

FOSHEE & TURNER COURT REPORTERS

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF ALABAMA

3 EASTERN DIVISION

4
5 WALTER OWENS, et al.,)

6 Plaintiffs,)

7)

8 vs.) CIVIL ACTION NO.

9) CV-P-440-E

10 MONSANTO COMPANY,)

11 Defendant.)

12
13 DEPOSITION OF: CARL SMITH

14
15 In accordance with Rule 5 (d) of The

16 Alabama Rules of Civil Procedure, as Amended,

17 effective May 15, 1988, I, TAMMY JENNINGS

18 GREGORY, am hereby delivering to MR. LARRY WRIGHT

19 the original transcript of the oral testimony

20 taken on the 27th day of October, 1999, along

21 with exhibits.

22 Please be advised that this is the same and

23 not retained by the court reporter, nor filed

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1 with the Court.

2 The deposition of Carl Smith was taken
3 before Tammy R. Jennings Gregory, commencing at
4 3:00 P.M. on the 27th day of October, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the
7 stipulations set forth herein.

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1 A P P E A R A N C E S

2

3 Appearing For The Plaintiffs:

4 MITHOFF & JACKS, LLP

5 By: Larry Wright, Esquire

6 and Laura Ruth, Esquire

7 111 Congress Avenue, Suite 1010

8 Austin, Texas 78701

9

10 Appearing For The Defendant:

11 LIGHTFOOT, FRANKLIN & WHITE

12 By: Adam Peck, Esquire

13 The Clark Building

14 400 20th Street North

15 Birmingham, Alabama 35203-3200

16

17 SMITH, HELMS, MULLISS & MOORE

18 By: Michael E. Kelly, Esquire

19 300 North Greene Street, Suite 1400

20 Greensboro, North Carolina 27401

21

22 Court Reporter:

23 Tammy R. Jennings Gregory

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12 EXHIBITS

13 (No exhibits were marked for identification,

14 admitted, or attached as exhibits hereto.)

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1 S T I P U L A T I O N S

2

3 IT IS STIPULATED AND AGREED by and
4 between the parties through their respective
5 counsel that the deposition of Carl Smith may be
6 taken before Tammy R. Jennings Gregory, at the
7 law offices of Fite & Miller, Anniston, Alabama
8 on the 27th day of October, 1999.

9

10

11 IT IS FURTHER STIPULATED AND AGREED that
12 the signature to and the reading of the
13 deposition by the witness is waived, the
14 deposition to have the same force and effect as
15 if full compliance had been had with all laws and

16 rules of court relating to the taking of
17 depositions.

18

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 it shall not be necessary for any objections to
22 be made by counsel to any questions, except as to
23 form or leading questions, and that counsel for

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1 the parties may make objections and assign
2 grounds at the time of trial or at the time said
3 deposition is offered in evidence or prior
4 thereto.

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7 IT IS FURTHER STIPULATED AND AGREED that
8 the notice of filing of the deposition is waived.

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1 STATE OF ALABAMA, CITY OF ANNISTON,
2 OCTOBER 27, 1999,
3 3:00 P.M.,

4

5 CARL SMITH,

6 having been first duly sworn, was examined and
7 testified as follows:

8

9 COURT REPORTER: Usual stipulations

10 okay?

11 MR. WRIGHT: Yes.

12 MR. PECK: Yes.

13

14 EXAMINATION BY MR. WRIGHT:

15 Q. Good afternoon, Mr. Smith. Thank you for

16 coming down and visiting with us. Do you

17 still work at Monsanto?

18 A. No.

19 Q. Did you retire?

20 A. Retired December 31st, '97.

21 Q. What was your first job at Monsanto?

22 A. Laborer. Worked in the labor gang.

23 When you're hired in at that

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1 particular period, you were hired in in the

2 labor gang.

3 Q. What year was that?

4 A. October 24th, 1966.

5 Q. And did you work in any particular area in

6 the labor gang initially?

7 A. Worked in all areas in the labor gang.

8 Cleaning up, cutting grass, just labor work.

9 Q. Okay. Did you ever clean tank cars --

10 A. No.

11 Q. -- in the aroclor department? Was that

12 different laborers that did that, or did you

13 just luck out?

14 A. I believe that came under shipping laborers.

15 I think what you call maintenance laborers.

16 Q. Okay.

17 A. There's two types of laborers.

18 Q. My understanding is there were also aroclor

19 -- what people are calling aroclor labors?

20 A. (Witness nods head.)

21 Q. You were not one of those?

22 A. I believe that's another group of production

23 laborers.

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1 Q. All right. Maintenance laborer makes sense

2 judging from the duties you were talking

3 about. How long did you stay in that

4 position?

5 A. Approximately six months. I'm not just

6 absolutely sure, but it was close to half a

7 year.

