
Depo of: WILLIAM B. PAPAGEORGE Monsanto v Aetna February 9, 1993 CR: 54365.0

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[1] IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
 [2] IN AND FOR NEW CASTLE COUNTY
 [3]
 [4] MONSANTO COMPANY,)
 [5])
 [6] Plaintiff,)
 [7])
 [8] vs.) C.A. No. 88 CJA-118-1-CV
 [9])
 [10] AETNA CASUALTY & SURETY)
 [11] COMPANY, et al.)
 [12])
 [13] Defendants.)
 [14]
 [15] VOLUME IV
 [16]
 [17] Continuation of the deposition of WILLIAM
 [18] B. PAPAGEORGE, taken on behalf of Defendants, at the Ritz
 [19] Carlton Hotel, in the County of St. Louis, State of
 [20] Missouri, recommencing at 9:30 a.m. on the 9th day of
 [21] February, 1993, before J. Bryan Jordan, certified shorthand
 [22] reporter and notary public.

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[1] FEBRUARY 9, 1993
 [2] MR. HUGHES: Let's just go back on the record.
 [3] This is the continuation of the deposition of
 [4] William Papageorge. We last met on January 15th, 1993.
 [5] BY MR. HUGHES:
 [6] Q. Good morning, Mr. Papageorge.
 [7] A. Good morning.
 [8] Q. You understand that you are still under oath from
 [9] the last sessions of your deposition?
 [10] A. I do.
 [11] Q. Mr. Papageorge, when we broke on January 15th, we
 [12] had been talking about Montar, which I understood was a
 [13] by-product from PCB manufacture. Correct?
 [14] A. That is true.
 [15] Q. And we had discussed the fact that Monsanto had
 [16] made a decision to stop selling that product. You recall
 [17] that?
 [18] MR. SARFATTI: Objection; vague.
 [19] BY MR. HUGHES:
 [20] Q. Let me rephrase to take care, I think, of Mr.
 [21] Sarfatti's objection. You recall we had discussed the fact
 [22] that Monsanto had decided to stop selling Montar?

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[1] A. I do.
 [2] Q. Okay.
 [3] You were part of the process that led to that
 [4] decision. Is that right?
 [5] A. Yes, sir.
 [6] Q. Would you describe for us the reasons as you
 [7] understood them at the time that a decision was made to stop
 [8] selling Montar?
 [9] A. Montar is a complex mixture of many chemicals.
 [10] Some of those chemicals were - belonged to the category
 [11] called PCBs. PCBs were determined to be present in the

[12] environment, which was considered to be undesirable.
 [13] Monsanto's understanding of the uses of Montar was such that
 [14] Monsanto representatives collectively concluded that the
 [15] uses of Montar were such that it was impractical and
 [16] virtually impossible to control the movement of PCBs from
 [17] the products containing Montar into the environment, and in
 [18] order to achieve its goal of preventing PCBs from
 [19] inadvertently entering the environment, Monsanto decided the
 [20] best approach to that would be the discontinuation of sale
 [21] of Montars to the uses which were in place at the time.
 [22] MR. JOHNSON: I'm sorry, can we go off the record

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[1] for a second?
 [2] (Discussion off the record.)
 [3] BY MR. HUGHES:
 [4] Q. Mr. Papageorge, could you tell us why it was
 [5] perceived that it was undesirable to have PCBs being
 [6] released into the environment through Montar?
 [7] A. Well, PCBs are, as best as we could determine, a
 [8] man-made product material. Its presence in the environment
 [9] and its persistence in the environment was perceived to be
 [10] something undesirable. The material being man made had no
 [11] business in the rivers, and lakes, and ground. At the same
 [12] time, there were indications that if the PCBs were available
 [13] to living creatures at different levels, depending on the
 [14] creature involved, there were some undesirable effects
 [15] noted, and that certainly was to be avoided.
 [16] Q. I didn't want to interrupt you. By undesirable
 [17] effects on living creatures, would it be fair to interpret
 [18] that as adverse health effects?
 [19] A. Yes, it's one criteria, yes, sir.
 [20] Q. And at the time, did you have studies that
 [21] documented adverse health effects from exposure to PCBs?
 [22] A. This decision was made in early 1970. The

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[1] information available relating to health effects on living
 [2] creatures was limited and very sketchy, but there was some
 [3] evidence, for example, that juvenile shrimp, when exposed to
 [4] low levels of PCBs in water, would not survive. There were
 [5] allegations that PCBs in the diet of wild birds had the same
 [6] effect that DDT had in that it affected the ability of the
 [7] birds to lay eggs that would hatch or that had shells or the
 [8] shells were thick enough to support the, the nesting mother
 [9] hen. At that time, that was the only evidence relating to
 [10] effect on environmental wildlife.
 [11] Q. That evidence, however limited and sketchy, I
 [12] take it was sufficient for Monsanto to have a concern about
 [13] the continued sale of Montar?
 [14] MR. SARFATTI: Can I have a continuing objection
 [15] on leading questions?
 [16] MR. HUGHES: Of course.
 [17] A. It was a factor in their decision, yes.
 [18] BY MR. HUGHES:
 [19] Q. Were these studies internal to Monsanto?
 [20] A. No.
 [21] Q. Who had they been conducted by, if you can
 [22] recall?

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[1] A. I think I remember the shrimp study definitely
 [2] was conducted by the commercial fisheries laboratory located
 [3] in Gulf Breeze, Florida. The harm to birds came from two
 [4] sources, one out of Cornell University and the other out of
 [5] Berkeley, University of California Berkeley.
 [6] Q. Was one of the factors that entered into the
 [7] decision to cease selling Montar the concern for the
 [8] potential of legal liability?
 [9] A. I don't recall any discussion that used the
 [10] expression "legal liability" when we were discussing
 [11] termination of sales of these types of products.
 [12] Q. Putting to one side whether that precise term was
 [13] used, Mr. Papageorge, didn't someone indicate that one of
 [14] the reasons to consider stopping the sale of Montar was that
 [15] the potential escape of PCBs could lead to legal action
 [16] against Monsanto?
 [17] A. I just do not recall any such discussion.
 [18] Q. Didn't that enter into your own mind at the time

[19] of these discussions?
 [20] A. We're talking now about Montars.
 [21] Q. That's correct.
 [22] A. Well, the matter of consequences, legal

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[1] consequences for your actions is always sort of in the back
 [2] of your mind. I don't know that I knowingly think about it
 [3] in that sense. I do know that improper action could lead to
 [4] legal difficulties. I just don't remember that thought
 [5] process taking place specifically for Montars.
 [6] Q. Putting to one side the issue of legal liability,
 [7] is it correct that there was a concern simply on the
 [8] potential adverse environmental effect of potential release
 [9] of PCBs?
 [10] A. Yes.
 [11] Q. And the potential adverse health effects of the
 [12] same?
 [13] A. Yes.
 [14] Q. And that, clearly, was part of the discussion
 [15] that led to the decision to stop selling Montar?
 [16] A. Yes.
 [17] Q. And you do recall those discussions?
 [18] A. Very vividly, yes.
 [19] Q. At the time that the decision was made to stop
 [20] selling Montar, what was the annual sales volume of the
 [21] product, in dollars?
 [22] MR. SARFATTI: Objection; vague.

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[1] A. I just don't remember those numbers at all.
 [2] Hmm-mm.
 [3] BY MR. HUGHES:
 [4] Q. What did Monsanto do when it was considering
 [5] ceasing the sale of Montar to find out what end uses
 [6] customers put it to? Let me rephrase the question, because
 [7] it was not very artful.
 [8] Did Monsanto take any steps to determine the end
 [9] uses to which Montar was put?
 [10] MR. SARFATTI: Do you want to put a time on that?
 [11] BY MR. HUGHES:
 [12] Q. I'm talking in 1970, during the decision process
 [13] that led to the conclusion that Monsanto should cease
 [14] selling Montar.
 [15] A. Monsanto, through its sales representatives and
 [16] marketing teams, was aware of the uses to which Montar was
 [17] placed, from the day they first started shipping Montars to
 [18] a customer, they had an idea where it would be used.
 [19] Q. To your knowledge, did Monsanto take any steps to
 [20] determine how customers handled the substance Montar before
 [21] putting it to the various end uses? And by that, I mean by
 [22] way of storage, employee handling, and so on.

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[1] A. I'm not aware of any. I don't know.
 [2] Q. Did any of the customers to whom Monsanto sold
 [3] Montar use it in any manner that resulted in the separation
 [4] of a substance that was sold back to Monsanto?
 [5] MR. SARFATTI: Objection; vague.
 [6] A. Not to my knowledge.
 [7] BY MR. HUGHES:
 [8] Q. During the discussions that led to the decision
 [9] to stop selling Montar, was there any mention of concerns
 [10] for product liability claims?
 [11] A. Not in my presence.
 [12] Q. Were you present when there was any discussion
 [13] concerning whether there were any insurance implications
 [14] involved in the decision to remove Montar from the market?
 [15] A. I was not present.
 [16] Q. Now, you indicated to us when we last met that
 [17] Mr. Park had been involved in some way in this process that
 [18] led to the decision to cease selling Montar? Is that right?
 [19] A. Yes.
 [20] Q. Okay, were there any other lawyers for Monsanto
 [21] involved in the process that led to that decision?
 [22] A. I hesitate because it is possible that others,

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[1] but I'm not familiar with what approach Mr. Park took in his
 [2] deliberations and all, so I cannot speak for that.

[3] Q. That's fair enough.
 [4] Who made the decision to bring Mr. Park into the
 [5] consideration?
 [6] A. Mr. Park had been a member of an ad hoc group
 [7] addressing the PCB environmental issue in the late Sixties,
 [8] so when I arrived to chair this particular group, Mr. Park
 [9] was already in place. I do not know who made the decision
 [10] regarding the makeup of that group.
 [11] Q. You are speaking of the group that made the
 [12] decision on Montar?
 [13] A. Yes.
 [14] Q. Okay, you may have told me, but I'm sorry, I've
 [15] forgotten in only three weeks. Who all do you recall being
 [16] in that group that made the Montar decision?
 [17] A. I think I mentioned them primarily by job titles,
 [18] rather than names.
 [19] Q. Can you give me names?
 [20] A. They change. Others -
 [21] Q. Go ahead. I'm sorry.
 [22] A. Of course, the directors of the two business

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[1] groups that sold PCBs were members. They could not, of
 [2] course, attend all meetings. Their lieutenants, represented
 [3] by the Directors of Marketing, the Directors of Research,
 [4] the Directors of Manufacturing, Engineering representatives,
 [5] Public Relations representatives, Mr. Park, the Medical
 [6] Department representatives, I believe that covers the, the
 [7] makeup of that group.
 [8] Q. Now I just want to make sure I'm clear on what
 [9] group we're speaking of. Is this a group specifically
 [10] formed to address the Montar issue, or was this a group that
 [11] addressed broadly the PCB issue?
 [12] A. It was the broad PCB issue.
 [13] Q. And that same group was the one that addressed
 [14] the Montar issue as part of the PCB assignment?
 [15] A. Correct.
 [16] Q. You had indicated that you at some point were the
 [17] chair of this group?
 [18] A. Yes.
 [19] Q. During what period were you the chair of the
 [20] PCB -
 [21] A. Starting in 1970, and it lasted through my
 [22] assignment to PCBs which was early '76.

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[1] Q. Mr. Keating -
 [2] MR. SARFATTI: Try Mr. Papageorge.
 [3] MR. HUGHES: I'm sorry, I apologize, Mr.
 [4] Papageorge.
 [5] MR. SARFATTI: You'll get a better response that
 [6] way.
 [7] THE WITNESS: I don't mind being called Larry.
 [8] He's a good man.
 [9] MR. OMROD: If you speak loud enough, he'll hear
 [10] you.
 [11] MR. SARFATTI: For the record, he's next door.
 [12] MR. HUGHES: As mitigation but not an excuse, for
 [13] the record, I was taking Mr. Keating's deposition yesterday.
 [14] MR. SARFATTI: Must have been quite memorable.
 [15] BY MR. HUGHES:
 [16] Q. Okay, Mr. Papageorge, I apologize.
 [17] Another, another subject that I had just touched
 [18] on at the time we broke back in January was something I had
 [19] termed "the Kepone incident," and I had asked you if you had
 [20] any memory of an event involving Allied Chemical that was
 [21] called the Kepone incident.
 [22] A. I remember that.

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[1] Q. Okay, and you remember my question?
 [2] A. Yes.
 [3] Q. How much do you remember, as you sit here, about
 [4] that event, the Kepone incident?
 [5] A. Not an awful lot. I remember very vividly the
 [6] name Kepone to describe the material. I remember the
 [7] association with Allied Chemical, but I have to confess that
 [8] I just don't remember anything specific as to what triggered
 [9] the interest in the material and what led to the discussions

[10] that followed and all. I don't recall.
 [11] MR. HUGHES: I'll have this marked next in order.
 [12] MR. SARFATTI: So that we can dispense with
 [13] checking the documents that you've marked as Exhibit against
 [14] your seven-day list, can I have a representation that you
 [15] did not intend to use and will not use documents as exhibits
 [16] at this deposition that are not on your seven-day list?
 [17] MR. HUGHES: You may. In fact, I went back and
 [18] checked last week's, and I believe every - from that check
 [19] that every document I'm using today is on the list.
 [20] MR. SARFATTI: Okay. So I have that as a
 [21] representation?
 [22] MR. HUGHES: You do.

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[1] MR. SARFATTI: Thank you.
 [2] (Papageorge Deposition Exhibit 31 marked for
 [3] identification.)
 [4] BY MR. HUGHES:
 [5] Q. We've had marked as Papageorge 31 a three-page
 [6] document, a cover memo with attachment. The cover memo is
 [7] dated May 3, 1978, from R. A. Hernandez to a distribution
 [8] list. Production numbers for the entire document are CBY
 [9] 3512701 to 703, and Mr. Papageorge, I would ask you to
 [10] review the document and then let me know when you've had a
 [11] sufficient opportunity to do so.
 [12] (Witness peruses said document.)
 [13] A. I have quickly reviewed it.
 [14] BY MR. HUGHES:
 [15] Q. Mr. Papageorge, can you tell us who
 [16] R. A. Hernandez was in May of 1978? He's the person who's
 [17] indicated as the author?
 [18] A. He is. He was a member of the environmental
 [19] staff at the Texas City Monsanto plant.
 [20] Q. Do you know what his particular assignment was in
 [21] 1978?
 [22] A. All I recall is that he was - the general

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[1] assignment that he had involved environmental issues of all
 [2] types, really; air, solid waste and waste, and so on.
 [3] Q. Did Mr. Hernandez, to your knowledge, have any
 [4] particular assignment with respect to outside processors?
 [5] A. Hmm. He was involved, is all I can recall. What
 [6] his assignment was, I do not know.
 [7] Q. When you indicate he was involved, you are saying
 [8] he was involved in some way with outside processors but you
 [9] don't know specifically what he did?
 [10] A. He was involved with the issue of material
 [11] leaving the plant, going to outside processors. I do not
 [12] know if he was personally involved with representatives of
 [13] these outside processors.
 [14] Q. Now, Mr. Papageorge, having reviewed this
 [15] memorandum, am I correct that it was the practice at
 [16] Monsanto to make memoranda such as this to record events at
 [17] the plant?
 [18] MR. SARFATTI: Objection; lack of foundation.
 [19] A. I don't know that I would call it a practice.
 [20] The preparation of documents of this type was really left to
 [21] the authors of these documents. If they felt that it
 [22] required a write-up of this type, they were certainly free

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[1] to do so, so I can recall examples where some of these were
 [2] documented in this fashion and others were not.
 [3] BY MR. HUGHES:
 [4] Q. Okay, and a document such as this would be
 [5] retained in the regular course of Monsanto's business,
 [6] wouldn't it?
 [7] A. Normally, yes, mm-hmm.
 [8] Q. And also in the normal course of business, if you
 [9] were indicated to receive a carbon copy of a memorandum, it
 [10] would get to you? We had this discussion last time but I -
 [11] and I've read it, but that's why I said in the ordinary
 [12] course, one would expect that you would receive a document
 [13] that was actually sent where a carbon copy was indicated to
 [14] go to you.
 [15] MR. SARFATTI: Objection.
 [16] A. If the author decided to release it and if the

[17] mail system didn't fail it, normally it would arrive at my
[18] desk, yes.
[19] BY MR. HUGHES:
[20] Q. Have you seen this particular exhibit before I
[21] just gave it to you to review?
[22] A. Today, I don't remember that, actually receiving

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[1] it.
[2] Q. I take it your answer is you don't remember one
[3] way or another?
[4] A. Correct.
[5] Q. You can't say for sure you did not receive it?
[6] A. That is correct.
[7] Q. Having had the opportunity to review this
[8] document, and in particular, the attached two-page
[9] memorandum, does that - strike that.
[10] Do you - did you have a meeting at the Texas
[11] City plant in or about August of 1977 to discuss the outside
[12] processor program?
[13] A. Again, I don't remember one way or the other.
[14] This document would certainly imply that such a meeting was
[15] held and that I was present.
[16] Q. And do you -
[17] A. I -
[18] Q. I'm sorry.
[19] A. There were many meetings of this nature taking
[20] place throughout my area of responsibility. I just, this
[21] one does not stand out uniquely from the many others that
[22] were held.

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[1] Q. When you indicate that many meetings of this type
[2] occurred, what type are you referring to?
[3] A. The subject matter, here, is Monsanto's
[4] procedures regarding the sale of materials to outside
[5] processors or to the transfer of materials to outside
[6] processors. There were many meetings of that type held
[7] through the years. This one does not stand out in any
[8] special way in my memory.
[9] Q. At what time during your career at Monsanto, if
[10] you can tell us, did you first begin addressing the issue of
[11] the sale of materials to outside processors?
[12] A. Hmm. It would have to be when I was first
[13] appointed Director of the Environmental Operations, which
[14] was 1977. So that's about the time I became involved with
[15] that particular issue.
[16] Q. And is it accurate in your mind as indicated by
[17] this memorandum, that the incident involving Allied Chemical
[18] and Kepone triggered Monsanto's interest in taking a look at
[19] its outside processor relationships?
[20] A. Would you mind repeating that question?
[21] Q. Why don't I try to rephrase it.
[22] My question is whether - this is an attempt to

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[1] pin down, perhaps, the time you began to get involved -
[2] whether it was publicity over what had happened to Allied
[3] Chemical with respect to Kepone that led Monsanto to
[4] conclude that it ought to take a look at its outside
[5] processor relationships.
[6] A. That incident, yes, triggered the thought that
[7] let's review what we're doing, to avoid problems.
[8] Q. And I'm no expert on the Kepone incident, but
[9] what I've read about it is that an outside processor that
[10] was formulating Kepone on behalf of Allied dumped materials
[11] in a river, polluted the river, and there was fear they
[12] might pollute the Chesapeake Bay, I believe. Does that ring
[13] any bells with you?
[14] A. (Witness shakes head in negative manner.)
[15] Q. No?
[16] A. There's a faint bell. I associate, the minute
[17] you start talking, with a fish kill also.
[18] Q. In the river, that's correct.
[19] A. In the river, there was a fish kill, yes. It's
[20] coming back to me.
[21] Q. Now, were you the person within Monsanto Chemical
[22] Intermediates who was in charge of the program to review

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[1] outside processor arrangements?
[2] A. I don't know that I ever associated that activity
[3] with the, your use of the word "in charge." It was expected
[4] of me to communicate to the plants what the corporate
[5] objective was and to, where appropriate, assist the plants
[6] in understanding what the issue's all about and getting the,
[7] the resources to accomplish the task, whether it be people,
[8] or money, or whatever.
[9] Q. Now -
[10] A. Uh -
[11] Q. I'm sorry.
[12] A. The actual implementation really depended on the
[13] prime manager and his acceptance of this charge, if you
[14] will, and successfully completing this study or approach.
[15] He could ignore my comments and my offers to assist, and
[16] what have you, as long as he could justify to his
[17] supervisors, so I don't know how to interpret your use of
[18] the word was I in charge.
[19] Q. You were, certainly, intimately involved -
[20] A. Yes.
[21] Q. - in the effort within MCI?
[22] A. When you say "intimately -"

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[1] Q. You don't like that word? I'll remove
[2] "intimately." You were clearly involved in the effort from
[3] its beginning to its ends.
[4] A. Very true, but when you used the word
[5] "intimately," that meant I had to know all the analyses of
[6] the materials down to the parts per million kind of numbers.
[7] I didn't have that kind of knowledge.
[8] Q. Let's take that word out and let me ask again.
[9] You were involved in the program from the beginning to the
[10] end, right?
[11] A. Yes, sir.
[12] Q. Now, this memorandum by - the attached
[13] memorandum from Mr. Hernandez suggests there was a meeting
[14] at Texas City. My question is whether there was an effort
[15] made by yourself to visit all the plants within MCI to
[16] discuss the corporation's outside processor program.
[17] A. Yes.
[18] Q. So you went to each plant as you recall and met
[19] with the appropriate individuals at the plant level?
[20] A. Yes. This subject along with other subjects,
[21] mm-hmm.
[22] Q. Okay. I can't help but ask you, Mr. Papageorge,

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[1] was Mr. Thomas assigned particularly to the outside
[2] processor issue at the time?
[3] A. Mr. Thomas was an attorney assigned to MCI. Part
[4] of his assignment included the environmental issues that
[5] related to MCI, so he was a logical person to be involved
[6] and get familiar with the issues associated with this
[7] activity.
[8] Q. Now, in Mr. Hernandez' September 1, 1977, memo,
[9] which starts at the second page of Papageorge Exhibit 31, he
[10] indicates that you said as a result of the Allied Chemical
[11] incident, Monsanto was taking a hard look at all of its
[12] outside processors, and does that accurately reflect what
[13] you remember as the corporate position at the time?
[14] A. Yes.
[15] Q. Okay. Now, did you have a view or did you
[16] express any view in September of 1977, of Monsanto's
[17] responsibility with respect to outside processors as far as
[18] the community, the workers, and the environment where
[19] production and waste streams are used and transported? And
[20] I'm quoting Mr. Hernandez' language, obviously.
[21] A. Yes.
[22] Q. But I'm - what I want is what - whether you can

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[1] confirm or deny that you had a view along those lines at the
[2] time.
[3] MR. SARFATTI: Objection; vague.
[4] A. I had that view, yes.
[5] BY MR. HUGHES:
[6] Q. Now, Mr. Hernandez goes on in his memorandum to
[7] indicate that there was an instruction to develop a dossier

[8] on each processor? Was that part of the program as you
 [9] understood it?
 [10] A. That's my understanding, yes. Mm-hmm.
 [11] Q. What was the dossier to include? What
 [12] information?
 [13] A. Oh, gosh; anything that related to this activity;
 [14] the type of material, the labeling, the information supplied
 [15] to the outside processor, the quantities of material, the
 [16] way it was shipped, whether it was in drums by truck, or
 [17] tank cars, or tank trucks, or what have you, anything that
 [18] the keepers of the dossier felt would be significant
 [19] relating to that activity.
 [20] Q. Who were the keepers of the dossier?
 [21] A. That varied, plant to plant.
 [22] Q. But it was kept at the plant level?

