COPY

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CECIL SCOTT, ET AL]

v.] No. B-84-1103-CA

MONSANTO COMPANY]

VOLUME III

VIDEO DEPOSITION OF

WILLIAM PAPAGEORGE

May 20, 1987

1300 Post Oak Boulevard

Houston, Texas

Jerry Kelley, Court Reporter

Nell McCallum & Associates Inc.

2900 Smith, Suite 104

Houston, Texas 77006

(713) 523-3767

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018860

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

APPEARANCES

For the Plaintiffs:

David M. Lacey
Attorneys at Law
Gilpin, Pohl & Bennett
Allied Bank Tower, 23rd Floor
1300 Post Oak Boulevard
Houston, Texas 77056

For the Defendant:

Robert Hall
Attorney at Law
Woodard, Hall & Primm
4700 Texas Commerce Tower
Houston, Texas 77002

Video operator:

Sue Coppage

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018861

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

Volume 3 of the Videotape Deposition of William Papageorge, taken on May 20, 1987, at 1300 Post Oak Boulevard, Houston, Texas, between the hours of 4:55 p.m. and 5:15 p.m. before Jerry Kelley, CSR No. 2004 and Notary Public in and for the State of Texas.

MR. LACEY: Do you want to make your designation this thing is confidential here?

MR. HALL: That's what you are getting ready to go into now?

MR. LACEY: Yeah.

MR. HALL: Okay. This will reflect my agreement with Mr. Lacey that Mr. Papageorge is going to answer his questions concerning the components of the Pydraul that was blended at the Queeny plant with the understanding that this testimony will be covered by the protective order and that the court reporter will type it up in a separate volume.

MR. LACEY: Let me just say for the record I

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018862

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

don't concede that this material is in fact confidential, but I recognize your designation as such and have no objection to having it typed separately and so on and so forth.

Q First let me show you a document dated September 21st, 1970, 25863 through 25870, that may be of assistance to you for reference purposes and the question that we wanted to get answered: Well, what were the components in the various Pydraul fluids that were composed of not only PCB material but also other materials.

A I have never committed to memory the exact recipes. There are several types of hydraulic industrial fluids containing PCBs in the period 1970 to early '71.

Q Okay. Does that memo, by the way, have for you the particular Pydraul fluid numbers and the PCB material in them?

A There is a tabulation showing the Pydraul designation and the type of PCB used.

Q Okay. Let's -- maybe the easiest thing to do is just give me the Pydraul designation.

A Pydraul F 9.

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018863

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

Q And what PCB product was in that?

A Aroclor 1248.

Q And what other material was in there? And I think that's the issue that wound up leaving us in this separate presentation here.

A I -- as I stated earlier, I can't tell you exactly what's in each of these combinations, but in general the Pydrauls blended at that time, in addition to a PCB element, and sometimes two types of PCBs or sometimes a different ratio of PCBs to the remainder of the fluid would also contain phosphate esters. These are chemicals made by a combination of industrial alcohols and phosphorus and oxygen.

Q Now, when you say a combination of industrial alcohol, phosphorus and oxygen, is that reacted to create one particular chemical?

A Yes. So there are such chemicals as tributyl phosphate.

Q Is that one of the chemicals that was used?

A Yes. That's one of them. Tricresyl phosphate.

Q Okay. Is that another chemical that was used in Pydraul?

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018864

A That is another chemical. Nonyl phosphate, n o n y l phosphate. I'm sure there are other phosphates. They don't come to mind at the moment.

The percentage of each of these would vary.

In addition, another component, key component, would be mineral oils.

Q Did each of the Pydrauls have in it mineral oils?

A Many did. It's possible some did not.

Q All right.

A In addition, there were coloring agents to give it the marketing image. They were all colored purple. It's really not too important, but I didn't want to leave out anything I did know. It's also my understanding that some of these had ethylene glycol in them.

Q That's antifreeze?

A Antifreeze-type chemical. Other than that, I don't know what else could have been present.

Q Was there -- we know about the toxicity of PCBs, and that's what we're involved in in this lawsuit.