8 Q. How old were you at that time?

9 A. Twenty-six.

10 Q. And what was your next job?

11 A. What they call a production operator in the
12 parathion department.

13 Q. How long did you stay in that job?

14 A. I was in there from -- now, off and on until
15 the latter part of 1969. During this
16 particular time, there were cutbacks, one of
17 those particular times I went down to the
18 shipping department and worked in the
19 shipping department.

20 I believe actually two times during
21 that period. But I was laid off in 1969,
22 moved to Florida, came back to work in
23 December of '74 back in the parathion

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1 department.

2 Q. Just out of curiosity, what did you do in
3 Florida?

4 A. I worked for a heavy equipment dealer.

5 Q. Where?

6 A. Tampa.

7 MR. WRIGHT: Off the record.

8 (Discussion off the record.)

9 Q. (By Mr. Wright) Okay. You came back in '74?

10 A. '74.

11 Q. What job did you come back to?

12 A. Back into production operator in parathion.

13 Q. Then where did you go, or how long were you
14 in that job?

15 A. I believe until probably the latter part of

16 '77, and then I moved into a new area they

17 had built called recycle department. And I

18 went up there as an operator, and then as a

19 chief operator.

20 Q. How long did you stay --

21 A. Until -- well, 1980. And then I became

22 foreman of the recycling department.

23 Q. Did you stay in the recycle department until

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1 you retired?

2 A. No.

3 Q. Okay.

4 A. Well, they shut down -- '86, I guess, is when
5 they shut down the parathion department in
6 that area, and I then became equipment
7 specialist, project specialist for the
8 decontamination and dismantling of parathion
9 and recycle department.

10 Then I went into operations in PNP
11 department, and this was in '88, I believe it
12 was.

13 Q. And how long did you stay in that job?

14 A. Okay. I was classified then as a relief
15 operator, and I was between PNP and the
16 shipping department.

17 Worked most of the time in PNP to
18 '96, then I became the supervisor in the PNP
19 department until I retired.

20 MR. WRIGHT: Let's go off the
21 record for a second.

22 (Discussion off the record.)

23 Q. (By Mr. Wright) Going back then to your

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1 first tour with Monsanto, did you ever go to

2 the landfill during those years?

3 A. Not in the -- well, yes. I thought you was

4 talking about particular labor -- yes, I did.

5 When I was cut back from the parathion

6 department into --

7 Q. -- the shipping department?

8 A. -- the shipping department, shipping

9 laborers.

10 Q. How long were you in the shipping department?

11 I got the impression it wasn't very long.

12 A. Very short. Six weeks. Not long at all.

13 Q. But during that period as part of the

14 shipping department, you'd go to the

15 landfill?

16 A. Correct.

17 Q. Can you describe -- well, let's see. That

18 would have been '69, you said, I believe?

19 A. Earlier than '69. Probably '67, '68.

20 Q. Okay. Can you describe the landfill in '67

21 or '68?

22 A. The best I recall it we went through a locked

23 gate. It was a fenced area, and I think it

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1 was three of us rode up in a big old flatbed
2 Chevrolet truck with about four pallets or
3 four drums each slid onto this truck.

4 And there was a huge hole in the
5 ground, and we backed up to a certain stop
6 where the truck wouldn't go in, and our job
7 was to get up on the truck and roll these
8 particular drums into this hole.

9 Q. Okay. What was in the hole?

10 A. Just other drums, just --

11 Q. Anything besides drums that you remember?

12 A. Not that I recall at all.

13 Q. What was in the drums that you were throwing
14 in there?

15 A. I think what they call bottoms, bottoms from
16 the aroclor department where they drummed out
17 bottoms from probably residue from a still
18 operation. I'm not really sure, but I think
19 that's what they called it was bottoms from
20 aroclor.

21 Q. Could you tell if it was liquid or solid?

22 A. As far as I determined, it was solids.

23 Q. Okay. Was that the only thing that you took

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1 up there when you went up there?

2 A. In the parathion department, they have an
3 operation they call filter press cleaning
4 that consists of this screening coat atlocks
5 (phonetic), I believe. That's probably not
6 even what it is.

7 But anyway, this is granule or
8 powder that coats the screens, and when you
9 clean those filters, you clean that off and
10 put it in drums, and it was taken up there
11 also.

12 Q. And those are the only two things you
13 remember?

14 A. That's all I can remember.

15 Q. There was anybody else up there when y'all
16 would go up there?

17 A. A lot of times the contractor was up there.

18 Q. Do you remember who the contract was?

19 A. It may come to me in a minute, but I can't --
20 it was out here on West 10th Street.

21 Q. If it comes to you, just stop me and say I've
22 just remembered. Something concrete or --

23 A. Anniston Concrete was the name of the

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1 company.

