technical person. Additionally, the question has been asked and answered several times now.

MR. POHL: Okay.

MR. SHOEBOTHAM: I object to the question.

Mr. Bishop, you don't have to answer it.

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MR. POHL: So, you're instructing him not to answer?

MR. SHOEBOTHAM: Yes, I am. I think the question has been asked and answered several times, and I think goes far afield from anything that this witness has the technical background to be testifying to.

Q. (By Mr. Pohl) Let me ask you this question, then, Mr. Bishop. I think we can get at it this way.

If someone called in to the public relations department and said, "I'm the local newspaper editor, and my son works at a plant that use PCB's. And he just came home and has spilt a cup of PCB's on his pants leg. Should my wife go ahead and wash and iron his pants," what would you tell that newspaper editor?

A. I'd tell him I'd get right back to -- I'd have our medical director get right back to him with advice. Pure and simple. I don't pretend to give medical advice to anyone. I never have. I never will. I'm not a doctor.

Q. Were you ever -- let me back up. Because of your educational background and because of your many years in advertising and public relations, I

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think we've established you're very skilled at the use of the English language?

A. (No response)

Q. Is that correct?

A. I'll accept that.

Q. Okay. And did Monsanto ever consult you about how to word its warnings so that the message about any dangers associated with PCB's could be most effectively communicated to the average man --

A. No, sir.

Q. -- or woman?

A. No, sir.

Q. Okay. Did you ever consult with any public relations departments at any other companies about PCB's?

A. I don't recall. It -- it's possible. I don't remember.

Q. For example, if the public relations director at Westinghouse called you and said, "We've got a plant in Bloomington and we use very large amounts of PCB's and our workers have been sticking their arms in it and have been getting it all over their clothes and the local press is running a story on it, what should I tell them?"

A. Well, I don't recall that kind of a

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public relations department to have been sent a copy of a proposed publication by employees of IBT on PCB's?

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

Q. Do you know why employees of Monsanto law department would have been sent a draft of a paper to be published by IBT on PCB's?

A. No, sir.

Q. Okay. Do you know if that was a common practice at Monsanto?

A. No, sir. I don't know.

Q. Have you received any merit awards at Monsanto?

A. Bonuses?

Q. Yes.

A. Yes, sir.

Q. Okay. And you've been there 21 years?

A. Yes, sir.

Q. How many have you received?

A. I don't remember.

Q. More than half a dozen?

A. About that, probably.

Q. So, in 21 years you've received approximately one-half dozen Monsanto merit bonuses?

A. Probably.

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Q. And was that for work above and beyond the call of duty?

A. No, sir.

Q. What was it for?

A. It was for meeting my objectives for the year. When you get to a certain level of management within Monsanto, you qualify for participation in the bonus plan. And if you are a good performer, you are entitled to a bonus if the company has a year where there is sufficient profit generated to pay money into the bonus plan.

There have been a lot of years when that wasn't the case, and there have been some when it was.

Q. Are you at the level of management that receives discretionary bonuses based upon your job performance; or are you at the level of management that could be considered key management, that you receive a bonus based upon the profitability of the company overall?

A. More the latter.

Q. Okay.

A. The key, yes.

Q. Okay. So, therefore, if the people below you in the management level perform exceptionally

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well and the company has an exceptionally good year, then, by this bonus program, you'll be able to share in the fruits of that good performance?

A. Depending on how my performance is evaluated by my superior, yes.

Q. Okay.

MR. POHL: I'll pass the witness.

MR. SHOEBOTHAM: No questions.

THE VIDEOGRAPHER: This concludes the deposition, and the time is now 4:00 o'clock p.m.

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SIGNATURE OF WITNESS

I, DAN RUSSELL BISHOP, solemnly swear or affirm, under the pains and penalties of perjury, that the foregoing 142 pages contain a true and correct transcript of the testimony given by me at the time and place stated, with the corrections, if any, and the reasons therefor noted on a separate sheet of paper and attached hereto; and that I am signing this before a Notary Public.

_____
DAN RUSSELL BISHOP

THE STATE OF TEXAS:

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, by the witness, DAN RUSSELL BISHOP, on this the _____ day of _____, 1987.

_____
Notary Public in and for
The State of Texas

My commission expires:

_____

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THE STATE OF TEXAS:

I, Cheryll K. LeFevers, a Certified Shorthand Reporter, hereby certify that the foregoing testimony was given before me after the Witness had been first duly sworn.

I further certify that I prepared this transcript and that the foregoing pages constitute a complete and correct copy of the transcript of the proceedings.

I further certify that I am neither attorney for, related to, nor employed by any of the parties to the lawsuit in which this deposition was taken; further, I am neither related to nor employed by any attorney of record in this cause, nor do I have a financial interest in the matter.

GIVEN UNDER MY HAND AND SEAL OF OFFICE in Houston, Texas, on this the 7th day of July, 1987.

Cheryll K. LeFevers, CSR, CP, CM

Certification Number: 1690
Date of Expiration: December 31, 1988
Address: 2900 Smith Street, Suite 104
Houston, Texas 77006
Phone: 713/523-3767

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LAWYER'S NOTES

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