A Right.

Q Was there any problem of toxicity with

WATER_PCB-SD0000018865

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

ethylene glycol?

A Not that I'm aware of.

Q Any problem of toxicity with coloring agents?

A Not that I know of.

Q Any problem of toxicity with mineral oil?

A Not that I know of.

Q Any problem of toxicity with any of these phosphate esters?

A There was some references to -- as I remember it -- duck eggs and hatchability. And I'm not real certain here. Related to tricresyl phosphate.

Q That's the only one that you can remember?

A The only one that I know of.

Q The mineral oil is -- I -- I seem to recall sometime back that mineral oil was used in some products like baby oils and things like that. Is that mineral oil?

A That is a mineral oil. It's a highly refined mineral oil. That is an example of a mineral oil. Used as a medication that you buy in a drugstore. It's the same source. It's a matter of degree of distillation.

Q So the thing we think of as baby oil, if we can use the trademark, I guess, Johnson & Johnson's baby

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018866

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

oil, is a mineral oil?

A Yes.

Q And there are other types of mineral oils that have medicinal uses of some sort or another.

A The mineral oil used as a laxative --

Q Okay.

A -- is an example of something used by humans.

Q And is that the same type of mineral oil that went into these Pydrauls?

A It's the same basically, but I don't believe it was refined to the degree that it would be for human use and consumption.

Q Had more impurities in it?

A Yes.

Q The same thing, would that be true for the mineral oils that was used in transformers as well, that it was the same type of mineral oil that goes into Johnson & Johnson's baby oil but not quite as highly refined?

A That's my understanding.

MR. LACEY: That's the series of questions I've got on this particular aspect of Pydraul. I'm not sure that we wound up with a lot that was terribly

PROTECTIVE ORDER MATERIAL UNDER SEPARATE COVER

WATER_PCB-SD0000018867

secret out of this deal.

Have you got to scoot at this point?

MR. HALL: I guess we better.

MR. LACEY: I'm really not quite sure I'm through, but we'll stop.

VIDEO OPERATOR: This concludes the deposition of Mr. William B. Papageorge. The time is 5:04 p.m.

WATER_PCB-SD0000018868

CORRECTIONS

Page	Line	Change	Reason for Change
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------
----	----	----------	----------

WATER_PCB-SD0000018869

SIGNATURE OF WITNESS

I, William Papageorge, solemnly swear or affirm, under the pains and penalties of perjury, that the foregoing contains a true and correct transcript of the testimony given by me at the time and place stated, with the corrections, if any, and the reasons therefor noted on a separate sheet of paper and attached hereto, and that I am signing this before a Notary Public.

William Papageorge

THE STATE OF

Subscribed and sworn to before me, the undersigned authority, by the said William Papageorge on this the day of , 1987.

Notary Public in and for the State of

WATER_PCB-SD0000018870

THE STATE OF TEXAS]

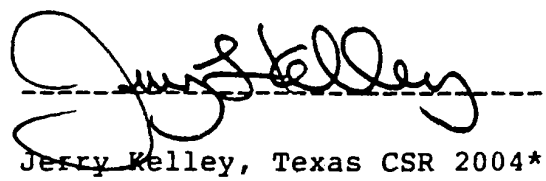
CERTIFICATE

I, Jerry Kelley, a Certified Shorthand Reporter, hereby certify that the foregoing testimony was given before me after the witness had been duly sworn.

I further certify that the foregoing is a true and correct copy of the transcript of the proceedings.

I further certify that I am neither attorney for, related to nor employed by any of the parties or any attorney of record in this cause, nor do I have a financial interest in the matter.

Witness my hand in Houston, Texas, on May 23, 1987.



Jerry Kelley, Texas CSR 2004*
2900 Smith, Suite 104
Houston, Texas 77006
713/523-3767

*My Certificate Expires
December 31, 1988

WATER_PCB-SD0000018871

LAWYER'S NOTES

Page	Line	
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------
----	----	----------

WATER_PCB-SD0000018872