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[1] A. Yes.
 [2] Q. Can you tell us who at Texas City maintained
 [3] outside process or dossiers in 1977-1978?
 [4] A. I can only - I can narrow it down to two
 [5] possibilities. I don't know which one. Mr. Hernandez or
 [6] the purchasing representative at the plant.
 [7] Q. Can you tell us - strike that.
 [8] Do you know whether at any later time from 1978
 [9] to 1983, let's say, when you left to go to MIC, whether
 [10] there was anyone else at the Texas City plant whom you
 [11] understood to have - to be maintaining the dossiers on
 [12] outside processors?
 [13] A. I don't remember anybody else.
 [14] Q. Did Ray Ann Reid ever take on that
 [15] responsibility?
 [16] A. Ray Ann was involved. I don't know if she was
 [17] keeper of the dossier or sort of monitored regarding its
 [18] presence and contents. I don't remember the details, there.
 [19] Q. Now, Mr. Hernandez, in the second paragraph of
 [20] his September 1 memorandum, in the first sentence, he
 [21] states, quote, "We are not to withhold any information as it
 [22] relates to safe handling of our materials," end quote, and

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[1] my question to you is whether reading that sentence
 [2] refreshes your memory as to whether you said anything along
 [3] those lines to people at the plant level.
 [4] A. That was my, my input. That's what I emphasized
 [5] wherever I went, so it fits.
 [6] Q. Okay. What did you mean when you told people at
 [7] the plant level that they were not to withhold any
 [8] information concerning the safe handling of materials from
 [9] the plant? For example, withhold from whom?
 [10] A. Oh, from the people handling the material. The
 [11] trucking firms, the outside processor, Highway Patrol people
 [12] in case there's an accident in transit, fire fighting
 [13] groups.
 [14] Q. In - let me go back for a second to the dossier
 [15] that was to be kept. In 1977, was there any written
 [16] statement as to the information that should be included in
 [17] an outside processor dossier?
 [18] A. No, not to my knowledge.
 [19] Q. When you met with the plant personnel to discuss
 [20] this program, did you give them a list of information that
 [21] they should make sure to gather for the outside processor
 [22] dossier?

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[1] A. I recall discussing the kinds of things that were
 [2] in a dossier. I don't recall ever having a tight list that
 [3] I handed out to anybody.
 [4] Q. Were people at the plant level, as part of
 [5] compiling this dossier, to gather information concerning the
 [6] manner in which the outside processor handled the materials
 [7] sent to it by Monsanto?
 [8] A. Any observations made by Monsanto representatives
 [9] along those lines were to be included in the dossier; but we
 [10] recognized that that was a challenge and that many outside
 [11] processors like most industry, will not allow outsiders
 [12] into, onto their plant premises, so it's difficult to make
 [13] personal observations like that.
 [14] Q. But I take it that if Monsanto representatives

[15] were able to visit an outside processor and observe its
 [16] handling of Monsanto materials, they would record those
 [17] observations in the dossier?
 [18] A. Record them? That was recommended or at least
 [19] share them with others and review them as appropriate.
 [20] Q. And one of the reasons that it would be desirable
 [21] to have information on how the outside processor was
 [22] handling outside Monsanto materials was in order to make

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[1] sure that it was not handling the materials in a way that
 [2] was damaging to the community or to the environment?
 [3] A. That's one of the reasons, yes.
 [4] Q. Are there any other reasons that Monsanto would
 [5] be interested in how the outside processor was handling
 [6] materials sent to the outside processor by Monsanto?
 [7] A. Well, certainly. One, one reason will be the,
 [8] would be the effect on their employees' health, if
 [9] improperly handled.
 [10] Q. By "their employees," you are referring to the
 [11] outside processor?
 [12] A. Correct.
 [13] Q. Anything else, any other reason - let me form a
 [14] complete sentence, a complete question. Is there any other
 [15] reason that it was deemed desirable for Monsanto to record,
 [16] if it could, the manner in which the outside processor
 [17] handled material sent to it by Monsanto?
 [18] MR. SARFATTI: Objection as to form.
 [19] A. The only other reason that comes to mind is the
 [20] one that would relate to the safety in the plant as it
 [21] relates to fires and explosions.
 [22] BY MR. HUGHES:

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[1] Q. And are you again referring to the outside
 [2] processor's plant?
 [3] A. Correct.
 [4] Q. Was there concern within Monsanto that it might
 [5] be held responsible in some way if a material it sent to an
 [6] outside processor was mishandled, resulting in an injury to
 [7] the outside processor's employees?
 [8] MR. SARFATTI: Objection; vague.
 [9] A. There's always this concern.
 [10] BY MR. HUGHES:
 [11] Q. And that concern is what led to this desire to
 [12] have this kind of information, correct?
 [13] A. Well, that's one of the concerns. It was
 [14] triggered by, as we said earlier, the Kepone incident but
 [15] that kind of opened up a lot of thinking regarding other
 [16] types of situations, in addition to the environmental type.
 [17] The employee health type, the safety regarding fires and
 [18] explosions, either in the plant or in transit, and so on.
 [19] Q. Okay. Now, again I'm going to try and determine
 [20] how much of what Mr. Hernandez wrote down came from you
 [21] rather than himself, and the next thing I'm interested in
 [22] is, in his second paragraph of the September 1st, 1977,

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[1] memorandum, he wrote, quote, "Care and good judgment must be
 [2] exercised on how we word our transmittals on safe handling
 [3] procedures so as to limit our liability and not give away
 [4] confidential information," end quote.
 [5] Do you see that? Second paragraph, third
 [6] sentence.
 [7] A. I see it, yes.
 [8] Q. Is that a message you were conveying to the plant
 [9] people?
 [10] A. Yes. Yes, I was conveying that type of message.
 [11] I don't know if it's mine or Mr. Hernandez at this point,
 [12] but it's possible we both had that thought.
 [13] Q. Can you tell us what concern there was that a
 [14] transmittal about safe handling procedures could affect
 [15] Monsanto's liability? And this is in 1977.
 [16] A. Not being an attorney, I don't know all the legal
 [17] ramifications, but the intent there was that if we did not
 [18] communicate the information we had at hand and some mishap
 [19] occurred as a result of a property of the material, that
 [20] it's conceivable, at least to me, that we could then be
 [21] responsible.

[22] Q. I understand. But at the same time, you didn't

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[1] want to give the outside processor confidential business information. That's the essence of it?

[2] A. That's another responsibility we had, yes, sir.

[4] Q. Now, Mr. Hernandez' next sentence indicates, [5] quote, "We are not to recommend procedures or safety [6] equipment but are to indicate how Monsanto would handle the [7] product or waste stream." End quote. Now, is that [8] something that you made a point of conveying to the plant [9] level?

[10] A. Yes.

[11] Q. Okay. Did you suggest to the plant level [12] individuals that if they had an opportunity to observe the [13] outside processor's procedures and they thought they were - [14] that it was handling a material inappropriately, they should [15] suggest "That's not how we would do it"?

[16] A. Yes, to use Monsanto's procedures, yes.

[17] Q. And to say "If we were doing it, we would do it [18] this way," and describe how Monsanto would handle the [19] material?

[20] A. Under our conditions at our site.

[21] Q. Right.

[22] A. They may be like yours or yours may be different.

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[1] Q. Understood. And then I take it that the last [2] sentence, there, is also consistent with what you talked [3] about with the plant level people, which is after giving [4] that information to the processor you would let the [5] processor decide what he should do with the material?

[6] MR. SARFATTI: Objection as to form.

[7] A. Yes.

[8] BY MR. HUGHES:

[9] Q. Okay. Now, the first paragraph of the next [10] sentence - first sentence of the next paragraph, Mr. [11] Hernandez wrote, quote, "Every effort should be made to [12] determine how the processor does his business." Is that [13] something you conveyed to the plant level people?

[14] A. Yes, sir.

[15] Q. Now, in 1977, was there - well, strike that.

[16] Let's take that as of the date of Mr. Hernandez' memorandum, [17] September 1st, 1977. Was there any policy at Monsanto [18] concerning under what circumstances it would refuse to [19] continue dealing with an outside processor?

[20] A. I don't recall any formal policy in writing.

[21] I do recall that the marketing representatives

[22] or, in the case of the outside processors, the plant people

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[1] involved with the customer, the outside processor in this [2] instance, were cautioned that if at any time they sensed [3] that the outside processor would handle the material in an [4] irresponsible fashion, they were to attempt to communicate [5] to the representatives of the outside processor that the [6] material should be handled differently, and if no action [7] was, was taken, that the relationship ought to be [8] terminated.

[9] Q. Who provided that caution to the marketing [10] representatives and plant personnel involved with outside [11] processors?

[12] A. Of course, the management team from the business [13] director on down to the marketing and the manufacturing team [14] down to the plants and to the plant purchasing people, and I [15] remember being one of them that would talk along these lines [16] and coach along these lines.

[17] Q. When you went around to the plant level that was [18] something you would tell the people there?

[19] A. Well, I didn't wait just to go to the plants, I [20] would do it via telephone, or when the representatives came [21] to St. Louis and I met with them and so on. This doesn't [22] mean that every time I saw them I talked about it, but as

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[1] appropriate, it would come up.

[2] Q. Were there any specific instances that you can [3] tell us about where a decision was made to stop doing [4] business with an outside processor because of concerns with [5] the way it was handling materials sent to it by Monsanto?

[6] A. There were several. I do remember - it's been [7] so long. I remember one that comes to mind. I wish I could [8] remember more of them.

[9] Q. Tell us about the one you do remember.

[10] A. As best I recall, there was a company, as I [11] recall, located in the Philadelphia area that was in the [12] business of crushing and grinding and pulverizing solid [13] materials on a contractual basis. Monsanto used this [14] service to pulverize a material which was used in deodorant [15] soaps, for example. I had received reports that [16] observations had been made by somebody from Monsanto that [17] made him uneasy, and I was asked to visit the place, which I [18] did, and found that this outside processor was not careful [19] in the way he controlled his materials, whether it's [20] Monsanto's material or someone else's, in terms of possible [21] cross-contamination, with dust from one operation [22] contaminating the product of another. As a result of that

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[1] situation and his - and the outside processor's refusal to [2] consider changing his operations or restructuring his [3] facilities to prevent cross-contamination, that arrangement [4] with this outside processor was terminated. I can't recall [5] other incidences that stick out in my memory.

[6] Q. What was the name of this outside processor [7] that -

[8] A. I wish I could recall it; I don't.

[9] Q. When was it that you were asked to visit this [10] outside processor in the Philadelphia area?

[11] A. As best I remember, this happened about 1970 to [12] 1976.

[13] Q. At that time in 1975 to 1976, which was before [14] you became the DEO of Monsanto Chemical Intermediates, [15] correct?

[16] A. Correct.

[17] Q. Was there already a program in place at Monsanto [18] for taking a hard look at outside processors?

[19] A. I'm having some difficulty relating to time [20] periods. I don't remember when the corporate program as [21] formalized, so I guess my answer is, I just don't remember.

[22] Q. After you became the DEO of Monsanto Chemical

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[1] Intermediates, did you make any suggestions to people at the [2] plant level that they call you if they had an issue [3] concerning outside processors that they wanted to address?

[4] A. Well, after I became the DEO, that kind of call [5] would have been addressed to the individual on my team [6] assigned product acceptability. I certainly encouraged it, [7] but I wanted my team member -

[8] Q. When you got this call concerning this [9] Philadelphia outside processor, you had the product [10] acceptability assignment.

[11] A. Correct.

[12] Q. Was the individual on your DEO staff who would [13] have had that responsibility from 1977 to 1982, Mr. Farley?

[14] A. Yes. Yes.

[15] Q. And you encouraged plant-level people to call Mr. [16] Farley if they had questions?

[17] A. Oh, certainly. That didn't mean they didn't, [18] they couldn't call me, either but I encouraged them to try [19] Mr. Farley first.

[20] Q. Now, I'm still on the second page of this [21] exhibit, Mr. Papageorge. At the bottom, there's a heading, [22] "action plan." Do you see that?

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[1] A. I see it.

[2] Q. Okay, and there's a - Mr. Hernandez has a [3] reference to materials being sold to Barker Chemical? Do [4] you see that?

[5] A. I see that.

[6] Q. Do you know whether a dossier was ever compiled [7] on Barker Chemical?

[8] A. I don't remember it specifically, but I would [9] have been surprised if it hadn't been.

[10] Q. At any point, did you learn that Barker Chemical [11] had been designated a Superfund site?

[12] A. No, that's news to me. I don't know that.

[13] Q. Okay. Can you recall any, anybody at the Texas
[14] City plant level raising any concerns with you about the
[15] manner in which Barker Chemical handled materials sent to it
[16] by Monsanto?

[17] A. I'm not aware of any, any such comments.

[18] Q. If we can turn to the last page of the exhibit,

[19] Mr. Papageorge -

[20] A. I see it. I have it.

[21] Q. Mr. Hernandez is setting forth four action items.

[22] the first of which refers to developing safe handling

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[1] procedures to go to the processor, and then it refers to a
[2] number of forms that could be used for that purpose. Are
[3] those all internal Monsanto forms referenced in that
[4] numbered Paragraph 1124?

[5] A. Yes.

[6] Q. Was - did you have any position when you talked
[7] to the plant-level individuals, of whether they should
[8] include internal Monsanto forms along these lines in the
[9] information they gave to the outside processor?

[10] A. I think the last part of your question said "in
[11] the information given to the outside processor"?

[12] Q. Yes.

[13] A. No, the dossier contained confidential
[14] information, Monsanto confidential information, so some of
[15] that information in the dossier would not be shared with the
[16] outside processor.

[17] Q. So the idea was not to send the outside processor
[18] these forms but to take out of these forms the information
[19] that was appropriate to provide to the outside processor?

[20] A. Yes.

[21] Q. Now, in point number 3, Mr. Hernandez wrote,
[22] quote, "It was recommended that contracts be in force for

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[1] sales of waste streams and/or recovery operation." Is that
[2] a suggestion that came from you?

[3] A. I don't recall who raised that point. I don't.

[4] Q. Do you recall that it was raised at meetings that
[5] you attended?

[6] A. Yes.

[7] Q. Can you connect with that statement any reasons
[8] that were given for why a contract should be in place?

[9] A. Yes, the intent was to include in the contract
[10] the kinds of things that we've talked about in terms of
[11] proper information regarding the safe handling of the
[12] material. This was perceived to be a, a better way to
[13] communicate, rather than an informal arrangement, a
[14] telephone call and a handshake.

[15] Q. Okay. Now, in point 4 of the numbered paragraphs
[16] that Mr. Hernandez put down, it indicates that the dossier
[17] should be, quote, "ready to go to St. Louis by the year's
[18] end, 1977, with a recommendation as to whether we should
[19] continue doing business with the processor." Now, you had
[20] indicated that dossiers were kept at the plant level; right?

[21] A. Yes, that's the final repository.

[22] Q. Before they get there, are they, were they sent

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[1] to St. Louis for review?

[2] A. A copy, at least a copy of the dossier was sent
[3] to St. Louis for review. The final file in which that
[4] dossier was kept was at the plant.

[5] Q. Okay. Who at St. Louis in 1977-1978 had the
[6] responsibility for reviewing dossiers from the Texas City
[7] plant, let's say?

[8] A. In seventy - by late '77, it was Mr. Farley,
[9] assisted by any others in St. Louis that could contribute.

[10] Q. In the last paragraph of this memorandum, Mr.
[11] Papageorge, there is set out a summary that is Mr.

[12] Hernandez' summary, and my question for you is, again,
[13] whether that's information you gave to Mr. Hernandez, versus
[14] his own summary of Monsanto's corporate position.

[15] A. Well, I certainly shared in that kind of
[16] thinking. I cannot speak for Mr. Hernandez at this point
[17] whether he was quoting me or summarizing for the group, or
[18] expressing his own opinion there. I just don't know what he
[19] had in mind.

[20] Q. Let's turn to the first page of the exhibit, Mr.

[21] Papageorge, which is dated later. It's dated May 3rd, 1978,

[22] a one-page memorandum, and it indicates that - well,

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[1] there's Mr. Farley's name - "Charlie Farley, and Bill

[2] Papageorge were coming to visit Texas City and they wanted
[3] to discuss the status of outside processor evaluations." and
[4] you've reviewed that portion of this memorandum?

[5] A. I have.

[6] Q. Is this something you did at each plant, later to
[7] go back and review how far, how much progress they had made
[8] on evaluations of outside processors?

[9] A. For those plants that had such arrangements,
[10] that's what I did.

[11] Q. Now, the addressees of this memorandum, which Mr.

[12] Hernandez very conveniently put down what their

[13] responsibilities were at the time, do you recognize, at

[14] least to the extent there are manufacturing people

[15] indicated, that those are units that had outside processor

[16] arrangements at Texas City? And by that, I'm saying

[17] styrene, and I take it it's ethyl benzene manufacturing -

[18] A. Yes.

[19] Q. - Mr. Fuller, then Mr. Newsom is listed for

[20] styrene/ethyl benzene P.T., and then Mr. Ryan is listed for

[21] acrylonitrile and some other things that I don't know what

[22] they mean, but some other substances, and my question is

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[1] whether these - whether you recognize that it was those
[2] departments that had outside processor arrangements at the
[3] time.

[4] A. Well, there are two individuals, there, that
[5] represent the departments; Mr. Fuller, and Mr. Ryan.

[6] Mr. Newsom, you will note, after his name, styrene/EB P.T.,

[7] that's Plant Technology. In other words, he was part of

[8] the, the technical group at the plant that associated with

[9] that, those two products.

[10] Q. Did you have an understanding in May of 1978 that

[11] the Styrene/Ethyl Benzene Manufacturing units had outside

[12] processor relationships?

[13] A. Oh, yes, mm-hmm.

[14] Q. Can you tell us today whether this meeting

[15] scheduled for May of 1978 actually took place?

[16] A. I don't recall it vividly, no. Hmm-mm.

[17] Q. Okay. Did you have any concerns at any time with

[18] the progress at Texas City in evaluating outside processors?

[19] A. No.

[20] MR. HUGHES: All right, off the record.

[21] (Recess from 11:02 to 11:12.)

[22] MR. HUGHES: Back on the record.

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[1] BY MR. HUGHES:

[2] Q. Mr. Papageorge, when Monsanto decided to take
[3] this hard look at outside processors and a dossier was to be
[4] compiled, were - was it contemplated that as part of the
[5] compilation of dossier, people at the plant level would look
[6] at the history of the plant's relationship with the outside
[7] processor?

[8] A. I don't recall that being brought up as a
[9] specific subject, but you used the word "contemplated," the
[10] closest I can come, it was assumed that that kind of
[11] thinking would take place, but nothing specific was said.

[12] Q. You indicated it was assumed. Is that something
[13] that you assumed?

[14] A. Yes, on my part.

[15] Q. All right. The reason I ask that question is,
[16] for example, didn't you consider it to be significant if in
[17] the past, the plant personnel had expressed some concern
[18] with the operations of an outside processor?

[19] A. I certainly considered it personally, yes,

[20] mm-hmm.

[21] Q. Okay. Did that subject come up at any of the
[22] meetings that you had with plant personnel, that you were

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[1] interested in finding out whether there had been any prior
[2] expressions of concern about the operations of an outside
[3] processor?

[4] A. I don't recall that coming up as a specific
 [5] topic, no. humm-mm.
 [6] Q. Putting to one side whether that came up as a
 [7] specific topic, in these conversations with the plant
 [8] personnel, were they encouraged to compile as much
 [9] information as they had about the outside processor?
 [10] A. Certainly.
 [11] Q. Did you encourage the people at the plant level
 [12] to review plant documentation about the outside processor?
 [13] A. Yes.
 [14] Q. And were they encouraged to determine, for
 [15] example, what the plant had sent to an outside processor
 [16] over time?
 [17] A. That was part of the, I'm going to call it the
 [18] historic part of this dossier.
 [19] Q. So there was a, I take it from that answer, that
 [20] answer implies there was an historic part which is here's
 [21] what happened until now and a prospective part, "Here's what
 [22] we propose to" - "Here's the relationship we propose to

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[1] have in the future." Is that fair?
 [2] A. Well, I would even break it into a middle
 [3] category with here's what we're now doing, here what we used
 [4] to do, here's what we're now doing, here's where we think we
 [5] ought to be, and it would take it us "X" months, or what
 [6] have you, to get there.
 [7] Q. In connection with compiling this dossier, did
 [8] the plant-level people take a look at whether there had been
 [9] any regulatory involvement on the part of the outside
 [10] processor?
 [11] A. That was certainly part of it, yes, sir. That
 [12] was - yes, but I'm having difficulty recalling a specific
 [13] statement to that effect, since we were basing our
 [14] activities on what we knew about the Kepone incident and the
 [15] fact that regulatory people were involved in that, as we
 [16] kind of translated that to the kind of thing that could
 [17] happen to Monsanto, so on.
 [18] Q. What I was focusing on was whether it was -
 [19] strike that - whether Monsanto wanted to know, as part of
 [20] this outside processor dossier, whether any regulatory
 [21] action had been taken against the outside processor -
 [22] A. Yes.

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[1] Q. - during the period Monsanto had been dealing
 [2] with it.
 [3] A. Yes.
 [4] Q. Is that something that would affect your
 [5] assessment of the risks?
 [6] A. Correct.
 [7] Q. And that would particularly be so, wouldn't it,
 [8] if the regulatory action had related to the substance that
 [9] Monsanto had sent to the outside processor?
 [10] MR. SARFATTI: Objection; vague.
 [11] A. Yeah, that's assuming that the Monsanto substance
 [12] was the material of concern to the regulatory people, then
 [13] one can also learn from actions that regulatory people take
 [14] on other materials as to what, if any, effect it would have
 [15] on Monsanto material.
 [16] BY MR. HUGHES:
 [17] Q. Could you explain the latter part of your answer
 [18] to me?
 [19] A. I'll try. If a regulatory agency had taken
 [20] action or implied that their problems existed at an outside
 [21] processor's plant relating to a specific material, that
 [22] material not being Monsanto material, knowing something

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[1] about that material, then Monsanto's people can sit back and
 [2] say, our material is not similar or our material is similar,
 [3] therefore, that action is of significance to us or it's not
 [4] relevant to us.
 [5] MR. HUGHES: Number 32.
 [6] (Papageorge Deposition Exhibit 32 marked for
 [7] identification.)
 [8] (Witness peruses said document.)
 [9] MR. HUGHES: For the record, while Mr. Papageorge
 [10] is reviewing it, we've marked as Papageorge 32 a one-page

[11] document bearing the date January 17, 1977. It purports -
 [12] the original purportedly appears to have been signed by
 [13] W. B. Papageorge, production number CBY 3512723.
 [14] BY MR. HUGHES:
 [15] Q. Let me know when you've had a chance to review
 [16] that, Mr. Papageorge.
 [17] (Witness peruses said document.)
 [18] A. I have read it.
 [19] BY MR. HUGHES:
 [20] Q. Let me first ask you, Mr. Papageorge, whether any
 [21] of the, what appears to be handwriting on this copy, is
 [22] yours.

