DEPOSITION EXHIBIT
PIF: 74
3-24-92

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

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

The deposition of NORMAN T. JOHNSON, called by the Defendant Outboard Marine Corporation for examination, pursuant to notice and agreement of the parties and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Thea L. Urban, a Notary Public in and for the County of Cook, State of Illinois, and a Certified Shorthand Reporter of said State, at the offices of Kirkland & Ellis, 200 East Randolph Drive, Room 5700, Chicago, Illinois 60601, on the 16th day of February, A.D. 1982, commencing at 10:00 o'clock a.m.

PRESENT:

MS. ELIZABETH STEIN,
(Pollution Control Section
Land & Natural Resources Division
Department of Justice
Washington, D.C. 20530),

appeared on behalf of the United States of America;

Thea L. Urban
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PRESENT: (Continued)

MR. MICHAEL A. POPE,
(Phelan, Pope & John, Ltd.
30 North LaSalle Street
Chicago, Illinois 60602),

and

MS. JOANNA C. NEW,
(Martin, Craig, Chester & Sonnenschein
115 South LaSalle Street
Chicago, Illinois 60603),

appeared on behalf of the Outboard Marine Corporation;

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

appeared on behalf of the Monsanto Company.

ALSO PRESENT:

MR. HUGH THOMAS.

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I N D E X

WITNESS:	Direct	Cross	Redirect	Recross
NORMAN T. JOHNSON				
By Mr. Pope	5			

E X H I B I T S

Johnson-OMC Deposition Exhibit	Marked for ID
No. 1	109
No. 2	132
No. 3	134
No. 4	169
No. 5	179
No. 6	185
No. 7	188
No. 8	191
No. 9	200

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A I believe that to be true, although the procedures that we followed, we basically generated ourselves based on communications with the Legal Department.

Q You also understand, Mr. Johnson, by my questions I am not implying that your conduct or anyone at Monsanto's conduct was anything other than exemplary. It is my function to find out what your testimony is, what you recall and make it of record.

A I understand.

Q Why don't we go to the point in time at which you particularly, you personally learned for the first time that there was any question being raised regarding PCBs.

Can you tell me what your position was and the occasion which you first received such information?

A I would say that I must have been in the position responsible for Field Sales for the Functional Fluids Group.

Q Sometime between 1968 and 1970?

A — Right, and I remember Bill Richard coming over and talking about the work done in Sweden, that PCBs had shown up in the environment and I was absolutely amazed that Bill Richard and Dr. Keller had already been there, so in a period of what I would say was no more than a

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month when they were aware of the Swedish work that had already been done, they had been to Sweden to talk to the people.

Q Was there a regularly scheduled meeting that they had dropped this information on you?

A No, it was set up for this particular purpose, to talk about it. Bill Richard was over talking to Paul Benignus and I went into his office and that is when it came up in the conversation and I was amazed that they had already been to Sweden and looked into the work done by the Swedish scientists and were trying to develop confirmation of the data developed by the Swedes.

Q As you recall, did they tell you about what the problem was that caused such a quick trip to Sweden?

A Well, apparently the Swedes had been identifying DDT in the environment and had now singled out PCBs, the best of my knowledge, were in the 54 and 60 percent chlorine.

Q 1254 and 1260?

A — Right, and the desire on the part of Bill Richard and Dr. Keller was to learn whether the techniques being used by the Swedish scientists were such that they were truly identifying those materials in the environment.

Q As far as you recall, what was the surprise or

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concern about these findings?

A We didn't believe that PCBs were an environmental hazard.

t3 Q Was your surprise that there would be findings of PCBs in the environment, generally?

A Yes.

Q Was it unknown or was it assumed that PCBs had not escaped from time to time in their industrial use?

A I think there is a possibility that something might escape, but that it was showing up in the environment and not degrading was a surprise.

Q That was a surprise to Dr. Richard as far as you recall?

A I don't know what would surprise Dr. Richard.

Q My question is intended -- neither you nor I am a chemist and I am a lot farther away from it than you are.

Was it the chemists', within Monsanto as far as you know, understanding that that was a surprise to finding PCBs of 1260 or 1254 would not degrade in the environment?

A Yes.

Q Was there a concern about where the PCBs were being located that were being found by the initial

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investigators?

A I don't remember where the Swedes found it. It doesn't come back in my mind, so I don't remember.

Q Was the initial concern that was expressed to you one that if the PCBs were being found in the environment, their presence may be harmful in a health sense?

A I don't know whether that was known.

Q So the basic thrust as far as you remember of the initial concern is it shouldn't be there, why is it there?

A How did it get there? Most of it is closed systems.

Q And why it did not degrade?

A Right.

Q When you say most of it is closed systems, you mean the use that was being placed at that time of the fluid?

A Yes.

Q Would that include the functional fluids as well as the electrical uses?

A Yes.

Q At this time when this discovery was made, was there roughly a 50-50 breakdown in terms of use of PCB fluid, electrical use versus non-electrical, or was it

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greater in one area than another?

A I don't remember percentages, but the dielectric business was far and away a larger business.

Q Than non-dielectric?

A Yes.

Q Did Dr. Richard report unofficially to you on what had taken place in their visit to Sweden?

A No.

Q As far as you know, did Dr. Scott Tucker go with Dr. Richard to that visit?

A I don't know. I remember, and I believe it was Dr. Keller who went with Bill Richard. Maybe Tucker went, I don't know.

Q At that point in time, did Monsanto in-house have the technical capability to examine substances to determine the presence of PCBs?

MR. SCHINK: At what levels, Mr. Pope?

MR. POPE: At any levels.

MR. SCHINK: I object to the form of the question. You may answer.

BY MR. POPE:

Q Do you understand the question?

A Yes.

I remember that Scott Tucker had to do a

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