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[1] A. It is not.
 [2] Q. Excluding for the next question that handwriting,
 [3] this is, this is, isn't it, a document that you prepared?
 [4] A. It appears to be, yes.
 [5] Q. Okay. You don't have any, any knowledge to
 [6] suggest this is not an authentic copy of a document that you
 [7] prepared, do you?
 [8] A. No, I don't.
 [9] Q. Now, the date that the document bears is January
 [10] 17th, 1977, and am I correct that at that time, you were
 [11] still the Manager of Product Acceptability?
 [12] A. That is correct.
 [13] Q. And this is a document you prepared in the course
 [14] of your duties at Monsanto?
 [15] A. Yes, sir.
 [16] Q. And it's one that's retained in the ordinary
 [17] course of Monsanto's business?
 [18] A. Yes.
 [19] Q. The memorandum appears to be addressed to three
 [20] individuals, D. E. Danley, S. L. Hunter, and W. R. Richard?
 [21] A. Yes.
 [22] Q. Can you tell simply from those names why this

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[1] particular memorandum would be addressed to that group? In
 [2] other words, is there a theme that runs through those three
 [3] names?
 [4] A. Well, those three individuals are directors of
 [5] technology, responsible for manufacturing processes. They
 [6] also reported into the team to which I belonged, reporting
 [7] to Dr. Dmytryszyn, and I believe that they were in the
 [8] position to know some of these relationships that are
 [9] listed, and the last sentence really points out the reason
 [10] for addressing them. I was asking them have any
 [11] arrangements been made through their organizations; the last
 [12] sentence of that memo covers that.
 [13] Q. In 1977, was there, to your knowledge, any
 [14] practice concerning what outside processor relationships
 [15] would be arranged by the Manufacturing Department and what
 [16] ones would be arranged by the Technology Division?
 [17] A. I'm not aware of any formal arrangement. I just
 [18] don't know. And by that, I'm saying I don't know of any
 [19] arrangement made by the Technology Division. I'm only
 [20] familiar with those made by the manufacturing unit at the
 [21] plant.
 [22] Q. Now, are you speaking of at the time that's all

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[1] you were aware of or up until you left Monsanto?
 [2] A. Up until I left Monsanto, as best as I recall, I
 [3] don't recall any arrangement that the technology managers
 [4] arranged with outsiders.
 [5] Q. Can you tell us what facts led you to send out a
 [6] memorandum essentially soliciting information, whether there
 [7] were any outside processors that had become involved through
 [8] the Technology Division?
 [9] A. I don't remember now what triggered that question
 [10] in my mind. I just don't remember.
 [11] Q. Now, in this memorandum you indicate that a
 [12] corporate-wide task force had been appointed?
 [13] A. It does say that.
 [14] Q. Were you a member of that task force?
 [15] A. I honestly don't remember the details.
 [16] Q. Okay, let me see if I can jog your memory. I
 [17] think we may see a document, or I've seen a document,

- [18] indicating that Mr. Dahm was involved with the outside
 [19] processor task force?
 [20] A. Yes, Don Dahm.
 [21] Q. Does that ring a bell with you?
 [22] A. It does. He was working for Mr. Throdahl at the

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- [1] time. This is before Mr. Throdahl became the head of the
 [2] Environmental Policy staff. That's all that comes to mind
 [3] at the moment.
 [4] Q. And do you recall that Mr. Dahm was the chair of
 [5] an outside processor task force under Mr. Throdahl's
 [6] organization?
 [7] A. That's my recollection, yes.
 [8] Q. Having thrown out the name of Mr. Dahm, does that
 [9] ring any bells as to whether you were a member of that task
 [10] force?
 [11] A. I remember many discussions with Mr. Dahm on the
 [12] subject. I'm having a hard time picturing myself in a room
 [13] full of others wearing a hat of a member of a particular
 [14] group. Now, this doesn't mean it didn't happen; I just
 [15] don't remember that scenario.
 [16] Q. Okay. Now, at this time in January of 1977,
 [17] which as you pointed out, as before Mr. Throdahl took his
 [18] position - well, before the environmental policy staff
 [19] existed.
 [20] A. Correct.
 [21] Q. And at that time, wasn't Mr. Throdahl in a
 [22] corporate-level technology position?

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- [1] A. Yes.
 [2] Q. Did you have any communication in 1977 with Mr.
 [3] Throdahl about outside processor concerns?
 [4] A. No.
 [5] Q. In this memorandum, you've set forth four
 [6] categories of relationships to be examined on outside
 [7] processors?
 [8] A. I did.
 [9] Q. Can you tell us, today, what the source was for
 [10] those four categories?
 [11] A. I don't recall.
 [12] Q. In the fourth category which reads, quote,
 [13] "Upgrade our by-product or waste extremity," end quote, do
 [14] you see that?
 [15] A. I see that.
 [16] Q. All right. Can you tell us what kinds of outside
 [17] processor arrangements you were referring to in that item?
 [18] A. The type were a material from Monsanto, could be
 [19] further processed to produce a, another material that - for
 [20] which there was a market.
 [21] Q. And that would include, wouldn't it, instances
 [22] where the outside processor intended to market that other

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- [1] material, itself?
 [2] MR. SARFATTI: Objection; vague.
 [3] BY MR. HUGHES:
 [4] Q. Is that right?
 [5] MR. SARFATTI: And speculative.
 [6] BY MR. HUGHES:
 [7] A. That would include that, yes, sir.
 [8] Q. And would it also include instances where the
 [9] outside processor returned this recovered material to
 [10] Monsanto?
 [11] A. Yes.
 [12] Q. In the paragraph immediately after those four
 [13] numbered categories, you indicated that the reason for doing
 [14] this was, quote, "To ensure that our corporate concepts of
 [15] social responsibility are not compromised by anyone who
 [16] might be considered our agent."
 [17] Can you tell me the source of that expression of
 [18] concern? Is that your own interpretation or did that come
 [19] from somebody else?
 [20] A. I don't know if it was original with me or not.
 [21] At this point, I can't really say. I certainly believed in
 [22] that personally.

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- [1] Q. Okay.

- [2] A. Whether it represents a consensus of a bigger
 [3] group, I don't recall.
 [4] Q. Mr. Papageorge, do you recognize any of the
 [5] handwriting on this document?
 [6] A. No, I don't.
 [7] Q. Now, one of the names that appears on it is, in a
 [8] couple of places, W. G. - is it Juhl, J-u-h-l?
 [9] A. Yes, sir.
 [10] Q. And at the time in January of 1977, was Mr. Juhl
 [11] at the Texas City plant?
 [12] A. Yes.
 [13] Q. What was his position at the Texas City plant at
 [14] that time?
 [15] A. He was not a member of the plant organization.
 [16] He was physically located there. His staff was located
 [17] there. He's a member of the Technology Division. I have
 [18] forgotten his exact title, but he reported to Mr. Hunter,
 [19] and his team was associated with technology associated with
 [20] Texas City plant processes.
 [21] Q. Now, you told us that the three addressees of the
 [22] document, that is, Danley, Hunter and Richard, were all

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- [1] Directors of Technology for manufacturing?
 [2] A. No.
 [3] Q. Did I get that wrong? I did get it wrong.
 [4] A. I don't know that it's so much wrong, it's they
 [5] were, their title, as I remember, was Directors of
 [6] Technology.
 [7] Q. And they reported to Dr. Dmyrystyn?
 [8] A. Correct.
 [9] Q. And were they all in St. Louis?
 [10] A. No.
 [11] Q. Where were they located?
 [12] A. Mr. Danley was located in Pensacola, Florida, Mr.
 [13] Hunter in St. Louis, and Mr. Richard in St. Louis.
 [14] Q. Did Mr. Hunter's - strike that.
 [15] Did all of the people in Technology at the Texas
 [16] City plant report to Mr. Hunter?
 [17] A. Yes.
 [18] Q. Okay. There's an indication in your memorandum
 [19] that a preliminary inventory of outside processors had been
 [20] prepared by corporate Directors of Manufacturing?
 [21] A. That's what it indicates.
 [22] Q. Okay, and as of July - I'm sorry, as of January

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- [1] 1977, who was the Director of Manufacturing with
 [2] responsibility for the Texas City plant? Was it Mr.
 [3] Brasfield at that time?
 [4] A. Yes, Mr. Earl Brasfield.
 [5] Q. Now, it's unlikely, isn't it, that Mr. Brasfield,
 [6] himself, compiled the list of outside processors?
 [7] A. That's true.
 [8] Q. Do you know who in the Manufacturing Group that
 [9] would have responsibility for the Texas City plant compiled
 [10] a list of outside processors?
 [11] A. It would certainly have to be somebody that the
 [12] plant manager assigned. At this point in time, I don't know
 [13] who that individual was. It might have been a team.
 [14] Q. Was your expectation that responses to this
 [15] memorandum would come directly to you? And I ask that
 [16] because of, the very last sentence seems to invite that.
 [17] A. I'm sorry, you mean the responses to this
 [18] particular document?
 [19] Q. Yes. In other words, your very last sentence of
 [20] the document indicate - is a question -
 [21] A. Yes.
 [22] Q. - essentially seeking information.

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- [1] A. Yes.
 [2] Q. And -
 [3] A. I was hoping that the addressees would make their
 [4] composite reports and send me a copy.
 [5] Q. Were you at the time compiling a corporate-wide
 [6] inventory of outside processors?
 [7] A. No, I was, I was compiling an MCI-wide inventory.
 [8] Q. I'm sorry, I meant to ask it that way.

[9] And was it your responsibility, individually, to
 [10] compile that list, from various resources that you used?
 [11] A. I sort of acted like the scissors-and-paste guy
 [12] and sent the combination reports to Mr. Dahm.
 [13] Q. Who else did you send the - well, let me back
 [14] up. When you say the combination report, once you got all
 [15] the feedback from these resources -
 [16] A. Right.
 [17] Q. - you had your secretary put it into some kind
 [18] of format, I take it?
 [19] A. Some kind of format. I don't recall exactly what
 [20] form it took. It wouldn't surprise me if it was just a
 [21] matter of stapling it to a note that said, "Here is MCI's
 [22] report."

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[1] Q. Fair enough. And you sent a copy to Mr. Dahm?
 [2] A. Yes.
 [3] Q. Who else did you send a copy to?
 [4] A. Oh, God, I don't remember.
 [5] Q. Did you notice in January of 1977 what Monsanto
 [6] intended to do with this inventory of outside processors
 [7] once it was compiled?
 [8] A. No, I don't.
 [9] Q. Okay, and what I'm getting at is, were you ever
 [10] in any discussions about, for example, "we're going to use
 [11] this to schedule evaluations of all outside processors,"
 [12] anything along those lines?
 [13] A. No, that certainly is not my recollection. It
 [14] did stimulate some MCI thinking to take their actions within
 [15] MCI. I cannot speak as to what purposes it served for Mr.
 [16] Dahm and Mr. Throdahl.
 [17] Q. Did you maintain a copy of the compilation of
 [18] information on outside processors within MCI?
 [19] A. I don't recall it, but that doesn't mean I didn't
 [20] keep a copy.
 [21] Q. When you were going around to the plants later
 [22] and discussing the evaluations of outside processors, did

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[1] you already have a list with you for each plant that you
 [2] could refer to?
 [3] A. Oh, I very likely, sure, sure, I prepared for
 [4] these meetings and that's where my information would come
 [5] from.
 [6] Q. At these meetings at the plant level, was there
 [7] ever one in the format where you went down a list of the
 [8] outside processors about which you had been performed -
 [9] informed, and asked those present at the meeting what the
 [10] status is with each outside processor?
 [11] A. Of course, I don't recall specifically each and
 [12] every meeting, but I can share with you my style, would be
 [13] one of let the plant open the discussion and share with me
 [14] an update on each of the outside processors. In the
 [15] meantime I would consult my notes, and if there was some gap
 [16] between the information I was getting and what I had
 [17] received in the past, I certainly would bring up, "What
 [18] about this arrangement or what about this issue," and we
 [19] would pursue it along those lines.
 [20] Q. So I take it, then, that in these meetings,
 [21] pursuant to that format, you do recall there being a
 [22] run-down of the outside processors and the status of the

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[1] evaluations?
 [2] MR. SARFATTI: Objection; mischaracterization.
 [3] A. Well, I don't know about so much a run-down. I
 [4] had done my homework, by perusing what files I had in my
 [5] immediate possession, made notes as appropriate where some
 [6] things I recall so vividly I didn't have to make a note,
 [7] others I would jot down and I would work from those notes in
 [8] phrasing my comments and questions to the group that
 [9] represented the plants.
 [10] If the issue was covered well, to satisfy the
 [11] notes I had taken, I certainly didn't bring it up again, but
 [12] as I said earlier, if there was a gap in the information,
 [13] somebody was not mentioned that should have been, in terms
 [14] of an outside processor, I would ask, "Well, what about ABC
 [15] Company? What's the relationship there?" And they would

[16] bring me up-to-date.
 [17] BY MR. HUGHES:
 [18] Q. Okay. On what we've marked as Papageorge Exhibit
 [19] 32, there's handwriting down at the bottom of the page which
 [20] reads, as I read it, "JOC Oil - SM tars - sale," question
 [21] mark and under that, "Phenolic tars"?
 [22] A. I see that.

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[1] Q. Okay. Now, you'll remember when we last met, you
 [2] indicated that you had heard of JOC Oil in the context of
 [3] seeing a truck leaving the Texas City plant; is that right?
 [4] A. I remembered that, yes.
 [5] Q. And since our last meeting, have you been able to
 [6] remember what substance that truck was taking away?
 [7] A. Not until I saw these notes here, today.
 [8] Q. Does that refresh your memory?
 [9] A. It does, yes.
 [10] Q. Okay. So you were aware - let me back up.
 [11] I think you told me that - well, let me just ask
 [12] you, this incident at the Texas City plant where you saw the
 [13] JOC Oil truck leaving -
 [14] A. Yes.
 [15] Q. - did it actually say "JOC Oil" on the truck?
 [16] A. Yes, as best I remember, the "J-O-C" was on the
 [17] cab door. Mm-hmm.
 [18] Q. Approximately when was that?
 [19] A. Oh, golly.
 [20] Q. Can you narrow it down even to year?
 [21] A. I'm having difficulty narrowing it down. It
 [22] certainly would have to be after 1976. I find myself in the

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[1] position where I'm almost guessing and I'm trying to avoid
 [2] that.
 [3] Q. Okay. Well, in - I don't want you to guess, Mr.
 [4] Papageorge. Now we have in front of us as Papageorge 32 a
 [5] document that you created in January 17th, 1977, and I
 [6] understand you don't know when the handwriting was put on
 [7] it.
 [8] A. That's true.
 [9] Q. But my question would be whether in response to
 [10] this corporate-wide task force seeking to identify outside
 [11] processors, it was brought to your attention that JOC Oil
 [12] was an outside processor with which the Texas City plant
 [13] dealt.
 [14] A. That I don't remember. I don't remember the
 [15] listing of outside processors.
 [16] Q. I haven't asked you, did you get this document
 [17] back with the handwriting on it?
 [18] A. I don't recall that at all.
 [19] Q. Now, you indicated that seeing, putting that,
 [20] taking that into account, nonetheless seeing JOC Oil-SM
 [21] tars - sale jogged your memory?
 [22] A. It did.

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[1] Q. Tell us what your jogged memory is now.
 [2] A. That's just about it; that he was - that JOC Oil
 [3] truck was hauling these tars from the styrene process to
 [4] somewhere. That's all I really recall.
 [5] Q. And is, is that memory that you now have
 [6] connected with this incident where you saw the truck leaving
 [7] the plant?
 [8] A. Yes.
 [9] Q. Now, it also, this handwriting also indicates
 [10] phenolic tars, and does that refresh your memory as to
 [11] whether JOC Oil also received phenolic tars from Monsanto?
 [12] A. Yes, it does.
 [13] Q. And in what context did you learn that JOC Oil
 [14] received phenolic tars from Monsanto?
 [15] A. I don't know that I understand your question.
 [16] You mean under what conditions did I learn of this, or -
 [17] Q. Let me ask it like a normal person would. How
 [18] did you learn it?
 [19] A. As best I recall, when this particular truck was
 [20] noted and pointed out to me, the individual who was with me
 [21] said that it also picks up material from the Chocolate Bayou
 [22] plant. This is the other Monsanto plant in that area, and

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- [1] this is where the reference to phenol tars came up. That's,
 [2] as best as I recall, that's when it happened.
 [3] Q. Having had your memory refreshed to the extent
 [4] that you did have a conversation that identified the
 [5] substances going to JOC Oil, do you remember who it was you
 [6] had the conversation with?
 [7] A. No, I don't. I wish I could.
 [8] Q. And do you - can you tell us, having seen this
 [9] reference, whether you were informed what JOC Oil did with
 [10] the styrene tars and phenolic tars?
 [11] A. I was led to believe by that conversation that
 [12] JOC Oil did some processing to recover salable materials
 [13] from these two tars.
 [14] Q. And this is, again, in this conversation we've
 [15] identified when you saw the truck at the Texas City plant?
 [16] A. That's my first awareness of this, yes.
 [17] Q. All right. Do you now have a memory of
 [18] discussing JOC Oil other than in that incident where you saw
 [19] the truck at the Texas City plant?
 [20] A. No, I don't.
 [21] Q. I asked because you said this was the first
 [22] incident, which implied there was a second, to me.

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- [1] A. The implication is there, but I just don't
 [2] remember JOC Oil any further than that, really.
 [3] Q. In this conversation that took place after you
 [4] saw the JOC Oil truck at the Texas City plant, now that your
 [5] memory is a little more refreshed, let me ask whether you
 [6] were told what salable materials JOC Oil recovered.
 [7] A. I don't remember the specific, no.
 [8] Q. Okay. At least by the time of this conversation
 [9] when you saw the JOC Oil truck, you knew that JOC Oil took
 [10] styrene monomer tars and phenolic tars from Monsanto;
 [11] correct?
 [12] A. That's it.
 [13] Q. Do you know anything about the commercial terms
 [14] on which JOC Oil received those materials?
 [15] A. At that time?
 [16] Q. At that time.
 [17] A. No.
 [18] Q. Did you at any time learn the commercial terms
 [19] under which JOC Oil received styrene tars and phenolic tars?
 [20] A. Commercial terms? No.
 [21] Q. And by that, I mean money paid.
 [22] A. I understand. I think I understand.

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- [1] Q. Title passing hands, things like that.
 [2] A. No.
 [3] Q. Did you ever see a contract between Monsanto and
 [4] JOC Oil?
 [5] A. No.
 [6] Q. As of the time of that conversation after you saw
 [7] the JOC Oil truck, you knew that JOC Oil was an outside
 [8] processor with which Monsanto had some relationship. Is
 [9] that fair to say?
 [10] A. I knew there was a relationship. At the time,
 [11] the expression "outside processor" referred to a service
 [12] purchased by Monsanto. It's highly unlikely, and I don't
 [13] remember thinking about JOC Oil as an outside processor
 [14] under that definition, although I must admit that the
 [15] expression "outside processor" broadened with time and
 [16] included companies like JOC Oil that made material and sold
 [17] their, the results of their process independently and did
 [18] not come back to Monsanto with any of it.
 [19] Q. Just so I'm clear, Mr. Papageorge, when we were
 [20] discussing numbered category 4 on Papageorge Exhibit 32 -
 [21] A. Right.
 [22] Q. - I asked you whether that included entities

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- [1] that processed materials for purposes of selling the
 [2] recovered substances themselves -
 [3] A. Yes.
 [4] Q. - and my recollection is, you said yes.
 [5] A. Under number 4, yes.
 [6] Q. So isn't that what JOC Oil was doing by your

- [7] understanding -
 [8] A. You are right. I was - the dates are confused
 [9] in my mind.
 [10] Q. The point I'm getting at is that at least by
 [11] January 1977, the relationship you learned about with JOC
 [12] Oil was one that would fit within the then scope of the
 [13] definition, outside processor?
 [14] MR. SARFATTI: Objection; vague.
 [15] A. By 1977, yes.
 [16] BY MR. HUGHES:
 [17] Q. Now, if you'll, if we can look at the last two
 [18] lines of the handwriting on this exhibit, Papageorge Exhibit
 [19] 32, which I read as saying first, "Cumene catalyst," and
 [20] then is that "AlCl3 solution"?
 [21] A. That's the way I read it, yes.
 [22] Q. "- Lowe."

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- [1] A. I see that.
 [2] Q. And for the record, can you tell us what AlCl3
 [3] is?
 [4] A. Aluminum chloride.
 [5] Q. Was aluminum chloride a substance produced at the
 [6] Texas City plant?
 [7] A. I don't know that the word "produced" is the
 [8] correct word.
 [9] Q. Fair enough.
 [10] A. It was present as a result of a process.
 [11] Q. Would you call it a by-product of a process?
 [12] MR. SARFATTI: Objection; vague.
 [13] A. A by-product has a connotation of high quality,
 [14] higher quality material than this would be. I would suggest
 [15] that it's a - I can't think of an appropriate word at the
 [16] moment. It's a stream, it's a solution that results from
 [17] the processing, and as best I recall, the aluminum chloride
 [18] is a catalyst in some process used to make some chemical. I
 [19] forget which now, and after performing its function and as,
 [20] in essence, removed from the final product, it's, it's
 [21] available for further processing if there's some valuable
 [22] material in it. That's as best I can do.

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- [1] Q. Now, I pointed out that this one has a dash and
 [2] it says "low."
 [3] A. I see that.
 [4] Q. And you will recall we discussed last time a
 [5] person by the name of Ralph Lowe.
 [6] A. I do, right.
 [7] Q. Does reading this handwriting refresh your
 [8] recollection at all that Monsanto was sending an aluminum
 [9] chloride solution to Mr. Lowe for reprocessing?
 [10] A. It does not. I don't remember it.
 [11] Q. In connection with the work you did on the
 [12] outside processor evaluations, did you ever learn of a
 [13] company called Dixie oil processors?
 [14] A. No.
 [15] Q. Up until today, have you ever learned of that
 [16] entity?
 [17] A. I just don't remember that.
 [18] Q. Now, let's see. Mr. Papageorge, the date of this
 [19] exhibit we've been looking at, number 32, is January 17th,
 [20] 1977, and we can see that somebody in response to this memo
 [21] wrote down JOC Oil. Is that something that you would have
 [22] expected to be communicated to you?

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- [1] MR. SARFATTI: Objection; vague.
 [2] MR. HUGHES: Well, let me rephrase, in light of
 [3] Mr. Sarfatti's objection.
 [4] BY MR. HUGHES:
 [5] Q. It appears, although we don't know whom, that
 [6] somebody identified in response to this memorandum, that SM
 [7] tars were being sent to JOC Oil. Isn't that information
 [8] that you would have expected to be communicated back to you
 [9] in response to this memo?
 [10] MR. SARFATTI: Objection; mischaracterization of
 [11] the notes.
 [12] A. It all depends on who made the arrangement with
 [13] JOC Oil. If the plant had made it, then the individuals

[14] listed here as addressees were not included in their
 [15] document or submission to me. They were to report to me
 [16] those arrangements that their teams had made with outside
 [17] processors, not what the plant has made, so it isn't
 [18] necessarily true that JOC Oil would have been on Mr.
 [19] Hunter's list.
 [20] MR. HUGHES: Fair enough.
 [21] BY MR. HUGHES:
 [22] Q. At the time you wrote this memorandum, it

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[1] indicates you had already gotten information from the
 [2] manufacturing people.
 [3] A. Correct.
 [4] Q. And in the ordinary practice at Monsanto, you
 [5] would have expected to receive a response to your January
 [6] 17th, 1977, memorandum at least within a month, wouldn't
 [7] you?
 [8] A. Certainly.
 [9] Q. Now, the fact - doesn't the fact that your first
 [10] recollection of the term "JOC Oil" of learning of the term
 [11] "JOC Oil" was in seeing this truck at Texas City, indicate
 [12] that that was before January 17th, 1977?
 [13] A. That would be one indication. The other could
 [14] well be that the name "JOC Oil" from a document, remained
 [15] with me in my memory, until I went to the plant and saw the
 [16] truck, so that recollection is more vivid than reading it in
 [17] a document with many other listings.
 [18] Q. Mr. Papageorge, did you know an individual in the
 [19] technology area of the Texas City plant named Lane, W. H.
 [20] Lane?
 [21] A. I cannot place that person.
 [22] MR. HUGHES: Okay, next one.

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[1] (Papageorge Deposition Exhibit 33 marked for
 [2] identification.)
 [3] MR. HUGHES: For the record, we've marked as
 [4] Papageorge Exhibit 33 a two-page memorandum which is a cover
 [5] memo with attachment. The cover memo date is February 7,
 [6] 1977, from G. L. McKee to W. G. Juhl. The date is CBY - I
 [7] mean the Bates number is CBY 3512721.
 [8] BY MR. HUGHES:
 [9] Q. Let me know when you've had enough of an
 [10] opportunity to review that, Mr. Papageorge.
 [11] (Witness peruses said document.)
 [12] BY MR. HUGHES:
 [13] Q. There's no indication you received this document,
 [14] if that's what you are looking for. Mr. Papageorge.
 [15] A. Yeah, I just don't recall this at all, but I have
 [16] read it.
 [17] Q. The reason I put it in front of you is, relates
 [18] to the second page, the attached memorandum, which is one
 [19] dated September 23rd, 1976, from S. G. Pappas to
 [20] E. N. Brasfield, and in particular, I wanted to note that
 [21] date, to see if that refreshes your memory any further
 [22] concerning when this outside processor had look began.

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[1] (Witness peruses said document.)
 [2] A. I can't relate this date to that program. I'm
 [3] having a difficult time placing it. It just doesn't refresh
 [4] my memory.
 [5] BY MR. HUGHES:
 [6] Q. Okay. There's a reference on this page, the
 [7] second page of Papageorge Exhibit 33, to Mr. Eck's memo.
 [8] A. Yes.
 [9] Q. Who is Mr. - what was Mr. Eck's position in
 [10] September 1976?
 [11] A. He was the newly appointed Vice-President and
 [12] Managing Director of Monsanto Chemical Intermediates
 [13] Company, MCI.
 [14] Q. So he was the head of the entire operating
 [15] company?
 [16] A. Yes.
 [17] Q. Did you ever have any communication with Mr. Eck
 [18] about an outside processor review or evaluation program?
 [19] A. I don't know, I don't remember any discussion
 [20] with Mr. Eck personally, no.

[21] Q. Did you know that Mr. Eck had indicated any
 [22] interest in that program?

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[1] A. I did not.
 [2] Q. This is news?
 [3] A. This is the first I've seen of this.
 [4] Q. Okay. This memorandum also suggests involvement
 [5] by Mr. Brasfield -
 [6] A. It does.
 [7] Q. - in the program. That you do recall, I take
 [8] it?
 [9] A. Yes.
 [10] Q. Was Mr. Brasfield on the task force, addressing
 [11] outside processors?
 [12] A. I don't recall Mr. Brasfield being on any
 [13] particular task force, no.
 [14] Q. Did you send any reports concerning the status of
 [15] the outside processor review program to Mr. Brasfield?
 [16] A. I don't recall doing so. It's very likely that I
 [17] did, because of his position in the organization.
 [18] Q. Did you know Mr. Pappas in September of 1976?
 [19] A. No, I met Mr. Pappas several months later.
 [20] Q. Was it within the discretion of the plans, as
 [21] you understood it, to decide who at the plant level would be
 [22] responsible for reviewing and controlling outside processor?

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[1] A. It was the discretion of the plant manager.
 [2] Q. Okay, so Mr. Pappas is indicating, here, that at
 [3] least at Chocolate Bayou, was the Process Technology
 [4] Department. Do you know - maybe we've already gone over
 [5] this - you don't know where it was assigned in Texas City?
 [6] A. No, I don't.
 [7] MR. HUGHES: Next one.
 [8] (Papageorge Deposition Exhibit 34 marked for
 [9] identification.)
 [10] MR. HUGHES: For the record, while Mr. Papageorge
 [11] is reviewing the document, we've marked as Exhibit 34 a
 [12] document that begins with a transmittal slip from the desk
 [13] of W. B. Papageorge, and then contains a couple of
 [14] attachments bearing various dates. The entire document is
 [15] Bates number CBY 3512704 to 3512711.
 [16] (Witness peruses said document.)
 [17] BY MR. HUGHES:
 [18] Q. Mr. Papageorge, let me know when you've been able
 [19] to familiarize yourself sufficiently with that document.
 [20] (Witness peruses said document.)
 [21] A. I've reviewed the document.
 [22] BY MR. HUGHES:

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[1] Q. Now, Mr. Papageorge, let me represent for the
 [2] record that this is a document that was produced in this
 [3] form to Defendants. And I say that because we have a
 [4] transmittal slip with certain attachments. Do you recognize
 [5] this collection as something that you forwarded to Dr. Juhl?
 [6] A. Now that I've seen it, I recall doing so, mm-hmm.
 [7] Q. You did that as part of your job as - you are
 [8] not DEO yet. We can't tell, can we? Is there any way to
 [9] tell whether at the time you sent this, you were the DEO?
 [10] A. I was looking for a date, but I, I do not find
 [11] any.
 [12] Q. Well, there are several dates, but
 [13] unfortunately -
 [14] A. I was really referring to a date -
 [15] Q. On your cover memo?
 [16] A. - of my cover ticket, here.
 [17] Q. And you had the same transmittal note when you
 [18] were Manager of Product Acceptability and as DEO?
 [19] A. Yes.
 [20] Q. Now, I take it this was something that you
 [21] compiled, did you, at the request? It says, "Per your
 [22] request, Dr. Juhl," - on the transmittal note?

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[1] A. It does.
 [2] Q. What was Dr. Juhl's request? Can you tell us
 [3] that?
 [4] A. Of course, I don't recall the exact words but it

[5] was something about "What do you have, Bill, regarding
[6] outside processor arrangements that I might be interested
[7] in?" So I gave him what's shown on this packet, the whole
[8] list.

[9] Q. And you would agree this is a document that was
[10] maintained by Monsanto in the regular course of its
[11] business?

[12] A. Yes.

[13] Q. From your, one of your previous answers, is it
[14] fair to state that the attachments were materials you had in
[15] a file readily accessible to you?

[16] A. Yes.

[17] Q. Now, the first two pages of the attachment, Mr.
[18] Papageorge, is captioned "Outside Processor Task Force"?

[19] A. It is.

[20] Q. And at the bottom of the second page in the lower
[21] left-hand corner, it says "D. J. Dahm, 2-15-77"?

[22] A. It does.

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[1] Q. Can you tell us what that document is?

[2] A. Well, this is the document prepared by Mr. Dahm
[3] to describe the, in a short form, really, the program for
[4] becoming familiar with our outside processor arrangements,
[5] corporate-wide.

[6] Q. Then is it correct to state that this constitutes
[7] essentially the instructions to all the operating companies
[8] concerning what outside processor relationships this task
[9] force was interested in?

[10] A. Yes, this includes the instructions on how to
[11] report that information.

[12] Q. So this, this document, here, is the source of
[13] the definition of the scope of the effort that you later
[14] engaged in to compile information concerning outside
[15] processors; is that right?

[16] A. Well, this is certainly the beginning. This is
[17] more a listing, as distinguished from the more complete
[18] dossiers that we talked about earlier, and so on.

[19] Q. Is any of the handwriting on the second page of
[20] this exhibit yours?

[21] A. It is not.

[22] Q. Okay. Did you ever have any questions for Mr.

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[1] Dahm on application of the guidelines that the task force
[2] had prepared here?

[3] A. I probably did. I don't remember them now.

[4] Q. There is no particular problem that comes into
[5] mind concerning the application of these guidelines?

[6] A. Not outstanding, no, other than getting familiar
[7] with what his objectives were and what he'd like to see, and
[8] so on.

[9] Q. Let's go to the second attachment which you are
[10] already there, I see, which is a list captioned "Monsanto
[11] Chemical Intermediates Company," and then in the upper
[12] right-hand corner there's a date 5-16-77." Right now I'm
[13] referring to the page with Bates number CBY 3512707.

[14] My question for you, Mr. Papageorge, is whether
[15] this is the compilation that you put together from the
[16] information that you received from various sources.

[17] A. Well, it certainly contains information from the
[18] Monsanto Chemical Intermediates Company. I don't recall
[19] this as being the result of the typing done by my secretary
[20] for me. I don't know if this is the original list or
[21] whether this was compiled from another list that was sent to
[22] Mr. Dahm's office.

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[1] Q. Can we agree that at least as of May 16th, 1977,
[2] this was MCI's current list of outside processors with which
[3] it dealt?

[4] A. Yes, I can agree to that.

[5] Q. Now, if you'll turn to the second page of the,
[6] the second page of this particular attachment, which is the
[7] page where the, the first listed outside processor is JOC
[8] Oil -

[9] A. I see it.

[10] Q. Are you there? Okay, and even before seeing this
[11] we've now refreshed your memory that they processed styrene

[12] tars, correct?

[13] A. Yes.

[14] Q. Okay, and here it indicates they were recovering
[15] ethyl benzene.

[16] A. That's what it indicates, yes.

[17] Q. Does that refresh your memory that that's the
[18] substance they were recovering?

[19] A. Not really, but I can't quarrel with it. I don't
[20] know.

[21] Q. Okay, and then you'll notice the second from the
[22] last entry on this page is JOC Oil processing phenol tars

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[1] from Chocolate Bayou; correct?

[2] A. I see that, yes.

[3] Q. Now back, I'm sorry to jump around, back up to
[4] the first listing for JOC Oil. Over in the far right-hand

[5] column, it says, "Arrangement Category," and there's a "2"
[6] and a "3"?

[7] A. Yes.

[8] Q. And that relates back, doesn't it, to the outside
[9] processor task force categories?

[10] A. Yes.

[11] Q. And on the second page, number 2 is for "Outside
[12] processors handling material we buy from them."

[13] A. Correct.

[14] Q. And putting that together with the entry for JOC

[15] Oil in the list of outside processors, does that refresh
[16] your recollection that Monsanto was purchasing ethyl benzene
[17] back from JOC Oil?

[18] A. It doesn't refresh my recollection, but I can't
[19] argue with the typewritten word.

[20] Q. Are you able to tell us who compiled the
[21] attachment that lists the outside processors?

[22] A. Well, I - my office, I compiled the list that

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[1] represents Monsanto Chemical Intermediates.

[2] Q. I'm sorry, I meant to refer to Monsanto Chemical
[3] Intermediates.

[4] A. I'm the one that did that. But I don't know if
[5] this is the list that came out of my office or if this is a
[6] retyped version of that.

[7] Q. Okay, I guess I misunderstood you. You would
[8] agree that you compiled the information that is shown here,
[9] you just don't know whether your secretary typed it?

[10] A. Correct.

[11] Q. All right.

[12] A. I don't know if this is the document that left my
[13] or a copy of the document that left my office or a retyping.

[14] Q. Can you tell us whether as of May of 1977, you
[15] considered this to be a, a completed list or was it still a
[16] living list that was to grow in the future?

[17] A. Oh, living.

[18] Q. And was it a continuous process during the time
[19] through your service as DEO to continually identify outside
[20] processors?

[21] A. Certainly.

[22] Q. Now, when you went to the plants to discuss what

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[1] they should be doing with respect to outside processors, did

[2] you take a list like this with you? By "this," I'm

[3] referring to the attachment to Papageorge Exhibit 33.

[4] A. I don't recall about that -

[5] Q. 34; I'm sorry.

[6] A. I don't know that I'd take a list where all
[7] plants are listed when I'd visit any one plant. I would
[8] certainly take information relating to that one plant with
[9] me.

[10] Q. Mr. Papageorge, is it fair to conclude from the
[11] fact that JOC Oil is shown on this list of MCI outside
[12] processors, that a dossier should have been compiled on JOC
[13] Oil?

[14] A. Yes.

[15] Q. And to the extent possible, if any Monsanto
[16] employee had been able to observe the manner in which JOC
[17] Oil handled the styrene tars and the phenolic tars, that
[18] ought to have been put in the dossier?

[19] A. Yes.
 [20] Q. And further, to the extent that the Texas City
 [21] plant had information about any regulatory actions against
 [22] JOC Oil, that should have gone in the dossier?

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[1] A. To the extent that it had it, yes. Mm-hmm.
 [2] Q. And to the extent the Texas City plant had other
 [3] critical information concerning the operations of JOC Oil,
 [4] that should have gone into a dossier?
 [5] MR. SARFATTI: Objection; vague.
 [6] MR. HUGHES: Let me rephrase the question, in
 [7] light of Mr. Sarfatti's objection.
 [8] BY MR. HUGHES:
 [9] Q. To the extent in the past a Monsanto employee had
 [10] recorded concern with the manner in which JOC Oil ran its
 [11] business, that ought to have gotten into the dossier?
 [12] A. If such a concern was recorded, yes, sir.
 [13] Q. And that dossier should have been maintained at
 [14] the Texas City plant?
 [15] A. Yes.
 [16] Q. Somewhere.
 [17] A. Yes.
 [18] Q. And a copy of that dossier should have been
 [19] forwarded to St. Louis, to Mr. Farley, I guess?
 [20] A. Well, I don't recall that St. Louis kept the full
 [21] dossier. They certainly reviewed it.
 [22] Q. Okay.

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[1] A. Now, whether the material they reviewed was
 [2] the - a copy or whether it was the original, I have no way
 [3] of knowing.
 [4] Q. I thought earlier you had said a copy was sent
 [5] but it doesn't matter to me which way it was done.
 [6] A. I may have used the wrong word. The information
 [7] that's in the dossier was sent to St. Louis for review, and
 [8] the intent was to return it to the plant as the custodians
 [9] of that dossier.
 [10] Q. And by the fact that JOC Oil was listed in this
 [11] compilation, you would have expected that process to have
 [12] occurred for JOC Oil?
 [13] A. Certainly.
 [14] Q. When the - generally, when the dossiers, either
 [15] the - when the information in the dossier came to St.
 [16] Louis, was there a sign-off procedure?
 [17] A. Not a formal sign-off, no.
 [18] Q. Was there any distinction in the procedures used
 [19] between existing outside processors and proposed new outside
 [20] processors?
 [21] A. I'm not aware of any, no.
 [22] Q. Now, in the exhibit before you, Papageorge

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[1] Exhibit 34, on the second page of the exhibit, which is the
 [2] first page of the outside processor task force, I'm calling
 [3] it guidelines - is that a fair term?
 [4] A. That's fair.
 [5] Q. Under "General," it indicates, "To include" and
 [6] it states, "Arrangements currently dormant but potentially
 [7] active." Do you see that?
 [8] A. I see that.
 [9] Q. And that was your understanding at the time of
 [10] the evaluations you were doing in 1977?
 [11] A. Yes.
 [12] Q. When people at the plant level were to prepare a
 [13] dossier on an outside processor were they to have - were
 [14] they to make the effort to go and check with State
 [15] regulatory agencies to see if there had been any problems
 [16] with the outside processor?
 [17] A. I do not recall any specific instructions of that
 [18] type, but it was implied when they were requested to get
 [19] very familiar with the operation, the practices of the
 [20] outside processor, but no instructions were given, "go to
 [21] the state capital building and look up the record" or any
 [22] such thing.

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[1] Q. You understood in 1977, didn't you, that the
 [2] State regulatory agency files were a good source of

[3] information concerning companies in the business of
 [4] processing chemicals?
 [5] MR. SARFATTI: Objection; no foundation.
 [6] A. I would suggest that they were a source of
 [7] information. I don't know about the adjective "good." It
 [8] might be questionable data. I, as I said earlier, I don't
 [9] recall any instructions that said "Do it" and no
 [10] instructions that said "Don't do it." Just, we left it up
 [11] to the plant that was making the assessment to do what was
 [12] appropriate.
 [13] BY MR. HUGHES:
 [14] Q. To do the right thing.
 [15] A. Yeah, what they assumed or believed to be the
 [16] right thing, yeah.
 [17] Q. Did you ever go to a State regulatory agency's
 [18] files, yourself, to check up on any outside processor?
 [19] A. No.
 [20] Q. Did you ever ask anybody on your staff to go to a
 [21] state regulatory agency's files to review the files on
 [22] particular outside processors?

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[1] A. No.
 [2] Q. Do you know whether anyone on your staff ever did
 [3] that?
 [4] A. I do not know.
 [5] Q. Did you ever instruct anybody at the plant level
 [6] in Texas, either Texas City or Chocolate Bayou, to go to
 [7] Austin and check State regulatory agency files?
 [8] A. No.
 [9] Q. It was encouraged, wasn't it, at Monsanto that
 [10] plant management should try to keep a good relationship with
 [11] the State regulators?
 [12] A. Certainly.
 [13] Q. And in fact, to try to develop a personal
 [14] relationship with the directors and assistant directors of
 [15] state agencies?
 [16] A. I don't know about the titles of the positions,
 [17] but virtually everybody in the state agency from the top
 [18] people to the, the people on the firing line, so to speak.
 [19] Q. Okay. Did you personally ever deal with
 [20] individuals, for example, in the Texas Department of Water
 [21] Resources?
 [22] A. No.

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[1] Q. Did you encourage - strike that.
 [2] Was it expected that the plant people, when
 [3] compiling a dossier on an outside processor, would call the
 [4] state agency, the individuals they knew at the state agency,
 [5] and ask whether there had been any environmental problems
 [6] with respect to that outside processor?
 [7] A. Well, the dossier was expected to be as complete
 [8] as they could make it. Whether that involved calling a
 [9] representative of the state agency or bringing up the
 [10] subject when they're in a face-to-face meeting with the
 [11] representative, that was all left up to the individual at
 [12] the plant assigned the task. Whether it even called for
 [13] such a question to be raised with the state agency, that was
 [14] left up to that individual.
 [15] Q. Were the people at the plant levels instructed to
 [16] review whether there had been any court filings with respect
 [17] to an outside processor under review?
 [18] A. Not by me.
 [19] Q. Did they have any responsibility to do that?
 [20] A. Not that I know of.
 [21] Q. Did they have a responsibility to telephone the
 [22] State regulatory agency individuals whom they knew to ask

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[1] about an outside processor?
 [2] A. The responsibility was one of, again, they're
 [3] supposed to keep tuned in to all the situations that are
 [4] relevant to their responsibilities. If it required a call
 [5] or a contact with a State regulatory person, they were
 [6] certainly encouraged to do that, but no one from St. Louis
 [7] could sit there and tell them "You must call the State
 [8] regulatory agency on this day, on this subject." That was
 [9] left to the plant to decide.

[10] Q. Did they have any responsibility to check agency
[11] files on an outside processor?

[12] A. Well, the responsibility was a broad one of be
[13] familiar with all relevant information. It did not go into
[14] details about where do you get it and how frequently do you
[15] touch base, and so on.

[16] Q. If there was a case where an outside processor
[17] with which Monsanto was dealing had been ordered by a court
[18] to clean up part of its site, is that something you would
[19] expect to see in the dossier?

[20] MR. SARFATTI: Objection; vague. Speculative.

[21] A. Well, if there were such a regulatory conclusion
[22] and it's being pursued by that agency, certainly, yeah,

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[1] eventually it should end up in that dossier.

[2] BY MR. HUGHES:

[3] Q. Did you ever see a dossier on JOC Oil?

[4] A. I don't recall it, but that doesn't mean I didn't
[5] see it or I saw it.

[6] MR. HUGHES: Off the record.

[7] (Luncheon recess at 12:35 to 1:55.)

[8] MR. HUGHES: Back on the record.

[9] BY MR. HUGHES:

[10] Q. Mr. Papageorge, from what we spoke about this
[11] morning, I take it that it was your view that the plants
[12] would be very involved in this outside processor assessment
[13] process. There's too many processes in that sentence. Let
[14] me try it one more time. In your view, the plant-level
[15] individuals were to be involved in the assessment of outside
[16] processors.

[17] A. Yes.

[18] Q. Okay. Did you ever speak with Mr. Pierle on the
[19] outside processor review project?

[20] A. I don't remember any specific discussion on that
[21] subject with Mr. Pierle.

[22] Q. When you - I'm sorry.

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[1] A. I just don't remember.

[2] Q. When you first became DEO, which we saw in
[3] Papageorge I was on or about August 16th, 1977, correct?

[4] A. Right.

[5] Q. At that time, Mr. Pierle was one of the members
[6] of your staff? Is that right?

[7] A. Yes. Yes.

[8] Q. It was Mr. Pierle and Mr. Keating, wasn't it?

[9] A. Oh, yeah, right.

[10] Q. Mr. Keating and Mr. Pierle were on that date.

[11] A. On that date.

[12] MR. HUGHES: Let me have marked as next in order.

[13] (Papageorge Deposition Exhibit 35 marked for
[14] identification.)

[15] (Witness peruses said document.)

[16] MR. HUGHES: Mr. Papageorge, to save us time, my
[17] intent is to ask you on this document only about the last
[18] sentence on the first page.

[19] For the record, this Papageorge 35 is a

[20] memorandum dated August 30, 1977, from M. A. Pierle,

[21] P-i-e-r-l-e, to P. E. Heisler and W. Smull. Production

[22] numbers are WGK 1202162 to 64.

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[1] BY MR. HUGHES:

[2] Q. Have you had a chance to look at that one
[3] sentence, Mr. Papageorge?

[4] A. Yes, I have.

[5] Q. And the reason I wanted to show you this document
[6] is this, this is a memo from Mr. Pierle shortly after you
[7] became DEO, and it appears, does that last sentence - that
[8] last sentence refers to assessment of by-product
[9] disposition.

[10] A. It does.

[11] Q. Is that something different than the outside
[12] processor assessments?

[13] A. Well, the disposition involves a little broader
[14] concept. By-product, by-product sales or movements to an
[15] outside processor is one of them, and if there is no
[16] processor interested in that by-product it could end up in a

[17] disposal situation; nothing in return for it. It's just
[18] sent off and disposed of in the proper, say, landfill, for
[19] example.

[20] Q. Now, correct me if I'm wrong, but Mr. Pierle's
[21] statement seems to conflict in some ways with your view that
[22] the plant-level people should be involved in assessment,

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[1] certainly, of by-product sales to outside processors;
[2] correct?

[3] A. I -

[4] Q. What I'm looking for is if you could help me
[5] clarify.

[6] A. I'll try. I don't know what Mr. Pierle had in
[7] mind when he meant "deeply involved." That's the hangup I
[8] have. I do know the plants are involved. Now, if Mr.
[9] Pierle was comparing that involvement to all of the issues
[10] faced by the plant, environmental staffs or so on, and then
[11] in his opinion, it was not deeply - so it's a matter of
[12] what proportion of their time would they be spending.

[13] Q. Okay, that's fine. Let's not spend anymore time
[14] on that one.

[15] MR. HUGHES: Next in order.

[16] (Papageorge Deposition Exhibit 36 marked for
[17] identification.)

[18] (Witness peruses said document.)

[19] MR. HUGHES: We've marked as Papageorge Exhibit
[20] 36 a document with production numbers MCO 0084867 to 872.
[21] Let me know when you've had enough time to look at that
[22] document, Mr. Papageorge. What I'm interested in is whether

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[1] you can help me out on what it is, since there's very little
[2] identifying information concerning people and so on.

[3] (Witness peruses said document.)

[4] BY MR. HUGHES:

[5] Q. Have you seen it before, Mr. Papageorge?

[6] A. It does bring back some recollection. I do
[7] recall the use of the form they refer to here as EC-203.

[8] Q. You were speaking of a reference on the second
[9] page of the exhibit under "Procedure," E, "Procedure"?

[10] A. That is correct. That's one reference.

[11] Q. All right, go ahead, I'm sorry.

[12] A. That's all the recollection I have at the moment.

[13] Q. Okay.

[14] A. I cannot tell from looking at this document
[15] whether this was a, an early draft as a proposal or whether
[16] it's the final approved draft.

[17] Q. That's fair enough. In the upper right-hand
[18] corner of the first page, there are what appear to be
[19] initials JCM.

[20] A. I see those.

[21] Q. And then the date, 11-16-77.

[22] A. Yes.

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[1] Q. Was there anybody that you knew to be working on
[2] the outside processor evaluation who had the initials JCM?

[3] A. I just cannot place a name with those initials.

[4] Q. Now as you pointed out, there's a reference on
[5] the second page in the least two places to a Form EC-203?

[6] A. Correct.

[7] Q. Can you tell us - oh, and it seems to indicate
[8] that Form EC-203 is a form entitled, "Notice of Intent to
[9] Utilize Outside Processor"?

[10] A. Yes.

[11] Q. And I take it that the next page is either that
[12] form or a draft of that form?

[13] A. That is correct.

[14] Q. At some point, was there a finalized version of a
[15] notice of intent to utilize outside processor that was used
[16] within Monsanto Chemical Intermediates?

[17] A. Yes.

[18] Q. You'll notice - I'm sure you did notice - that
[19] on the second page of the exhibit - and we don't - I
[20] acknowledge that we don't know now if this is a draft or a
[21] final, but one or the other, it indicates that you would be
[22] responsible for MCI to review the EC-203; correct?

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[1] A. Yes.
 [2] Q. Did that turn out to be the fact, that you were
 [3] responsible?
 [4] A. I was responsible to see that the review was
 [5] conducted.
 [6] Q. Was the eventual requirement as in some final
 [7] policy that someone in the DEO staff review the EC-203?
 [8] A. That is right.
 [9] Q. Was it Mr. Farley, eventually, who, to whom you
 [10] assigned that job?
 [11] A. Mr. Farley and later, a Mr. McEwen and still
 [12] later, a Mr. Mueller. There were -
 [13] Q. Can we summarize that by saying it was the
 [14] individual with product acceptability responsibilities?
 [15] A. That's, that was my assignment. That's how I did
 [16] it on my team, mm-hmm.
 [17] Q. If you'll turn to the third page of the
 [18] exhibit -
 [19] A. I have it.
 [20] Q. Mr. Papageorge, this is the, the page that ends
 [21] "369" in the Bates number on the lower right-hand corner.
 [22] Under "Processing Route," there's five headings, "A" through

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[1] "E," and I note that there's, there's a letter "B" which
 [2] talks about by-products and a letter "C" that talks about
 [3] waste streams. Was there a distinction drawn in connection
 [4] with the outside processor clearance program between
 [5] by-products and waste streams?
 [6] A. I think I understand your question. Yes, there
 [7] was a distinction, about whether it be within Monsanto or
 [8] the outside processors.
 [9] Q. Could you describe that distinction for me?
 [10] A. Well, generally, a by-product is perceived to
 [11] have some commercial value, whereas a waste stream is not
 [12] perceived to have any value and must be disposed of.
 [13] Q. On the next page of the - I'm sorry, go two more
 [14] pages. What I'm looking at is, there's a very nifty flow
 [15] chart.
 [16] A. I found it.
 [17] Q. Was this ever actually used -
 [18] A. Yes.
 [19] Q. - for the analysis of outside processor risks?
 [20] A. That was the procedure or the approach used to
 [21] evaluate. I have no way of knowing whether this is the
 [22] final version or - because I see there are some attempts to

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[1] modify.
 [2] Q. I understand and I see that, as well, but if I
 [3] understand you, then, there was some flow chart for risk
 [4] analysis for outside processors that was actually used in
 [5] the evaluations.
 [6] A. Yes, sir.
 [7] Q. And whether this is a draft or not, it was
 [8] something along the lines of this kind of flow chart?
 [9] A. Yes.
 [10] Q. Where you, at each step you answered a question
 [11] and you were branched one way or the other?
 [12] A. Correct.
 [13] Q. And if you'll turn to the last page, there's a
 [14] risk ranking of one through five?
 [15] A. Yes.
 [16] Q. You see that? Was that included in the final
 [17] process where you went through the risk analysis and you
 [18] came up with a number?
 [19] A. Yes.
 [20] Q. And was that analysis part of the dossier for
 [21] each outside processor?
 [22] A. Yes.

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[1] Q. So if I had the dossier for an outside processor,
 [2] the full thing, I would - you would expect to find in it
 [3] some risk analysis that resulted in a number assigned?
 [4] A. Correct.
 [5] Q. For level of risk?
 [6] A. Correct.
 [7] Q. And this risk analysis meant risk to Monsanto,

[8] didn't it?
 [9] A. I suppose you'd call that the ultimate risk, but
 [10] really, there was risk to people and risk to the environment
 [11] seriously considered in these.
 [12] Q. Weren't those factors that were included in the
 [13] analysis of the risk to Monsanto of continuing to deal with
 [14] this processor?
 [15] A. Oh, sure, the ultimate risk would be Monsanto's
 [16] yes.
 [17] Q. And in the final version, we don't know if this
 [18] is final or not final, but whatever the final version was,
 [19] were there certain risk scores that would indicate that you
 [20] either had to change the way the outside processor
 [21] functioned or terminate your relationship?
 [22] A. Yes.

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[1] Q. Do you know whether JOC Oil ever had assigned to
 [2] it a risk number through such an analysis?
 [3] A. I don't remember one, but I would be very
 [4] surprised, since they were listed, that they didn't undergo
 [5] such an analysis.
 [6] Q. Who within Monsanto's organization engaged in the
 [7] risk analysis for MCI outside processors?
 [8] A. For MCI, it would be at least one representative
 [9] from the plant, generally somebody from the Research
 [10] Department who knew the chemicals involved, and the
 [11] catalysts, and so on, and it would be under the guidance of
 [12] the Product Acceptability Manager.
 [13] Q. So there were at least three individuals who had
 [14] input into the analysis?
 [15] A. At least. At least.
 [16] Q. Were there any circumstances under which you
 [17] would personally get involved in such a risk analysis?
 [18] A. I would, of course, get involved with any
 [19] situation in which my Manager, Product Acceptability,
 [20] thought would be an unacceptable at least to him and wanted
 [21] my comments. I could get involved in those situations where
 [22] the Manager, Product Acceptability would feel that the

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[1] response was taking too long, that he needed some support
 [2] from me to get a higher priority on that activity.
 [3] I would also get involved in those situations
 [4] where an analysis had been made and the outside processor
 [5] would be deemed unacceptable. They were telling me, "hey,
 [6] this company is no longer being considered," that sort of
 [7] information would come my way, and I would also get inputs
 [8] from my Product Acceptability Manager as to the, the status
 [9] of the whole program. Are we halfway through, are we
 [10] completed with it, are we in the second round, is this the
 [11] year when we review these things, and so on.
 [12] Q. Do you know where Mr. Farley is today?
 [13] A. The last I heard - this has been several
 [14] years - he's in the St. Louis area.
 [15] Q. Where were completed forms EC-203 maintained
 [16] within Monsanto, for MCI outside processors?
 [17] A. There's at least a copy at the plant and the
 [18] Product Acceptability Manager had a copy. I do not know if
 [19] the corporate policy staff people kept a copy.
 [20] Q. Were, were any, any reports made by Monsanto
 [21] Chemical Intermediates to the environmental policy staff
 [22] concerning, for example, "Here's the status of our outside

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[1] processor review?"
 [2] A. Oh, certainly, in the normal course of business,
 [3] those reports would have been made. I don't recall any
 [4] specific day or meeting, but this is the kind of subject
 [5] that I would bring out as we had our discussions around the
 [6] table. It would be my turn to speak and I would report on
 [7] the status of the program, and something about our findings.
 [8] Q. Were specific outside processors discussed with
 [9] the environmental policy staff at any time?
 [10] A. I don't recall any specific ones mentioned,
 [11] because that's the kind of detail that, that a large
 [12] audience would not be necessarily involved or interested in.
 [13] Q. Now, am I correct that this, this entire program
 [14] we've been discussing was part of complying with the

[15] Monsanto worldwide environmental guideline on outside
[16] processors?
[17] A. This program relating to outside processors was
[18] eventually folded into the worldwide guidelines that were
[19] developed several years later.
[20] Q. So the outside processor review program predated
[21] the worldwide environmental guidelines?
[22] A. Correct.

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[1] Q. Okay, and when the worldwide environmental
[2] guideline on outside processors came out, the program was
[3] folded into one?
[4] A. Correct.
[5] Q. At any time, did you discuss the outside
[6] processor program with Robert Chapman?
[7] A. I had discussions with Mr. Chapman but I don't
[8] recall any discussion specific to outside processors.
[9] Q. Now, you under -
[10] A. I just -
[11] Q. I'm sorry, I'll let you finish.
[12] A. I'm finished.
[13] Q. I apologize.
[14] You understood, didn't you, that Mr. Chapman was
[15] in the Insurance Department of Monsanto?
[16] A. Yes.
[17] Q. And you do recall having conversations with Mr.
[18] Chapman?
[19] A. Yes.
[20] Q. And were these conversations on business matters?
[21] A. Yes.
[22] Q. Can you tell us the subject matter of discussions

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[1] you had with Mr. Chapman on Monsanto business matters?
[2] A. Those that I do recall were devoted entirely to
[3] PCB matters. Mr. Chapman would drop by and sit in my
[4] office
[5] with feet on my desk and we'd just talk informally about
[6] where things stood, and then he'd say "Thanks" and leave.
[7] That's all I remember of Mr. Chapman. I don't recall any
[8] subject related to this outside processor, but that doesn't
[9] mean it didn't happen. I just don't remember it.
[10] Q. Do you recall any other subject matter that you
[11] discussed with Mr. Chapman, other than PCB matters?
[12] A. No, I don't.
[13] Q. When you had the discussions concerning PCB
[14] matters with Mr. Chapman, did he give you any indication of
[15] why he wanted information from you?
[16] A. No.
[17] Q. All right, you understood that it must have
[18] something to do with insurance, didn't you?
[19] A. Oh, yes, I understood it had something to do with
[20] insurance, but how it all fitted in, I didn't know.
[21] Q. Did he ever indicate to you that he wanted
[22] information to make reports to insurance companies?

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[1] Q. Did you ever participate with Mr. Chapman in any
[2] efforts to settle any PCB-related legal claims?
[3] A. No.
[4] Q. Did you ever -
[5] A. Not knowingly; I'll put it that way.
[6] Q. Did you ever discuss with Mr. Chapman issues
[7] related to Mr. Monsanto would be able to obtain
[8] contributions from its insurance companies to resolve
[9] PCB-related legal claims?
[10] A. No.
[11] Q. Was it a common practice while you were - let me
[12] back up.
[13] I think we discussed last time that while you
[14] were DEO, there were periodic meetings of the DEO's of the
[15] various operating companies?
[16] A. Yes.
[17] Q. Okay, did that occur on any specified basis, such
[18] as monthly or once every two months, or once a quarter, or
[19] anything like that?
[20] A. Are you talking now about meetings of the DEO's

[21] only?

[22] Q. Did you have such meetings?

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[1] A. Occasionally.
[2] Q. Were those periodically scheduled meetings?
[3] A. No, they were on a - they were called by at
[4] least one of the DEO's who felt a need to get together.
[5] There was no set schedule.
[6] Q. Was there any other type of meeting that you
[7] called a DEO meeting, other than the one that you've just
[8] discussed?
[9] A. I don't recall any.
[10] Q. Okay. Did you invite others to attend DEO
[11] meetings if they were interested?
[12] A. Yes, if they had something that we felt was
[13] important to them.
[14] Q. Okay.
[15] MR. HUGHES: Let's take a look at this document
[16] next.
[17] (Papageorge Deposition Exhibit 37 marked for
[18] identification.)
[19] (Witness peruses said document.)
[20] MR. HUGHES: I'm showing Mr. Papageorge a
[21] two-page exhibit which I believe is the front and the back
[22] of a single page. The document is dated May 5th, 1978, from

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[1] J. Richard Sayers to six individuals. Production numbers
[2] MCO 0084842 to 43.
[3] BY MR. HUGHES:
[4] Q. Have you had a chance to look at this, Mr.
[5] Papageorge?
[6] A. Let me read it first.
[7] Q. Oh, I'm sorry.
[8] (Witness peruses said document.)
[9] BY MR. HUGHES:
[10] Q. Mr. Papageorge, I'm not going to ask you in
[11] detail about the contents of the memorandum, although
[12] there's really not that much to it, I don't think. I was
[13] more interested in whether this particular document, which
[14] appears to be a notice of meeting of the DEO's, refers to
[15] one of the DEO meetings that we were talking about.
[16] A. Yes, it does. Mm-hmm.
[17] Q. Was it the practice to send out a notice such as
[18] this for each of those meetings with an agenda?
[19] A. Not always, no. Sometimes it would just be a
[20] telephone call, to mark our calendars and show up at a
[21] conference room.
[22] Q. Does the fact that this one went out on paper

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[1] with a fairly lengthy "CC:" list and a specified emphasis on
[2] the outside processor worldwide environmental protection
[3] guideline, indicate that this was deemed a more important
[4] meeting?
[5] MR. SARFATTI: Objection, speculation.
[6] A. No, I wouldn't interpret it that way. I would
[7] suggest that the reason for this is that Mr. Sayers, who was
[8] on Mr. Throdahl's staff, was acting as the meeting arranger
[9] and had outside individuals outside of Monsanto invited and
[10] he felt that because of the presence of outsiders, that this
[11] ought to be handled a little more formal way and make
[12] certain we had an audience for them.
[13] BY MR. HUGHES:
[14] Q. You are referring to the presence of Marsh &
[15] McLennan?
[16] A. Yes.
[17] Q. Were there any other instances when Marsh &
[18] McLennan made presentations to the DEO's?
[19] A. I don't recall. I don't even recall this one,
[20] so -
[21] Q. Did you know what Marsh & McLennan was?
[22] A. At the time?

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[1] Q. At the time, yes, May of 1978.
[2] A. I understood it was a consulting company that
[3] would provide a service in evaluating companies such as
[4] those that Monsanto used as outside processors.

[5] MR. HUGHES: Could you read back that answer,
[6] please?
[7] THE COURT REPORTER:
[8] "A. I understood it was a consulting company
[9] that would provide a service in evaluating companies such as
[10] those that Monsanto used as outside processors."
[11] BY MR. HUGHES:
[12] Q. Did you use any outside consultants at MCI to
[13] review outside processors?
[14] A. Not that I know of.
[15] Q. Did you also have an understanding that Marsh &
[16] McLennan was, was one of Monsanto Company's insurance
[17] brokers?
[18] A. That's the first I heard of that.
[19] Q. Now, you'll note that this notice is copied to
[20] Mr. Chapman, on the right-hand side? R. B. Chapman? You
[21] see that?
[22] A. Yes.

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[1] Q. Right above his name is the name T. A. Caldwell,
[2] Jr., with the same Monsanto mailing address?
[3] A. I see that.
[4] Q. Was Mr. Caldwell in the Insurance Department?
[5] A. I don't remember him.
[6] Q. Did Mr. Chapman ever attend a meeting of the
[7] DEO's where outside processors were discussed?
[8] A. I just don't remember.
[9] Q. When you did have discussions with Mr. Chapman,
[10] you recall relating to PCB issues?
[11] A. Yes.
[12] Q. What sort of information did he ask you to
[13] provide?
[14] A. It was primarily one of, depending on what point
[15] in time we're talking about, he would start off with "What
[16] is your program," and I'd bring him up-to-date. Later, he'd
[17] drop by, "Where do you stand on your program?" Or it might
[18] be one of, "I happened to be over here in your building and
[19] what's new?" Kind of a broad question. I don't ever
[20] remember him with any specific item in mind other than the
[21] broad PCB environmental issue kind of question.
[22] Q. Now, you were responsible for PCB issues from

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[1] 1970 to the end of sometime in '76?
[2] A. Early '76, yes, sir.
[3] Q. So these visits you are describing with Mr.
[4] Chapman, were they in that period?
[5] A. Well, it, it went beyond that.
[6] Q. Oh, you continued - I'm sorry, you did tell us
[7] that. You maintained that responsibility after becoming a
[8] DEO?
[9] A. No.
[10] Q. His visits continued?
[11] A. His visits did. In other words, I assumed he was
[12] just touching base with what I had heard.
[13] Q. About PCBs?
[14] A. About PCBs, yes, sir.
[15] Q. So even though you were no longer assigned to the
[16] PCB assure, Mr. Chapman continued to visit you on that
[17] subject?
[18] A. Yes; less frequently.
[19] Q. Did the subjects that you discussed with Mr.
[20] Chapman concerning PCBs - well, strike that. Let me back
[21] up.
[22] You said you talked to him about the program? He

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[1] asked you how's the program going?
[2] A. Yes, sir.
[3] Q. What's the program? What program are you
[4] referring to?
[5] A. The PCB market withdrawal, the limitation to only
[6] one use, eventually, the results of studies that were
[7] underway at the time. This all depends on one - when he
[8] came by the office, the results of what I understood of the
[9] medical toxicity studies, the biodegradation studies, the
[10] where does the government stand on these issues, I'm sure it
[11] didn't cover all of them, but the whole area, "What's new?"

[12] is really his question.
[13] Q. When you had that responsibility for PCBs, did
[14] you monitor in any way litigation in which Monsanto was
[15] involved over PCBs?
[16] A. I don't know that I money toward it. I was
[17] called by the, the Law Department when it came time for me
[18] to be deposed or serve as a witness, and that kind of thing.
[19] Q. Did you ever discuss that, those litigations with
[20] Mr. Chapman?
[21] A. Oh, no. He, he knew about those before I did.
[22] Q. Did you - did the subject matter you discussed

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[1] with him cover what potential environmental contamination
[2] there was as a result of PCBs?
[3] A. Some of that, yes, sir.
[4] Q. Did Mr. Chapman ever seek input from you
[5] concerning where, based on your knowledge of Monsanto's
[6] manufacture and sale of PCBs, there was the potential for
[7] litigation arising in the future?
[8] A. I don't know that he used the word "litigation,"
[9] he asked me where did I think these PCBs might show up;
[10] that
[11] kind of question.
[12] Q. Did he give any indication to you of why he
[13] wanted to know where the PCBs might show up?
[14] A. No.
[15] (Discussion off the record.)
[16] BY MR. HUGHES:
[17] Q. Did Mr. Chapman, from time to time, ask for your
[18] assistance concerning background of the PCB situation for
[19] the purpose of assessing whether there would be insurance
[20] coverage for claims?
[21] A. If he did ask me for information relating to that
[22] area, he didn't mention the reason for his, for his
[23] questions.

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[1] Q. Did you ever have a discussion with Mr. Chapman
[2] concerning insurance coverage for PCB-related claims?
[3] A. No, I just understood he wore the insurance hat
[4] and whatever he was asking was somehow related to his job
[5] assignment, but that never came up as a question for me.
[6] (Papageorge Deposition Exhibit 38 marked for
[7] identification.)
[8] (Witness peruses said document.)
[9] MR. HUGHES: For the record, we've handed Mr.
[10] Papageorge a document, Papageorge Exhibit 38, a document
[11] with a cover memo dated August 24, 1978, from C. P. Farley
[12] to P. H. Hobson, with attachments, production numbers MCO
[13] 6202488 to 493. Let me know when you've had a chance to
[14] familiarize yourself with the document, Mr. Papageorge, and
[15] then I'll point you to the particular entries in which I'm
[16] interested.
[17] (Witness peruses said document.)
[18] A. I have looked at the document.
[19] BY MR. HUGHES:
[20] Q. Now, we've discussed Mr. Farley was the
[21] individual in your group that was - had the product
[22] acceptability responsibility?

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[1] A. Yes, sir.
[2] Q. And as well, he was the one to whom you assigned
[3] the outside processor assessment responsibility?
[4] A. Yes, sir.
[5] Q. So that this memorandum is - and attachments, is
[6] one that he put together in the discharge of his assigned
[7] responsibilities?
[8] A. I have no reason not to believe that, yes.
[9] Q. And this is also a document maintained by
[10] Monsanto in the regular course of its business?
[11] A. It appears to be, yes.
[12] Q. Turning to the third page of this exhibit, which
[13] is where - it's the attachment where there is a, a later
[14] list of Monsanto Chemical Intermediates Company outside
[15] processor arrangements.
[16] A. A later -
[17] Q. Later than the one we looked at from 1977?

- [18] A. It appears to be, yes, sir.
 [19] Q. This one is dated August 1978?
 [20] A. Correct.
 [21] Q. The fourth - well, under "Plant Chocolate
 [22] Bayou," the second entry is "Dixie Oil Processing"? Do you

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- [1] see that?
 [2] A. I see that.
 [3] Q. And it indicates "Services Performed," it says,
 [4] "Phenolic Tars to treat railroad ties."
 [5] "MCI Product," "Phenol."
 [6] "Contract," it says "Sales" and "Dossier," it
 [7] says "No."
 [8] You remember earlier today, I asked you about
 [9] Dixie Oil Processors and whether that rang a bell?
 [10] A. I did, um-hmm.
 [11] Q. Now, here, you see it does appear on a list of
 [12] Monsanto outside processors.
 [13] A. It does.
 [14] Q. Any, any memory refreshed about Dixie Oil
 [15] Processors?
 [16] A. Not really, but I have no reason again not to
 [17] accept this as fact.
 [18] Q. Do you recognize this document as being at least
 [19] in the format that Mr. Farley maintained?
 [20] A. I recognize the format. I don't recognize this
 [21] specific issue of several reports of this type.
 [22] Q. Okay, I understand.

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- [1] Having seen this format before, perhaps you can
 [2] help me out. There's a column that says, "Contract"?
 [3] A. Yes.
 [4] Q. And on this very page, there's entries that say,
 [5] "Sales," then there's an entry that says, "Yes," along with
 [6] an entry that says, "No."
 [7] Do you have any idea what the distinction is
 [8] between - I'm on the page that has "Dixie Oil Processors."
 [9] A. I understand that.
 [10] Q. If you go down the column "Contract," for three,
 [11] there's an entry of "Sales"?
 [12] A. Yes.
 [13] Q. For one there's an entry of "Yes." Do you
 [14] understand the distinction between those two entries?
 [15] A. I think I do.
 [16] Q. Okay.
 [17] A. There is a - I was trying to find in some
 [18] previous documents, here, the reference to the types of
 [19] contracts.
 [20] Q. Okay.
 [21] A. But since I can't seem to locate it quickly, let
 [22] me try to explain.

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- [1] Q. Okay.
 [2] A. A sales contract, as I understood it at the time
 [3] and understand today, is a situation where the material from
 [4] Monsanto is sold and becomes the property of this outside
 [5] processor as a direct sale. Where you see a "Yes," this
 [6] means that they perform a service for Monsanto, and some of
 [7] that material is returned to Monsanto.
 [8] Q. I understand, Mr. Papageorge. Thank you.
 [9] If we can go on to the last page of the
 [10] exhibit -
 [11] A. I have it.
 [12] Q. - under Texas City, the second-to-last entry is
 [13] "Lowenco Company"?
 [14] A. I see that.
 [15] Q. And again, there's a reference to buying spent
 [16] aluminum chloride solution.
 [17] A. I see that.
 [18] Q. And we earlier saw a document where it said,
 [19] "AlCl3 - Lowe." You remember that? You recall that?
 [20] A. I do.
 [21] Q. And this indicates that the, the MCI product
 [22] involved is styrene, and again that it's sales; correct?

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- [1] A. Yes. The reference to styrene means it comes

- [2] from the processing unit that makes styrene.
 [3] Q. Okay. Seeing this reference to Lowenco Company,
 [4] does that refresh your memory at all that M - that Texas
 [5] City plant had an outside processor relationship with such a
 [6] company?
 [7] A. It does not. I don't remember it.
 [8] Q. I take it, Mr. Papageorge, that from the
 [9] appearance of these, of Dixie Oil Processing and Lowenco
 [10] Company on a list of Monsanto Chemical Intermediates Company
 [11] outside processor arrangements, you would expect that at
 [12] some time, they went through the assessment process that we
 [13] have been discussing.
 [14] A. They either went through it or were listed to
 [15] undergo such a study.
 [16] Q. And the same information that we've already
 [17] discussed that should go into a dossier, you would expect to
 [18] be acquired for Dixie Oil Processing and Lowenco, as well?
 [19] MR. SARFATTI: Objection; no foundation.
 [20] A. Once the dossier is completed, yes.
 [21] BY MR. HUGHES:
 [22] Q. Was there any procedure for exempting an outside

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- [1] processor from the outside processor assessment program?
 [2] A. Not that I know of.
 [3] Q. Did you ever get a request to exempt an outside
 [4] processor from the assessment program?
 [5] A. I just don't recall any request of that type.
 [6] Q. In the last time we met in January, you told us
 [7] that from time to time, at least, you discussed
 [8] environmental matters with Ed Hendricks at the Texas City
 [9] plant?
 [10] A. Yes.
 [11] Q. And I believe you referred to Mr. Hendricks as an
 [12] old-timer at the time?
 [13] A. I did, yes.
 [14] Q. Did you ever discuss with Mr. Hendricks any
 [15] outside processors used by the Texas City plant?
 [16] A. Yes. I did.
 [17] Q. Please tell us what conversations you recall
 [18] having with Mr. Hendricks concerning outside processors at
 [19] the Texas City plant.
 [20] A. The one that I recall really wasn't any one
 [21] discussion. There were several opportunities for
 [22] discussion, and had related to the operation that took place

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- [1] at a site referred to as the Texas City Wye. Later, we
 [2] began using the expression Motco. I don't know just when
 [3] that expression became common. That's really the only
 [4] outside processor arrangement that Mr. Hendricks and I
 [5] discussed.
 [6] Q. Was Mr. Hendricks the source of the information
 [7] you told us about the last time we met that Motco had been a
 [8] reprocessing facility?
 [9] A. Yes. I don't know if the expression
 [10] "reprocessing" is totally accurate. I would call it more of
 [11] a recovery type of operation.
 [12] MR. HUGHES: Give me a moment, here, Mr.
 [13] Papageorge.
 [14] (Pause)
 [15] BY MR. HUGHES:
 [16] Q. Mr. Papageorge, when plant personnel did have the
 [17] opportunity to visit an outside processor and observe how it
 [18] handled materials, were they encouraged to make a written
 [19] record of their visits?
 [20] A. Yes.
 [21] Q. And that's something that would be put in the
 [22] dossier when it was compiled?

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- [1] A. That's where it belonged, yes, sir.
 [2] MR. HUGHES: Mark that.
 [3] (Papageorge Deposition Exhibit 39 marked for
 [4] identification.)
 [5] (Witness peruses said document.)
 [6] BY MR. HUGHES:
 [7] Q. Mr. Papageorge, this is a lengthy document. We
 [8] looked at a prior version of this, I believe, at your last

[9] session. That's a list of perceived known current Monsanto
 [10] environmental issues. This particular one is dated October
 [11] 18th, 1978, and let me just, for the record, put in that
 [12] it's production numbers MCO 5304491 to 518. And all I
 [13] currently want to ask you about is something that's on the
 [14] page that ends in Bates numbers 517. And in particular, I'm
 [15] referring to the first two entries under "Worldwide
 [16] Environmental Protection Guideline Number 6, Outside
 [17] Processors." A and B. You see those entries?
 [18] A. I see those.
 [19] Q. And they have lines drawn through them and then
 [20] over - under a column reading "Expected Action Date," it
 [21] says "Completed."
 [22] A. Mm-hmm.

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[1] Q. Now, is it your recollection that the program
 [2] being conducted under guideline number 6 was completed by
 [3] the date of this memorandum which is October 1978? And
 [4] actually let me add to that, let's put to one side the issue
 [5] of as you add new outside processors, you may have to do
 [6] additional reviews, so my question is really directed
 [7] towards whether your recollection is that as of October
 [8] 1978, the effort had been completed as to all identified
 [9] outside processors.
 [10] A. No, it had not and this is not what this refers
 [11] to.
 [12] Q. What does that refer to?
 [13] A. This refers to the - it says, "Review the
 [14] guideline and guideline program, including target dates."
 [15] Some of those dates were many months and years down the
 [16] line yet, - "and develop modifications," they're talking about
 [17] modifications to the guideline program.
 [18] Q. What page were you referring to? Same page?
 [19] A. The page 517, ending in five one -
 [20] Q. You are looking at subentry B. I'm focusing on
 [21] subentry A, which says, "Define status as of 9-1-78."
 [22] A. Yeah.

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[1] Q. Do you have an understanding of what that one
 [2] meant?
 [3] A. It just meant report the status similar to Mr.
 [4] Farley's report where some were yesses and some were no's,
 [5] to be completed.
 [6] Q. Okay.
 [7] A. It's just a candid camera shot of where it stood
 [8] at the moment that was done. It doesn't mean the whole
 [9] program was completed.
 [10] Q. And what was it in your mind that was left to be
 [11] done?
 [12] A. Oh, quite a bit was left to be done. If you, if
 [13] you recall, Mr. Farley's memos talked about the plant will
 [14] work on this, they had other pressures on their manpower,
 [15] we'd get to it as soon as we can.
 [16] (Pause)
 [17] MR. HUGHES: Okay, we can put that to one side.
 [18] (Papageorge Deposition Exhibit 40 marked for
 [19] identification.)
 [20] MR. HUGHES: We've handed Mr. Papageorge an
 [21] exhibit, Papageorge Exhibit 40, which is a document, cover
 [22] memo dated September 22, 1977, from Oliver DeGarmo to

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[1] R. A. Newsom, with attachment. The total document is
 [2] production numbers MCO 9076943 to 60.
 [3] (Witness peruses said document.)
 [4] BY MR. HUGHES:
 [5] Q. Mr. Papageorge, let me ask first, in particular,
 [6] have you seen this document before?
 [7] A. I believe I recall it, now that I've glanced at
 [8] it.
 [9] Q. And would you tell us what it is?
 [10] A. This document is a copy of a Monsanto form
 [11] referred to as EC-201, which is a, a report regarding an
 [12] assessment of the safety and environmental compatibility of
 [13] styrene.
 [14] Q. Was it the practice while you were a DEO of

[15] Monsanto Chemical Intermediates for you to be copied on any
 [16] form EC-201 for a product manufactured by Monsanto Chemical
 [17] Intermediates?
 [18] A. Yes.
 [19] Q. What did you do, if anything, upon receipt of an
 [20] EC-201?
 [21] A. Of course, I would read it and see that it
 [22] contained the information that I certainly was familiar with

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[1] and if not, I would attempt to learn from it to help my
 [2] knowledge regarding the product.
 [3] Q. Was there particular information that you were
 [4] interested in from the vantage point of a Director of
 [5] Environmental Operations?
 [6] A. Oh, I don't know of any particular. It was
 [7] related, of course, to human health and environmental
 [8] impact.
 [9] Q. Who set up the practice whereby you would be
 [10] copied on EC-201 for an MCI product?
 [11] A. Oh, I don't know that it was any one person. The
 [12] idea of such a form was proposed by, as best I remember, by
 [13] someone in the Medical Department. It was discussed at
 [14] several sessions and it finally adopted, and at that time,
 [15] as I remember, it was agreed that the, as far as the
 [16] operating units of Monsanto was concerned, that the DEO's
 [17] office would be the appropriate one to get a copy and it was
 [18] up, then, to the DEO to determine who else within that
 [19] operating company would get copies.
 [20] Q. Did you receive any information - strike that.
 [21] At - well, if you turn to the second page, the
 [22] date on the actual Form E-C 201 is July 15th, 1977? Do you

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[1] see that? Down in the lower entries under Mr. Newsom's
 [2] name?
 [3] A. Yeah, that's the date Mr. Newsom -
 [4] Q. Prepared -
 [5] A. Submitted it.
 [6] Q. Did you receive any information concerning why -
 [7] strike that.
 [8] Styrene monomer had been a product of Monsanto
 [9] Chemical Intermediates for decades; correct?
 [10] A. Certainly.
 [11] Q. Can you tell us when the procedure of employing
 [12] EC-201's went into effect?
 [13] A. As best as I can recall, it was about 1975. I
 [14] may have missed that by a year or so in there.
 [15] Q. The reason I'm asking, Mr. Papageorge, is, I was
 [16] wondering if you received any information concerning why it
 [17] was that an EC-201 for styrene monomer was submitted in July
 [18] of 1977.
 [19] A. Well, as soon as I had organized my team in 1977,
 [20] one of the first objectives was to get EC-201's on all the
 [21] products that MCI was assigned, and this was one of the
 [22] first to come through the system.

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[1] Q. So if I understand you, one of the first things
 [2] you wanted to know when you came in as a DEO was the, for
 [3] every product under your jurisdiction, the type of
 [4] information called for by the EC-201.
 [5] A. Yeah, but as far as these products was concerned,
 [6] I had the, I had the activity started when I was still
 [7] Manager of Product Acceptability, and then when Mr. Farley
 [8] took over, I had asked him to accelerate it.
 [9] Q. Why did you want that process to be completed for
 [10] every product within MCI?
 [11] A. Well, I just wanted to know all I could about all
 [12] these products. Many of them were, frankly, new to me at
 [13] the time, early '76 and on, and I felt that this was a good
 [14] program for everybody involved.
 [15] Q. Who - did you know Mr. Newsom, the individual
 [16] who prepared this EC-201?
 [17] A. Yes, I did, I knew Bob.
 [18] Q. And on the EC-201, his title is indicated as
 [19] Senior Process Specialist?
 [20] A. It is.
 [21] Q. What did you understand his position to be,

[22] exactly?

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- [1] A. He's one of the more experienced research
[2] chemists in the Research Department.
[3] Q. At what site?
[4] A. Texas City. He's located, his office is in Texas
[5] City. But he belongs to the technology team, which in '76
[6] was referred to as the Research Department and later became
[7] the Department of - Technology Department.
[8] Q. And on site at Texas City were his
[9] responsibilities directed to Texas City processes?
[10] A. More specifically to the styrene process.
[11] Q. So he focused solely on the styrene process, did
[12] he?
[13] A. At that time, yes.
[14] Q. In that position as a Senior Process Specialist
[15] for the styrene manufacturing unit, was Mr. Newsom
[16] considered to be the best-informed person as to the various
[17] constituents, and so on, that were generated in the styrene
[18] manufacturing process?
[19] MR. SARFATTI: Objection; vague.
[20] A. I have no way of knowing that.
[21] BY MR. HUGHES:
[22] Q. You certainly considered him knowledgeable enough

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- [1] to properly complete form EC-201.
[2] A. Well, the combination of knowledge plus he was in
[3] a position to consult with others whose desks were nearby,
[4] for example, or even plant people, and get all the
[5] information pulled together.
[6] Q. Mr. Papageorge, was this Form EC-201 employed by
[7] you in any way to assess the environmental risks presented
[8] by Monsanto products?
[9] A. That was the, one of the intents, yes.
[10] Q. Okay. What other intents did you have as far as
[11] making use of that form?
[12] A. Well, the human exposure information was
[13] important, also.
[14] Q. Before you became the DEO of MCI, you had spent
[15] some, what, six years on the PCB issue? Or having - not
[16] solely on that, but having significant responsibility in
[17] that area?
[18] A. Yes, about six years, yes, sir.
[19] Q. And from that six years on the PCB-related
[20] issues, you had, didn't you, some sensitivity for the
[21] potential environmental risks that a product could have?
[22] A. Yes, I believe I did.

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- [1] Q. When you were coming into your position as a DEO
[2] of MCI and as you put it, encountering a number of new
[3] products, did that background you had in PCB result in your
[4] having concerns that these products might be the source of
[5] future environmental problems?
[6] A. Well, certainly that was a, an important thought,
[7] yes.
[8] Q. And had you, based upon your experience with
[9] PCBs, learned that it was important to determine all the
[10] possible ways that individuals could be exposed to an
[11] environmentally risky product?
[12] A. Well, let me see. Determine all of the possible
[13] ways, I -
[14] Q. Let me rephrase. You indicated earlier that Mr.
[15] Chapman came in to you from time to time and asked,
[16] essentially, "Where do you think these PCBs might show up?"
[17] Right?
[18] A. He did do that.
[19] Q. And you understood, I take it, that the reason he
[20] wanted to know where they might show up is that that would
[21] be a place for potential concern.
[22] A. That was my assumption, yes, sir.

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- [1] Q. Coming into your job as, as DEO of MCI, was
[2] styrene a new product to you?
[3] A. Yes. New in terms of, yeah, I had heard of
[4] styrene before. It's not that new, but when it came down to
[5] details, I had a lot to learn, mm-hmm.

- [6] Q. And in light of your experience with PCBs, did
[7] you want to learn, to paraphrase, where it might be that
[8] styrene monomer exposure could show up?
[9] A. Certainly.
[10] Q. And you also indicated that when you were working
[11] on PCBs, that you had some experience with Montar and the
[12] potential environmental problems it presented; correct?
[13] A. Yes.
[14] Q. And Montar was a, a substance that was generated
[15] in the production process for PCBs.
[16] A. Correct.
[17] Q. All right.
[18] From that experience, were you aware in mid 1977
[19] when you were coming in as DEO of Monsanto Chemical
[20] Intermediates, that it was also important for environmental
[21] reasons to address the various streams and substances
[22] generated during the production of the final product?

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- [1] A. Certainly.
[2] Q. And am I correct that you were also interested in
[3] finding out where those streams and substances might show up
[4] in a way that presented environmental risks?
[5] A. Yes.
[6] Q. Can you tell us what you did to inform yourself,
[7] first of all, on the environmental risks, if any, presented
[8] by styrene monomer, the intended finished product?
[9] A. Well, what I did, I don't recall in specific
[10] terms. The information I was attempting to gather for my
[11] own benefit was similar for all these chemicals. It was not
[12] different for styrene than for others. I relied quite a
[13] bit, almost totally on my team. I had the person, for
[14] example, the Product Acceptability person like Mr. Farley,
[15] become familiar and coach me as opportunity arose, on what
[16] he learned, I had an individual such as, oh, say, Mr.
[17] Farley - not Farley, Mr. Pierle, concern himself with
[18] wastewater streams and what chemicals were in there that
[19] results from a styrene operation, if any.
[20] I had Mr. Pierle also review and consider the
[21] emissions out the stacks, out the vents, in terms of what
[22] effect, if any, is the operation having on air pollution,

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- [1] then I had a, for example, Mr. Keating, who I asked to look
[2] into the workplace exposure, occupational health issues
[3] relating to styrene, in this case, and all the other
[4] chemicals, so I relied on that team to keep me tuned in, and
[5] of course, to this day, I don't remember all the specifics
[6] and all the details, but there was a lot of information
[7] flowing in and I tried to remember the, the key points that
[8] I felt I should.
[9] Q. Was - now, am I correct that styrene monomer was
[10] a product that Monsanto sold?
[11] A. Yes.
[12] Q. Was someone given the assignment to find out to
[13] whom it was sold and what uses they made of styrene monomer?
[14] A. Yeah, it was the product acceptability managers.
[15] Q. Mr. Farley was the -
[16] A. Mr. Farley in this case, yes.
[17] Q. Because that was something you would want to know
[18] in evaluating where styrene might appear in the environment.
[19] A. That's correct.
[20] Q. Okay. If you would turn to, in Papageorge
[21] Exhibit 40, the page ending with Bates numbers 949 at the
[22] bottom? The last 3; are you there?

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- [1] A. I have it.
[2] Q. On this page, Mr. Newsom has set forth, it
[3] appears to me, by-products and waste products thrown off in
[4] the styrene monomer manufacturing process? Am I correct?
[5] A. I don't know what you mean by thrown off.
[6] Q. Generated. Can you use that word, "generated"?
[7] A. They were still under control. They didn't just
[8] escape.
[9] Q. I didn't mean they were spewing off every which
[10] way, Mr. Papageorge. Let me rephrase the question and the
[11] record will be clear.
[12] Am I correct that the list under "present

- [13] solutions of by-products and waste products" are substances
 [14] generated during the production process of styrene monomer?
 [15] A. Correct.
 [16] Q. Now, am I also correct that in assessing the
 [17] potential environmental risk of styrene monomer, that you
 [18] wanted to know what uses were made of each by-product and
 [19] what was done with each waste product?
 [20] A. Okay.
 [21] Q. Is that fair?
 [22] A. Yes. All right.

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- [1] Q. Who within - well, strike that. Was someone
 [2] within your group assigned the responsibility to look at
 [3] these by-products and waste products? And I'm just using
 [4] styrene as an example, but to look at them to report on
 [5] where they went and how they were used?
 [6] A. The Product Acceptability Manager was the man I
 [7] looked to to monitor these kinds of things. He, in turn,
 [8] would use whatever resources within MCI to help them do so.
 [9] For example, he could go to Mr. Newsom to get
 [10] tutored on exactly what it is that they're talking about
 [11] here, and so on, or he could go to an engineering person, if
 [12] necessary.
 [13] Q. And again, here, Mr. Papageorge, is the
 [14] distinction, here, between by-products and waste products as
 [15] listed here the one you described earlier? And that is that
 [16] if you've got some use for the substance, it's a by-product,
 [17] and if you don't and you are going to have to dispose of it
 [18] somewhere, it's a waste product?
 [19] MR. SARFATTI: Objection; vague.
 [20] A. It's close to that. I kind of relate by-products
 [21] as having some, some value, some recoverable value.
 [22] BY MR. HUGHES:

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- [1] Q. Now, I note - I'm sorry, did I interrupt you? I
 [2] didn't mean that.
 [3] A. I was going to say further that a waste product,
 [4] with the current technology then available, didn't appear to
 [5] be economically attractive, and therefore, must be discarded
 [6] properly somewhere.
 [7] Q. So if I'm understanding what you are saying, if
 [8] there was a change in technology and suddenly one of these
 [9] items listed under "Waste Product" had a valuable use, you
 [10] would consider it a by-product.
 [11] A. Yes, mm-hmm.
 [12] Q. Okay. You'll note that on toluene, Mr. Newsom
 [13] wrote "Sold" and then it says, "Separate EC-201 prepared."
 [14] A. I see that.
 [15] Q. Okay. Was it - did you have an understanding as
 [16] to whether, when there was a by-product produced and it, by
 [17] itself, was going to be sold, you needed a second EC-201 for
 [18] that product, by-product?
 [19] A. That's right, yes.
 [20] Q. So anytime you are - within Monsanto, anytime
 [21] you were considering the sale of a product or a by-product,
 [22] you had to have an EC-201?

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- [1] A. Correct.
 [2] Q. And that - okay. There's a reference in this
 [3] document to an EC-202. I don't have one. Can you tell us
 [4] what an EC-202 is? The reference I'm thinking of is, the
 [5] one I saw is on the page ending in Bates 951.
 [6] A. I see that.
 [7] Q. Yes.
 [8] A. Let me try to recall, as best as I remember, the
 [9] two EC documents were somehow related in that one was
 [10] referred to as a preliminary assessment, and if my memory
 [11] serves me right, the 202 was the, considered the final one.
 [12] They were rather similar in approach, but one was more, much
 [13] more specific and more detailed.
 [14] Q. Did EC-201, if you'll look at the page ending
 [15] 950 -
 [16] A. I see it.
 [17] Q. - there's an approval signature line.
 [18] A. Mm-hmm.
 [19] Q. And now there are several other approval areas on

- [20] this document that are signed by Oliver DeGarmo, but my
 [21] question to you is whether there was also a requirement that
 [22] someone within the operating company sign off on an EC-201.

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- [1] A. Yes, the -
 [2] Q. Who was that?
 [3] A. That would be the Product Acceptability Manager.
 [4] Q. Mr. Papageorge, if you'll turn back again just
 [5] briefly to the page ending in 949, did you ever receive any
 [6] information concerning whether, when listing waste products
 [7] from a Monsanto process, RCRA considerations were taken into
 [8] account? And by that, I mean whether the impact of RCRA
 [9] requirements as to how to handle waste were taken into
 [10] account in deciding whether to list a substance as a waste
 [11] in an EC-201.
 [12] A. Yes, as best as I recall, RCRA considerations
 [13] were included, but keep in mind that RCRA regulations
 [14] weren't available until several years later.
 [15] Q. Understood. Until 1980 or so?
 [16] A. Yes, sir, and as best as I recall, it would most
 [17] likely appear on the 202 version of this assessment.
 [18] Q. Can you tell us how RCRA considerations were
 [19] taken into account after the regulations were issued, in
 [20] filling out an EC-202 form?
 [21] A. Well, they - if the item was to be disposed,
 [22] let's say, as an example, in a landfill and be trucked to

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- [1] that site, there had to be some reference in there to meet
 [2] the RCRA requirement in place at the time. For - an
 [3] example would be the manifesting system, or the, the use of
 [4] the properly designed disposal sites, and the - I forget
 [5] all the details of the requirements but they must meet the
 [6] regulations that were in effect at the time.
 [7] Q. Okay. Mr. Papageorge, with respect to the EC-201
 [8] we have in front of us prepared by Mr. Newsom and approved
 [9] by Oliver DeGarmo - actually, let me back up. Oliver
 [10] DeGarmo was someone in the Department of Medicine and
 [11] Environmental Health?
 [12] A. He was.
 [13] Q. Did he have a specific assignment to review
 [14] EC-201 and EC-202 forms?
 [15] A. He was designated by the medical director to be
 [16] the representative from the Medical Department to, yes,
 [17] approve these documents after consultation with the proper
 [18] individuals in the Medical Department.
 [19] Q. And I'm - am I correct that the EC-201 we have
 [20] in front of us as part of Papageorge Exhibit 40 was prepared
 [21] by Mr. Newsom in the normal course of his duties at
 [22] Monsanto?

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- [1] A. Yes, sir.
 [2] Q. Okay, and the document was maintained in the
 [3] normal course of Monsanto's business?
 [4] A. Yes, sir.
 [5] Q. And similarly, in the normal course of Monsanto's
 [6] business while you were a DEO, a copy was delivered to you?
 [7] A. Yes.
 [8] Q. In other words, if things worked the way they
 [9] should have, you would get a copy?
 [10] A. Yes.
 [11] MR. HUGHES: Okay. Off the record.
 [12] (Discussion off the record and short break.)
 [13] (Papageorge Deposition Exhibit 41 marked for
 [14] identification.)
 [15] (Witness peruses said document.)
 [16] MR. HUGHES: I've handed Mr. Papageorge what
 [17] we've marked as Exhibit 41, and it's a one-page document
 [18] dated December 5, 1977, from Oliver DeGarmo to R. A. Newsom
 [19] re: Your submission 7-15-77, production number MCO 8250929,
 [20] and Mr. Papageorge, I do not have, today, the attachment
 [21] which would be the EC-201 for styrene tar, but I did want to
 [22] ask you a couple of questions, nonetheless, based on this

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- [1] cover memorandum.
 [2] First, do you recall receiving an EC-201 for
 [3] styrene tar in or about sometime between July and December

[4] of 1977?
 [5] A. Not really, hmm-mm.
 [6] Q. Now, this memorandum indicates that as of its
 [7] date, the styrene tar was being used as fuel in the Texas
 [8] City plant; correct?
 [9] A. It does say that. It does indicate that.
 [10] Q. Was consideration being given to your knowledge
 [11] in or about December of 1977 to selling styrene tars?
 [12] A. Not to my knowledge.
 [13] Q. Okay. Do you know during what periods the
 [14] relationship with JOC Oil existed whereby styrene tars were
 [15] sold to it for processing or refining?
 [16] A. No, I, I don't recall.
 [17] (Papageorge Deposition Exhibit 42 marked for
 [18] identification.)
 [19] MR. HUGHES: While Mr. Papageorge is taking a
 [20] look at it, for the record, Papageorge Exhibit 42 is a cover
 [21] memorandum dated December 5, 1977, from Oliver DeGarmo to
 [22] R. A. Newsom, with attachment, production numbers are MCO

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[1] 9076913 to MCO 9076922.
 [2] BY MR. HUGHES:
 [3] Q. Let me know when you've had a sufficient chance
 [4] to look through the document, Mr. Papageorge.
 [5] (Witness peruses said document.)
 [6] A. I have reviewed the document.
 [7] BY MR. HUGHES:
 [8] Q. Do you recognize the document?
 [9] A. Well, I recognize the format. I recall the
 [10] expression "flux oil." I remember it being used as a fuel
 [11] oil in the styrene process. I do not recall this specific
 [12] document.
 [13] Q. And perhaps you'll recall also, we looked at a
 [14] document earlier in which it was indicated that flux oil was
 [15] being sold to JOC Oil for reprocessing? Let's take a look.
 [16] And I'm referring back to Papageorge Exhibit - wait a
 [17] minute.
 [18] (Pause to peruse documents.)
 [19] MR. HUGHES: I'm looking for the one that has the
 [20] cover note that says, "From the desk of W. B. Papageorge."
 [21] Off the record for a second.
 [22] (Discussion off the record)

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[1] MR. HUGHES: Back on the record.
 [2] BY MR. HUGHES:
 [3] Q. Referring to Papageorge Exhibit 34, which we
 [4] looked at this morning and I'm wrong there, too, so forget
 [5] it.
 [6] (Discussion off the record.)
 [7] MR. HUGHES: Let's forget that one, Mr.
 [8] Papageorge. Thanks. For now, anyway.
 [9] BY MR. HUGHES:
 [10] Q. Do you know, Mr. Papageorge, whether at any point
 [11] the Texas City plant sent flux oil to JOC Oil?
 [12] A. I do not know.
 [13] Q. Mr. Papageorge, while the DEO of Monsanto
 [14] Chemical Intermediates, did you look into the potential of
 [15] styrene monomer for being a carcinogen?
 [16] A. That question did occur to me. I recall checking
 [17] with someone in Monsanto's Medical Department, and I was
 [18] left with the impression that it was not a carcinogenic
 [19] concern. I'm trying to recall who that individual might
 [20] have been. At the moment, I am having difficulty recalling
 [21] who it was.
 [22] Q. What if I suggested the name Peter Berto? Would

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[1] that ring a bell?
 [2] A. Ah, yes, Peter was a likely person. I may be
 [3] wrong, but he would have been someone that I might have
 [4] approached, yes.
 [5] Q. Okay. Was there a concern about the possible
 [6] carcinogenic effect of styrene monomer as a result of some
 [7] report or memorandum put together by Union Carbide?
 [8] A. Oh, gosh, I don't remember that specific. I just
 [9] don't recall the specifics.
 [10] Q. Let me ask you this. During the time that you

[11] were DEO of MCI, were you familiar with the term
 [12] "substantial risk report" that needed to be submitted under
 [13] certain circumstances to the EPA?
 [14] A. Substantial risk, that came in under TOSCA.
 [15] Q. I believe it's under the Toxic Substances Control
 [16] Act.
 [17] A. Toxic Substances Control Act, and I'm trying to
 [18] recall it. The requirement didn't occur until, hmm. The
 [19] late '70's. In fact, as I recall, the EC-201-202 approach
 [20] was in anticipation of that kind of reporting.
 [21] Q. At some point while you were at Monsanto, were
 [22] you the member of a TOSCA committee at Monsanto?

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[1] A. I don't recall it as being defined by such a
 [2] term. There was a group of us working with Wink Corey in
 [3] putting together a, a list of chemicals that Monsanto's
 [4] operating units were involved with. It could be that that
 [5] group of us that was working on that project was referred to
 [6] as a TOSCA committee. I can't place that terminology with
 [7] any other activity at the moment.
 [8] Q. Were you compiling this list for the purpose of
 [9] determining whether any substantial risk notices needed to
 [10] be filed?
 [11] A. No, this list was in - was required by the TOSCA
 [12] regulations that were issued, and we had to submit it in
 [13] certain format and by a certain time, and so on.
 [14] (Papageorge Deposition Exhibit 43 marked for
 [15] identification.)
 [16] MR. HUGHES: We've handed Mr. Papageorge what
 [17] we've marked as Exhibit 43, which is a cover memorandum
 [18] dated December 22, 1977, from W. R. Robirds to various
 [19] addressees and carbon copies, with several attachments. The
 [20] total document is production numbers ANN 1125396 to 400.
 [21] MR. HUGHES: Let me know when you've had enough
 [22] time to look at that document, Mr. Papageorge.

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[1] THE WITNESS: I will.
 [2] (Witness peruses said document.)
 [3] THE WITNESS: I have reviewed the document.
 [4] BY MR. HUGHES:
 [5] Q. Taking a look first at the cover page, the first
 [6] memorandum, cover memorandum, Mr. Papageorge, the author is
 [7] a W. R. Robirds?
 [8] A. He is, it is.
 [9] Q. What was Mr. Robirds's position in December 1977?
 [10] A. He was a member of Monsanto Agricultural Products
 [11] Company.
 [12] Q. And I take it this cover memorandum is one that
 [13] is circulated neither to you nor to anyone within MCI.
 [14] A. That is correct.
 [15] Q. He's circulating this within his own operating
 [16] company?
 [17] A. That is correct.
 [18] Q. I notice it's also, a copy was also shown as
 [19] going to Mr. Jessee?
 [20] A. Yes.
 [21] Q. You see that? Did you understand Mr. Jessee to
 [22] have any responsibilities for substantial risk information

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[1] under TOSCA?
 [2] A. No more so than all the other addressees listed.
 [3] Q. Can we - let's turn to the page that ends in
 [4] Bates number 389.
 [5] A. 389?
 [6] Q. 398; I'm sorry.
 [7] A. 398.
 [8] Q. And this memorandum, which is dated December 12,
 [9] 1977, from W. R. Corey, I take it that's Wink Corey?
 [10] A. Yes.
 [11] Q. That you mentioned?
 [12] A. I call him Wink.
 [13] Q. And I now note that which I hadn't before, that
 [14] he's - it's indicated he's the Director of TOSCA
 [15] administration.
 [16] A. Yes.
 [17] Q. Correct? And there's a list of addressees,

[18] including yourself?
 [19] A. Yes.
 [20] Q. Is that the group, whether or not it's
 [21] appropriate to call it a committee, but the group that you
 [22] recall compiling the list of MCI - of Monsanto products for

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[1] compliance with TOSCA?
 [2] A. Some of the members in that group participated in
 [3] the compiling of the list. Some individuals in that group
 [4] were not involved.
 [5] Q. And the page attached to this memorandum, the
 [6] next page in this exhibit, is a procedure set forth. The
 [7] caption is "Internal Procedures For Transmittal of
 [8] Substantial Risks Information to the Director of DMEH
 [9] Monsanto Company," correct?
 [10] A. Yes.
 [11] Q. And you do recall, don't you, that there was a
 [12] written procedure?
 [13] A. Yes, sir.
 [14] Q. And that you were the designated individual
 [15] within MCI to whom such information was to be communicated?
 [16] A. Yes.
 [17] Q. Were there any instances where substantial risk
 [18] information under TOSCA was directed to your attention while
 [19] you were the Director of Environmental Operations for MCI?
 [20] A. As best as I recall, there were a few that were
 [21] placed into this procedure, working their way through the
 [22] organization. I don't remember any within MCI that reached

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[1] the point where they had to be forwarded to the EPA.
 [2] Q. Now, am I correct that during the entire period
 [3] where the TOSCA requirements were in effect and you were the
 [4] DEO of MCI, you were the designated individual to whom that
 [5] information should be communicated?
 [6] A. Within MCI.
 [7] Q. Within MCI.
 [8] A. Yes.
 [9] Q. Fine. And then was it also always the practice,
 [10] while you were DEO of MCI and these requirements were in
 [11] place, that you were to report the information to the
 [12] director of the Department of Medicine and Environmental
 [13] Health?
 [14] A. Yes.
 [15] Q. Were you given any instructions on the
 [16] circumstances that would raise a question of whether a
 [17] report to the EPA was necessary under TOSCA?
 [18] A. Yes, but I don't recall the details any longer.
 [19] Obviously, such information as effects that are already
 [20] known about a material, like cyanide is a deadly poison when
 [21] breathed, that kind of information is already well-known, so
 [22] that would be an example of the kind of thing it would not

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[1] have to report. We did get some guidelines but I've
 [2] forgotten the details.
 [3] Q. Who provided you with guidelines?
 [4] A. As best I recall, they originated out of Wink
 [5] Corey's office, but he got a lot of information out of the
 [6] Medical Department, so it was a joint effort.
 [7] Q. At any point, did you address the question of
 [8] whether a TOSCA substantial risk information notice needed
 [9] to be given to the EPA with respect to the North 80?
 [10] A. No, I don't associate North 80 with substantial
 [11] risk notification.
 [12] Q. Were there any site - was there any site with
 [13] which Monsanto had some involvement in the State of Texas
 [14] concerning which you recall there being any issue of whether
 [15] a substantial risk information notice should be sent to the
 [16] EPA?
 [17] A. Not to my knowledge.
 [18] Q. Were you given any guidance on whether if
 [19] Monsanto discovered that an outside processor, through
 [20] inappropriate handling of Monsanto materials, was exposing
 [21] the environment to a risk, there needed to be a substantial
 [22] risk information notice under TOSCA?

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[1] A. I received no such documents.

[2] Q. Did that possibility ever enter into your mind
 [3] while you were the DEO of MCI?
 [4] A. No.
 [5] Q. Mr. Papageorge, did you ever discuss with anyone
 [6] you understood to be from the Insurance Department or the
 [7] Risk Management Department of Monsanto, the arrangements
 [8] within MCI whereby certain substances generated in
 [9] production processes were sold to outside processors?
 [10] A. No.
 [11] Q. Was it common knowledge within representatives of
 [12] MCI at - in the St. Louis headquarters complex that there
 [13] were arrangements whereby certain substances generated in
 [14] MCI processes were sold to outside processors?
 [15] MR. SARFATTI: Objection; vague, no foundation.
 [16] A. You described it as common knowledge. I really
 [17] don't know.
 [18] BY MR. HUGHES:
 [19] Q. Let's take it one step at a time. Clearly, it
 [20] was known within the DEO staff.
 [21] A. Yes.
 [22] Q. You and your staff members knew of these

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[1] arrangements.
 [2] A. Yes.
 [3] MR. SARFATTI: Objection; vague, unless you want
 [4] to define "these arrangements."
 [5] BY MR. HUGHES:
 [6] Q. You knew that substances, certain substances were
 [7] sent to reprocessors from MCI production processors,
 [8] correct?
 [9] A. I had access to that information, yes, sir.
 [10] Q. And you knew it, correct?
 [11] A. I don't claim that I knew everything all the time
 [12] every time, but -
 [13] Q. You knew it occurred?
 [14] A. At some time, yes.
 [15] Q. And Mr. Farley clearly knew it occurred.
 [16] A. Yes.
 [17] Q. And did the other managers within your
 [18] organization, Mr. Pierle and Mr. Weishaar?
 [19] A. Well, they were certainly aware of it, because we
 [20] would discuss it at our little group meetings.
 [21] Q. And you also discussed it at environmental policy
 [22] staff meetings from time to time?

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[1] A. Not in as much detail, but - in a broader sense,
 [2] yes.
 [3] Q. Did you discuss outside processor arrangements
 [4] with Earl Brasfield at any time?
 [5] A. I can't recall the instance I did it. It would
 [6] be - the time and place that I did it, but that would be a
 [7] typical type subject I might have with the man. I just
 [8] don't remember details.
 [9] Q. During the time that you were the DEO of MCI, how
 [10] many managing directors were there of that operating
 [11] company?
 [12] A. I'm confused.
 [13] Q. Not at the same time. Okay, I mean was there
 [14] more than one over that period?
 [15] A. Oh. I'm sorry, within MCI -
 [16] Q. Yes.
 [17] A. - there were three while I was -
 [18] Q. And who were those three individuals?
 [19] A. It started out with Mr. Eck, John Eck, and then I
 [20] believe this order is correct; then Frank Reese, and then
 [21] "Press" Cunningham, C. P. Cunningham.
 [22] Q. Am I correct that within Monsanto, it was

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[1] always - strike that. Am I correct that at least with
 [2] respect to the managing directors of MCI during the period
 [3] you were its DEO, each of them, while Managing Director, was
 [4] a vice-president of the corporation?
 [5] A. That is correct.
 [6] Q. Did you discuss with any of those three men at
 [7] any time the outside processor arrangements that Monsanto
 [8] had - strike that - that Monsanto Chemical Intermediates

[9] had?
 [10] A. I don't recall a discussion of that type with the
 [11] managing directors. If it did occur, it happened when -
 [12] with a broad kind of agenda where several items were
 [13] discussed. I just - it doesn't - I can't recall it.
 [14] MR. HUGHES: Okay.
 [15] (Papageorge Deposition Exhibit 44 marked for
 [16] identification.)
 [17] (Witness peruses said document.)
 [18] MR. HUGHES: We've handed Mr. Papageorge Exhibit
 [19] 44. For the record, it's a memorandum with an attachment
 [20] from M. L. Mullins to a long list of individuals; dated
 [21] April 4, 1984, production numbers MCO 7525205 to 209.
 [22] (Witness peruses said document.)

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[1] BY MR. HUGHES:
 [2] Q. Mr. Papageorge, the portions of this document I'm
 [3] interested in, if that'll help you speed up, you can read
 [4] those parts and skim the rest - are "New Sites," that
 [5] section, and then at present, you can just take a look at
 [6] whatever else you feel is necessary to become familiar with
 [7] the document generally.
 [8] (Witness peruses said document.)
 [9] A. I have glanced through the document.
 [10] Q. On the date of this document April 4, 1984, Mr.
 [11] Papageorge, you had been transferred to having the DEO
 [12] responsibility for Monsanto industrial chemicals, correct?
 [13] A. Correct.
 [14] Q. Do you recognize this document? That is,
 [15] Papageorge Exhibit 44.
 [16] A. I don't remember this specific document. I
 [17] recall this kind of information being generated.
 [18] Q. And by "this kind of information," do you mean
 [19] updates on the status of Superfund sites?
 [20] A. Yes, sir.
 [21] Q. And do you also recall that Mr. Mullins, at some
 [22] point in time, was the individual who circulated the

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[1] information?
 [2] A. Yes.
 [3] Q. In fact, do you recall that at some point, Mr.
 [4] Mullins became responsible for RCRA and CRCLA within the
 [5] environmental policy staff?
 [6] A. Yes.
 [7] Q. He succeeded, at some point, Mr. Jessee?
 [8] A. Correct.
 [9] Q. When you received from Mr. Mullins reports on
 [10] Superfund status, did you review the documents? Was this
 [11] something you were interested in?
 [12] A. Oh, certainly.
 [13] Q. Were you interested in what was going on even in
 [14] other operating companies?
 [15] A. To a lesser degree, certainly, I would follow,
 [16] the activity, there, in hopes of learning something that
 [17] might apply to those sites assigned to me.
 [18] Q. And once again, if, in the ordinary course of
 [19] things, if they worked it properly, being listed as an
 [20] addressee of this document, you would receive a copy?
 [21] A. Likely, yes.
 [22] Q. Now, I ask you to take a look at the new sites

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[1] section of this document and I'm interested in particular in
 [2] the last paragraph.
 [3] A. I see it.
 [4] Q. Okay. Did you become aware in or about April 4,
 [5] 1984, that two additional Texas sites had been identified as
 [6] potentially involving Monsanto?
 [7] A. I recall the Brio Site, and as best as I could
 [8] recall, I thought I first was made aware of that in '85, but
 [9] it appears it was listed here in '84, so my timing may have
 [10] been off. The Barker Chemical rings no bell whatever with
 [11] me. I just don't remember that at all.
 [12] Q. Let's put Barker to one side for a moment. Let
 [13] me ask you this. Were there any meetings at which the
 [14] status of Superfund sites potentially involving Monsanto
 [15] were discussed?

[16] A. I don't recall a meeting specifically held for
 [17] this subject.
 [18] Q. For the subject of Superfund?
 [19] A. Superfunds, I do recall an occasion where, say,
 [20] Mr. Mullins would bring it up as a topic during
 [21] environmental policy staff meetings, as sort of a quick
 [22] status report.

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[1] Q. Now, you'll notice in the last sentence of that
 [2] last paragraph, Mr. Mullins wrote, quote, "We will follow
 [3] developments but do not anticipate being held responsible
 [4] for cleanup at such locations, due to their supplier/
 [5] customer nature, as opposed to waste treatment or disposal,"
 [6] end quote.
 [7] My question to you is whether you participated in
 [8] any discussions at any time concerning Monsanto's position
 [9] that it should not be held responsible because its
 [10] relationship with those sites was one of a supplier to a
 [11] customer.
 [12] A. I recall being present when that thought was
 [13] expressed. I don't know that I would call it a thorough
 [14] discussion of the matter.
 [15] Q. Okay.
 [16] A. This usually represented someone's opinion. I
 [17] was in no position to challenge it or agree with it. I
 [18] just, I heard it and remembered it.
 [19] Q. This time, Mr. Papageorge, it's my opportunity to
 [20] say that I did not and I don't want to emphasize the word
 [21] "thorough" as far as discussion is concerned; okay? Let's
 [22] throw that word out -

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[1] A. All right.
 [2] Q. - and focus just on there was a discussion.
 [3] Who, who made the statement that you recall being made
 [4] concerning Monsanto's position being it should not be held
 [5] responsible because there was a supplier/customer
 [6] relationship?
 [7] A. I honestly don't know; I don't remember.
 [8] Q. Can you tell us the names of anybody who was
 [9] present when that discussion took place?
 [10] A. Gosh.
 [11] Q. Other than yourself, of course.
 [12] A. I'd be guessing, because this meeting was, in my
 [13] recollection, very likely an environmental policy staff
 [14] meeting, and the attendees were those that showed up at many
 [15] such meetings. Who was present at this specific one and who
 [16] was absent, I just do not remember.
 [17] Q. Were there any instances other than this one time
 [18] you believe at an environmental policy staff meeting -
 [19] strike that.
 [20] Other than this one instance that you believe was
 [21] at an environmental policy staff meeting, were there any
 [22] other instances where you can recall someone stating that

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[1] Monsanto's position was that it should not be held
 [2] responsible for clean-up at the Brio Site because it was a
 [3] supplier/customer relationship rather than one of waste
 [4] treatment or disposal?
 [5] A. I don't recall any such meeting.
 [6] Q. So you just recall the one; is that right?
 [7] A. I recall at least one incident. It was very
 [8] likely the environmental policy staff meeting, and even that
 [9] I'm not certain. I don't recall any meeting specifically on
 [10] the subject, nor do I recall that particular opinion
 [11] regarding liability being expressed at some other meeting.
 [12] Q. Can you tell us whether that position was
 [13] expressed by Mr. Mullins?
 [14] A. I wish I - I just don't know.
 [15] Q. Can you tell us whether that position was
 [16] expressed by Georgene Grimm?
 [17] A. Don't know. I don't remember, rather.
 [18] Q. I'm seeing - if throwing particular names at you
 [19] gets us any further. Don't worry, there will be a couple of
 [20] more.
 [21] MR. SARFATTI: How about Clarence Thomas?
 [22] MR. HUGHES: He was gone by that time.

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[1] MR. OMROD: Doing more constructive things.
 [2] BY MR. HUGHES:
 [3] Q. Can you tell us whether Robert Toth expressed
 [4] that position?
 [5] A. As best as I recall, it's very unlikely that
 [6] Robert Toth would have.
 [7] Q. And what makes you say that?
 [8] A. He was not as actively involved as Miss Grimm,
 [9] and Mr. Mullins and the other names you may have
 [10] mentioned.
 [11] Q. Can you recall whether anyone from the Legal
 [12] Department expressed the view that they didn't anticipate
 [13] Monsanto's being held responsible for cleanup at the Brio
 [14] Site because of the supplier/customer relationship?
 [15] A. No, as I said, I just don't remember the
 [16] individual.
 [17] MR. HUGHES: Can't blame a guy for trying, can
 [18] you?
 [19] (Pause)
 [20] BY MR. HUGHES:
 [21] Q. Mr. Papageorge, at some point during your career
 [22] at Monsanto, you heard the term "environmental impairment
 liability insurance," didn't you?

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[1] A. I just can't place that term with anything that I
 [2] was involved with. I don't associate that with any activity
 [3] that I was associated with. It is not a term I use
 [4] personally.
 [5] Q. You have heard the term before this deposition,
 [6] haven't you?
 [7] A. I don't think so. I don't place it with any
 [8] particular situation at all.
 [9] (Papageorge Deposition Exhibit 45 marked for
 [10] identification.)
 [11] BY MR. HUGHES:
 [12] Q. Papageorge Exhibit 45 is a memorandum dated July
 [13] 2, 1982, from Clayton F. Callis to a list of addressees.
 [14] Production number MCO 0426381. Have you had a chance to
 [15] review that rather brief document?
 [16] A. I have, mm-hmm.
 [17] Q. Having reviewed this document, does it refresh
 [18] your memory at all that Mr. Toth gave a presentation to the
 [19] DEO's concerning environmental liability insurance?
 [20] A. Which is different from impairment insurance.
 [21] Q. Well, I think he left a word out, but let's,
 [22] either way, let's say.

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[1] A. I'm having difficulty recalling this particular
 [2] meeting. I just don't remember any, anything about it.
 [3] Q. Let's see if we can - I don't want to tie, tie
 [4] us down simply to a meeting on July 2, 1982. What if we put
 [5] it this way. Were you at a DEO meeting on any date?
 [6] Actually, this meeting was going to be July 14th, 1982, but
 [7] putting this memorandum, having just reviewed this
 [8] memorandum, is there any memory that's refreshed concerning
 [9] a meeting with the DEO's at which there was a presentation
 [10] on environmental liability insurance, as well as on product
 [11] liability?
 [12] A. I don't remember.
 [13] Q. Was it during the years that you were a DEO at
 [14] Monsanto unusual - strike that.
 [15] How many times while you were a DEO at Monsanto
 [16] did someone from the Risk Management Department give a
 [17] presentation at a DEO meeting on insurance?
 [18] A. I don't remember any, I'm going to call it formal
 [19] presentation where the insurance representative stood up
 [20] before the audience and gave a presentation. I remember a
 [21] few instances where representatives of the department sat in
 [22] around the table like this one and participated in the

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[1] general discussions that took place and the round robin that
 [2] took place at the end of the meeting. That is the only
 [3] participation that I recall from either Mr. Chapman or Miss
 [4] Grimm or Mr. Toth. I don't remember any formal
 [5] presentation.

[6] Q. Well, let's change our focus to a round table.
 [7] Was there any round table where environmental liability
 [8] insurance was the subject?
 [9] A. There were comments from the representatives that
 [10] related to insurance, and as best I - I don't remember the
 [11] details, but they did cover areas such as human health
 [12] problems and environmental impact, but I just don't remember
 [13] the, just what details were presented under those subjects.
 [14] Q. What do you mean when you say one of the subjects
 [15] touched on was environmental impact?
 [16] A. Well, the presence of an undesirable chemical
 [17] that some spot that had to be cleaned up, for example. Does
 [18] that help? I don't know if that's - it's an environmental
 [19] impact, in my understanding.
 [20] Q. Was that kind of environmental impact one that
 [21] was discussed at some kind of round table in the context of
 [22] insurance?

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[1] A. Well, the only connection with the insurance, the
 [2] fact that the insurance representative is the one that may
 [3] have brought it up as, as it became his or her turn to speak
 [4] out around the table and bring the group up-to-date.
 [5] As I said, I don't recall the specific comments
 [6] that were made by that insurance representative and how it
 [7] ties into the environmental or human health issues.
 [8] Q. Can you identify the insurance representative
 [9] whom you had in mind?
 [10] A. As I said, it was one of those three people.
 [11] Q. Okay.
 [12] A. Either Bob Chapman, or Miss Grimm, or Mr. Toth.
 [13] Q. And do you remember more than one meeting like
 [14] this, or just one meeting?
 [15] A. Oh, it happened sporadically through the years.
 [16] Of course, all three would not be present there and they
 [17] would not be present at every meeting. They'd show up when
 [18] they could, or when they had to. I don't know which, what
 [19] determined their presence.
 [20] Q. And are you referring to a meeting involving the
 [21] DEO's?
 [22] A. The environmental policy staff, at which Mr.

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[1] Throdahl's group, the DEO's were present, public relations
 [2] people, legal people, and it's a mixed audience.
 [3] Q. Do you have a memory of somebody from the
 [4] insurance group actually speaking at a meeting of that kind?
 [5] A. No, that's like I said, I'm referring to those as
 [6] formal presentations where the speakers prepared to cover a
 [7] subject in depth for some period of time during a meeting.
 [8] I just don't recall one of those. It doesn't mean it
 [9] happened or didn't happen; I just don't remember.
 [10] Q. Was there any instance where in the context of a
 [11] discussion either of employee health or environmental
 [12] impact, any questions were directed to an insurance
 [13] representative at the meeting concerning what insurance
 [14] implications?
 [15] A. I don't remember any such specifics, no.
 [16] (Papageorge Deposition Exhibit 46 marked for
 [17] identification.)
 [18] MR. HUGHES: I've had marked as Papageorge
 [19] Exhibit 46 a document with a cover memorandum dated
 [20] September 27, 1982, from G. L. Jessee to various addressees
 [21] with two attachments at that, production numbers MCO
 [22] 0426235-240. Let me know when you've had sufficient

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[1] opportunity to review this document, Mr. Papageorge.
 [2] (Witness peruses said document.)
 [3] A. I have reviewed the document.
 [4] BY MR. HUGHES:
 [5] Q. You are one of the individuals shown as an
 [6] addressee of the document, Mr. Papageorge?
 [7] A. I am.
 [8] Q. Have you seen this document before?
 [9] A. I don't recall it.
 [10] Q. Having had the opportunity to review the
 [11] document, that is, Papageorge Exhibit 46 - well, strike
 [12] that.

[13] Prior to looking at this document, did you have
 [14] any memory of being asked to either be interviewed yourself
 [15] or provide a staff member to be interviewed by an individual
 [16] who was seeking information about Monsanto for the purposes
 [17] of an environmental impairment liability insurance policy?
 [18] A. All I could recall was if Miss Grimm was involved
 [19] in some activity. I couldn't recall the details. I could
 [20] not recall my involvement in this activity. I just don't
 [21] remember ever being interviewed by anyone in this matter, so
 [22] I can recall virtually nothing about this, really.

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[1] Q. And is this - is that true after having reviewed
 [2] this document, Papageorge Exhibit -
 [3] A. After reviewing this document, I note that Mr.
 [4] Keating sat in for me in this review. I, at this point in
 [5] time, don't recall why I wasn't available to participate.
 [6] Q. Did you select Mr. Keating to sit in for you?
 [7] A. Well, normally when I'm away from the office, I
 [8] designated one of my team members to act in my behalf in
 [9] these matters, so if I was away at the time all this was
 [10] taking place, Mr. Keating - I'm guessing here - he must
 [11] have been the person I had watching my desk for me.
 [12] Q. When you said you designated an individual to
 [13] handle these matters, what did you mean by "these matters"?
 [14] A. Well, to handle any matters that came across my
 [15] desk requiring my personal attention. In other words, look
 [16] in my mail basket and respond and answer the telephone, and
 [17] so on.
 [18] Q. Having reviewed Papageorge Exhibit 46, is your
 [19] memory refreshed at all that both Georgene Grimm and Bob
 [20] Toth came to a DEO meeting to discuss Monsanto's purchase of
 [21] environmental impairment liability insurance?
 [22] A. I do not remember that.

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[1] Q. That would have been unusual, wouldn't it, for
 [2] both Georgene Grimm and Bob Toth to come to a DEO meeting to
 [3] give presentation on the purchase of a particular insurance
 [4] policy?
 [5] A. It would have been, yes.
 [6] Q. But nonetheless, it doesn't stick in your mind at
 [7] all?
 [8] A. Doesn't ring any bells. I may not have attended
 [9] that meeting. I don't know.
 [10] Q. Fair enough.
 [11] A. I just don't remember.
 [12] Q. Did - do you recall having any discussions with
 [13] your fellow DEO's in or about July through September of 1982
 [14] concerning Monsanto's purchase of an environmental
 [15] impairment liability insurance policy?
 [16] A. I do not.
 [17] Q. Did you ever speak with a Mr. Tom Burger of
 [18] Harding Lawson Associates?
 [19] A. I don't know the man.
 [20] Q. Do you know the name Harding Lawson Associates?
 [21] A. No, I don't.
 [22] Q. At the time of this memorandum September 27,

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[1] 1982, Mr. Keating's responsibilities dealt solely with
 [2] industrial hygiene; correct?
 [3] A. That was his assignment, yes, sir.
 [4] Q. And that had been his assignment since sometime
 [5] in 1978; isn't that right?
 [6] A. '77.
 [7] Q. Sometime shortly after you became DEO.
 [8] A. Correct.
 [9] Q. Okay, and in September of 1982, was there one
 [10] other individual who was a manager of environmental affairs
 [11] directly under you?
 [12] A. In 1982?
 [13] Q. Yes. That's a poor question. Let me ask you
 [14] this. Who was the individual with the equivalent position
 [15] as Mr. Keating who was assigned in September of 1982 the
 [16] environmental responsibilities?
 [17] A. There were two individuals.
 [18] Q. Okay.
 [19] A. Mr. Foresman, Michael Foresman, and Michael

[20] Weishaar.
 [21] Q. Were they at the same position or was Mr.
 [22] Weishaar slightly senior?

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[1] A. No, they were in the same position. Those are
 [2] the two that were involved with environmental matters.
 [3] Q. Do you have - can you tell me any reason that it
 [4] wasn't either Mr. Weishaar or Mr. Foresman who were asked to
 [5] participate in an interview with a man who wanted
 [6] information about environmental matters?
 [7] MR. SARFATTI: Objection; no foundation.
 [8] A. I don't know that there's any reason. It just
 [9] wasn't their turn to pinch hit for me in my absence.
 [10] BY MR. HUGHES:
 [11] Q. Would you agree with me that either Mr. Foresman
 [12] or Mr. Weishaar would have been more knowledgeable at
 [13] September or October of 1982 about environmental issues
 [14] within MCI than was Mr. Keating?
 [15] A. They would have been more knowledgeable of
 [16] details, but Mr. Keating's background prior to his
 [17] industrial hygiene assignment was in the environmental area,
 [18] so he was familiar with the, the broad subject, he was in a
 [19] position where he was fairly well tuned in to current
 [20] activity, not in minute detail but in the broader picture.
 [21] I don't know what else to add to that except that in my
 [22] absence, he chose to sit in for me, rather than appoint

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[1] someone else.
 [2] Q. In your - within your staff, was there even at
 [3] the same, even within the same title, some seniority
 [4] ranking, such that Mr. Keating, who had been with the
 [5] company the longest, had more seniority and in your absence
 [6] would be the person who would make decisions such as that?
 [7] MR. SARFATTI: Objection; vague.
 [8] A. Oh, I did not select my stand-in based on
 [9] seniority. I rotated it, recognizing they're all busy
 [10] people and I didn't want to saddle one person with
 [11] additional duties every time, so as I took my vacations or
 [12] made my trips and all, I would rerotate that assignment, and
 [13] it appears that at this time, it was Mr. Keating's turn.
 [14] BY MR. HUGHES:
 [15] Q. What facts lead you to state as you did several
 [16] minutes ago that Mr. Keating was tuned in to matters at the
 [17] plant level? Environmental matters?
 [18] A. Well, we had our weekly staff meetings, our
 [19] little group, where we compared notes in quite detail. Mr.
 [20] Keating had, of course, the background at many of the plants
 [21] so he could understand quickly what was going on. This team
 [22] had hunch together. They, they were so close in their

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[1] working environment that Mr. Keating had a very good
 [2] understanding of the environmental issues.
 [3] Q. Describe for me this weekly staff meeting that
 [4] you just mentioned. Was that something that you had
 [5] throughout the time you were DEO at Monsanto Chemical
 [6] Intermediates?
 [7] A. Yes, with my group.
 [8] Q. Who all would attend the weekly staff meetings?
 [9] A. Mr. Keating, Mr. Weishaar - well, again, it
 [10] depends on what year we're talking about. Mr. Foresman, Mr.
 [11] Farley, Mr. McEwen, that team.
 [12] Q. Anyone else who would attend those staff
 [13] meetings?
 [14] A. No.
 [15] Q. All right, so it was, by title, it would be the
 [16] Director of Environmental Operations, the Managers of
 [17] Environmental Operations or of Industrial Hygiene, in Mr.
 [18] Keating's case, and then the Environmental Operation
 [19] Managers, putting the name at the other end?
 [20] A. Yeah, if they existed, yeah.
 [21] Q. Okay.
 [22] A. Plus the Product Acceptability Managers.

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[1] Q. Were any minutes kept of those meetings?
 [2] A. No.
 [3] (Discussion off the record.)

[14] BY MR. HUGHES:

[15] Q. How long, generally, did your weekly staff

[16] meetings last?

[17] A. Oh, generally, they'd last from, oh, 9:00 or

[18] 10:00 o'clock in the morning till noon, lunchtime.

[19] Q. Would they continue through lunch?

[10] A. No. We'd break up.

[11] Q. So in other words, you tried to have at least a

[12] three-hour meeting, two- to three-hour meeting with your

[13] staff every week.

[14] A. Yeah.

[15] Q. And were agendas prepared for these meetings or

[16] was it more along the lines of "What are you doing this

[17] week" and -

[18] A. No, there were no agendas. Each of us would

[19] bring in pencil notes as to the kinds of things we wanted to

[20] talk about or learn about.

[21] (Discussion off the record.)

[22] BY MR. HUGHES:

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[1] Q. Was it within the discretion of the individual

[2] who you asked to sit in for you in your absence to make the

[3] decision that as to a particular matter, instead of his

[4] responding to it, it should be one of the other members of

[5] your staff?

[6] A. It was at the discretion of the individual. He

[7] could volunteer himself or he could appoint someone.

[8] Q. I apologize for having to ask you to tell me

[9] something that you answered before, but it'll be faster than

[10] my looking it up. While you were DEO of MCI, were any of

[11] the Monsanto facilities in the St. Louis area within your

[12] jurisdiction?

[13] A. Yes.

[14] Q. Which ones, again?

[15] A. Queeny plant, and the Krummrich Plant in Sauget,

[16] Illinois.

[17] Q. In or about the period of July through September

[18] 1982, did you receive any information that an individual

[19] wanted to conduct an environmental risk assessment at a

[20] Monsanto facility in the St. Louis area?

[21] A. I don't recall such a request.

[22] Q. If an outside risk assessment service wanted to

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[1] have an opportunity to visit one of the plants that had been

[2] under your jurisdiction, is that something you would have

[3] expected to have been informed of, as the Director of

[4] Environmental Operations?

[5] A. Yes. It would have very likely come to me, I

[6] would have asked my manager to handle the details and

[7] manager for the review.

[8] Q. Did it come to your attention at any time -

[9] strike that.

[10] While you were DEO of MCI, did you ever hear of

[11] an environmental risk assessment firm by the name of ERAS,

[12] E-R-A-S, initials?

[13] A. No.

[14] Q. Or by the name "Environmental Risk Assessment

[15] Services"?

[16] A. No.

[17] Q. We can't get away from this one yet, Mr.

[18] Papageorge. Let's look again at Exhibit 46, the attachment

[19] to the cover memorandum, which is from Georgene Grimm,

[20] addressed to Jean Jesse.

[21] A. I see that.

[22] Q. Is this document, which was attached to the cover

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[1] memorandum addressed to you, one that is familiar to you in

[2] any way?

[3] A. I just have no recall on any of these documents.

[4] I draw a total blank.

[5] Q. On the first page of the attached memorandum from

[6] Georgene Grimm, it's with the production numbers ending in

[7] 236.

[8] A. I have it.

[9] Q. There is what she calls an outline of information

[10] that she says Tom Burger indicated he wanted to receive. Do

[11] you see that? It's under two headings "General" and

[12] "Facilities"?

[13] A. I see that.

[14] Q. Under "Facilities," were you ever made aware, in

[15] the latter part of 1982, of a request from a risk assessment

[16] service, for the types of information listed there in

[17] numbers 1 through 11?

[18] A. I just do not recall this. I draw a blank.

[19] Q. Item 10, listed under "Facilities," which is,

[20] quote, "Summary of past, present, anticipated litigation -

[21] only cases having some merit," end quote. Did you have any

[22] information that you had compiled within the DEO group

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[1] concerning - well, let's start with past litigation on

[2] environmental matters in which Monsanto had been involved.

[3] A. No.

[4] Q. You didn't maintain anything like that?

[5] A. No.

[6] Q. Did you maintain any information concerning

[7] ongoing litigation?

[8] A. No.

[9] Q. And finally did you maintain anything in the DEO

[10] group on litigation that you were - that Monsanto was

[11] anticipating over environmental matters?

[12] A. No.

[13] Q. Where would you have looked for such information

[14] if you wanted to get it?

[15] A. I'd go to Monsanto's Legal Department.

[16] Q. Is that Mr. Park would be the person you would

[17] call?

[18] A. Well, he would certainly be a logical one, yes,

[19] Mr. Park would be the logical one because of the

[20] environmental law involved.

[21] Q. We're focusing on environmental claims, here,

[22] only.

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[1] A. Yes.

[2] Q. Is there anyone else in the Legal Department who

[3] you would have thought of to call in September of 1982 if

[4] you wanted information concerning past, present and

[5] anticipated litigation?

[6] A. Well, certainly, at one time, Mr. Park had other

[7] attorneys working with him. As best as I recall, by 1982,

[8] he had others on his staff. I personally worked with Mr.

[9] Park when he was available. If he was not in the office, I

[10] would go to one of his assistant attorneys.

[11] Q. Let's back up to number 9 in that same list,

[12] which is, quote, "Historical and current waste disposal

[13] practices, on and off site," end quote. Did the DEO group

[14] at MCI maintain information on that subject?

[15] MR. SARFATTI: Object on the grounds of

[16] vagueness.

[17] A. I don't recall any file or collection of

[18] information that addressed that. The managers of

[19] environmental matters would go to the plants to get that

[20] kind of information.

[21] BY MR. HUGHES:

[22] Q. I take it from your answer that while you were

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[1] the Director of Environmental Operations of MCI, you never,

[2] you and no one in your group made an attempt to compile, for

[3] example, a list of waste disposal sites used by the Texas

[4] City plant 1950 to today?

[5] A. I don't remember any activity of that nature, no.

[6] Q. Do you remember seeing any list of that kind from

[7] any source within Monsanto? And I'm focusing in particular

[8] on the Texas City plant.

[9] A. I do not recall such a list.

[10] Q. Was there ever an instance where you wanted to

[11] know the waste disposal sites used by the Texas City plant

[12] from some date in the past, 1960 up until 1980?

[13] A. I'm trying to recall the environmental guidelines

[14] that were eventually established in the '80's at which an

[15] attempt was made to summarize the current practices of the

[16] plants, and as best I recall, under that program, there was

[17] a pulling together of this kind of information. That's as

[18] close as my memory can bring me to this.

[19] Q. Which program were you referring to?

[20] A. There was, as I remember, an environmental policy
[21] guideline referring to current waste disposal practices,
[22] activities, as distinguished from outside processor kinds of

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[1] activities. There were two programs, and it's under the
[2] waste disposal program that a summary was put together for
[3] each plant.

[4] Q. Mr. Papageorge, did you - strike that. Are you
[5] familiar with a survey that went under the name the Eckhardt
[6] Subcommittee Survey?

[7] A. Eckhardt. Hmm. The name Eckhardt Subcommittee
[8] rings a very faint bell. I can't associate it with anything
[9] specific.

[10] Q. Well, let me represent to you, Mr. Papageorge,
[11] that there was a Congressional subcommittee chaired by Bob
[12] Eckhardt who was from the State of Texas -

[13] A. Yes.

[14] Q. - that decided in 1979 to ask the 50 or so
[15] largest chemical companies in the United States to complete
[16] a survey and identify waste disposal sites that they had
[17] employed from 1950 to date.

[18] A. Mm-hmm.

[19] Q. Now, if you'll accept just for the purposes of
[20] this question that my representation is accurate, does that
[21] ring any bells with you of the Eckhardt survey?

[22] A. Not many. I recall a reference to the Eckhardt

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[1] committee, but I don't recall what Monsanto's response to
[2] that committee request was, so I just don't remember the
[3] details.

[4] (Papageorge Deposition Exhibit 47 marked for
[5] identification.)

[6] BY MR. HUGHES:

[7] Q. What we've marked as Papageorge Exhibit 47 is a
[8] memorandum dated October 13, 1980, from G. L. Jessee to a
[9] list of what appears to be - well, to an address list,
[10] let's just call it, production numbers MCO 6201847 to 854.
[11] And Mr. Papageorge, this, as it indicates, does not purport
[12] to be the actual response to the Eckhardt survey, but
[13] rather, a condensation put together by Mr. Jessee. Okay?

[14] A. That's what the memorandum states.

[15] Q. Have you seen this document before, Mr.

[16] Papageorge?

[17] A. I do; I don't remember it, but there again, I may
[18] or may not have received it.

[19] Q. Do you - strike that.

[20] Were you involved in - if you take a look at the
[21] first page, Mr. Papageorge, the cover memo from Mr. Jessee,
[22] it references a EPS-DEO staff meeting discussion of pending

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[1] legal or regulatory enforcement action against HWM
[2] facilities. Does reviewing that refresh your recollection
[3] of any meetings at which the subject of hazardous waste
[4] facilities to which Monsanto had sent any substances arose?

[5] A. That was, it arose more than once.

[6] Q. What that means is - that was not a precise
[7] question. Where the subject was raised of "we would like to
[8] see a list of all of the hazardous waste sites that we can
[9] identify to which Monsanto had sent wastes."

[10] A. Well, as best as I can recall, one of the
[11] guidelines was developed called for such a list, internally,
[12] within Monsanto.

[13] Q. And I take it you have no separate recollection
[14] of wanting to see such a list other than that guideline?

[15] A. Well, the guideline is a result of that desire.
[16] Such a list was considered to be desirable, and one way to
[17] get it is to prepare some guidelines on how to get that
[18] data, and this was done.

[19] (Papageorge Deposition Exhibit 48 marked for
[20] identification.)

[21] MR. HUGHES: We've had marked as Papageorge
[22] Exhibit 48 a document dated October 6, 1982, from

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[1] H. M. Keating to M. R. Foreman and M. F. Weishaar,

[2] production numbers MCO 6034060 to 064.

[3] (Witness peruses said document.)

[4] BY MR. HUGHES:

[5] Q. Have you seen this document before, Mr.

[6] Papageorge?

[7] A. I don't recall it.

[8] Q. Once again, we can say that in the ordinary
[9] course, if you were copied on a document as you appear to be
[10] on this one, you would have received it?

[11] A. That is correct.

[12] Q. And can we also agree that this sort of document,
[13] had it come across your desk, was one to which you would
[14] have given your attention?

[15] A. Certainly. Mm-hmm.

[16] Q. I mean, this is somewhat out of the ordinary of
[17] the day-to-day work that you were doing. Isn't that right?

[18] A. See, I don't know how to describe, describe it as
[19] being out of the ordinary.

[20] Q. Well, you didn't ordinarily read about interviews
[21] arranged with your staff by the Monsanto Risk Management
[22] section.

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[1] A. Oh, that's true.

[2] Q. That would have piqued your interest, would it
[3] not?

[4] A. Yes.

[5] Q. Yeah. Is any of the handwriting on the first
[6] page yours?

[7] A. No.

[8] Q. Up in the - starting in the upper right-hand
[9] section?

[10] A. No.

[11] Q. Did Mr. Keating come to you at any time in late
[12] 1982 to discuss with you an interview he had had concerning
[13] environmental risks at the plant level?

[14] A. I don't recall such a discussion, but it's likely
[15] that he did. That would have been a normal feedback to me
[16] when I returned back to the office, Mr. Keating would cover
[17] activities of this nature that took place in my - during my
[18] absence.

[19] Q. So if I understand your answer, you are saying
[20] you don't remember it; correct?

[21] A. That is correct.

[22] Q. But assuming that this document is accurate and

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[1] reflects that Mr. Keating had such an interview, that is the
[2] sort of thing he would have discussed with you?

[3] A. That is correct.

[4] (Discussion off the record.)

[5] (Whereupon the deposition as was recessed at
[6] 5:25 p.m., to be resumed at 9:00 o'clock the

[7] following day.)

[8]

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Look-See Concordance
Report

2,263 UNIQUE WORDS
386 NOISE WORDS
31,052 TOTAL WORDS

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CORRECTIONS TO DEPOSITION

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498	7	I don't mind being called Harry.
501	2	types, really: air, solid waste and water, and so on.
506	13	plant manager and his acceptance of this charge, if you
512	2	in a dossier. I don't recall ever having a typed list that
528	9	specific subject, but you used the word "contemplated" the
537	18	The types where a material from Monsanto, could be
553	19	forget which now, and after performing its function and is
582	12	later, a Mr. Mieure. There were ---
598	9	medical toxicity studies, the biodegradation studies,
598	16	I don't know that I monitored it. I was
630	22	what if I suggested the name Peter Berteau? would
654	18	All I can recall was Miss Grimm was involved
663	7	arrange for the review.
669	17	I don't remember it, but there again, I may
670	5	It was, it arose more than once.
671	18	I don't know how to describe, describe it as
704	7	April '83. Mr. Boesch was the General Manager of
723	4	course, I was aware of the State's interest in the site
784	12	I do not remember this article
795	5	That I don't recall. I do know that was one of
863	14	Oh, I don't know that I would call it logical
872	6	this in terms of Dow's results and Monsanto's opinion of the