2 Q. Do you remember who the -- any of the people
3 who were behind it?

4 A. It will come to me in a minute.

5 MR. WRIGHT: Mike, you remember
6 don't you?

7 MR. KELLY: McGinnis.

8 THE WITNESS: Ed McGinnis.

9 Q. (By Mr. Wright) Anybody else besides Mr.
10 McGinnis that you remember --

11 A. That's really the only one.

12 Q. -- that worked up there?

13 A. He was the owner of the company.

14 Q. Was Mr. McGinnis up there himself or some of
15 his workers?

16 A. Just some of his workers. I was familiar
17 with Ed McGinnis and some of his worked from
18 my prior job working with Thompson Tractor,
19 and he had heavy equipment.

20 Q. Is he still alive?

21 A. No.

22 Q. Is the company still in business?

23 A. As far as I know, it's not. I think it went

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1 out when he died.

2 Q. Do you remember hearing about events where

3 parathion would kill fish downstream in

4 Choccolocco Creek?

5 A. I believe that, yes.

6 Q. What do you remember about that?

7 A. The only thing I remember -- and if I was

8 there, I really don't -- if I was, it was my

9 first year there, my first time being there

10 -- some of the parathion waste was released

11 into the stream into Snow Creek, I guess,

12 that killed the fish in Choccolocco.

13 Q. Do you know how it was released, what

14 happened?

15 A. No, I don't.

16 Q. Did that happen other times?

17 A. As far as I know, it did not.

18 Q. Now, I've heard, and I've seen in the

19 documents a lawsuit by somebody called

20 B-a-s-s, Bass. I assume it was a wildlife or

21 fishing organization --
22 A. Right.
23 Q. -- against Monsanto over the Anniston plant.

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1 Did you hear about that?
2 A. No, I didn't know that.
3 Q. Okay. Do you know what Bass is?
4 A. Well, it's --
5 Q. Have you heard of it?
6 A. Yes, it's Bass Fishing Association.
7 Q. Where are they located, do you know?
8 A. Well, I think the original head quarters was
9 in -- if it's the National organization --
10 was in Montgomery.
11 Q. Are they still in business?
12 A. Yes.
13 Q. Though you've heard about the organization,
14 you don't remember hearing about that suit?
15 A. I don't remember that. Sure don't.
16 Q. Okay.
17 A. That's a National organization with small
18 units.

19 Q. Chapters?
20 A. Chapters is what my --
21 Q. Is there a Calhoun County Chapter?
22 A. I would assume.
23 Q. Just out of curiosity, are you a member?

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1 A. I used to belong to it. Not anymore.
2 MR. PECK: Bass Masters
3 Tournaments.
4 MR. WRIGHT: They sponsor those?
5 MR. PECK: Uh-huh (indicating yes).
6 Q. (By Mr. Wright) I think you show up in some
7 of these safety plans. Were you involved in
8 the safety committees and things?
9 A. Yes.
10 Q. Tell me about that, if you would, about your
11 involvement.
12 A. Well, during operations or during when I was
13 in operations, each department had their
14 safety committees, and I was on a different
15 number of those committees just as a member.
16 And when you were the foreman or

17 supervisor, you were the chairman of the
18 particular safety committees for your
19 department.

20 It discussed safety problems; it
21 discussed operational problems, concerns of
22 everything really.

23 Q. So your involvement would have been for many

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1 years basically?

2 A. Right.

3 Q. Let's see. You were gone when the aroclor
4 plant shut down, weren't you?

5 A. Yes, I was.

6 Q. Before you left, had you heard it was going
7 to shut down?

8 A. I didn't -- no, I didn't. I didn't know.

9 Q. So when you left, everything was fine, and
10 when you came back, the whole section was
11 gone?

12 A. There was no aroclor plant, and some of the
13 old operators had bid into or rolled
14 operators into the parathion area.

15 Q. Did they talk about why the aroclor plant had
16 shut down? Do you remember any conversations
17 or talk?

18 A. I really can't remember any of that. Sure
19 can't.

20 Q. When is the first time that you heard or
21 recall hearing about PCB contamination being
22 outside of the plant boundaries?

23 A. I believe the first time it was sort of

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1 publicly announced was when they were
2 cleaning this Choccolocco Creek cleanup
3 project that they had down here.

4 Q. Just a few years ago?

5 A. Right.

6 Q. Okay. You don't remember hearing about PCB
7 contamination being outside the plant
8 boundaries before that, the recent publicity?

9 A. No, I don't. I really don't.

10 Q. Okay.

11 A. Now, had I worked there, I may have, but that
12 was really not my interest.

13 Q. I understand. I understand. Did you hear
14 about mercury contamination being outside of
15 the plant boundaries?
16 A. Not -- no, I didn't. I've heard about the
17 mercury being stolen, but --
18 Q. I heard that last week.
19 A. But not any mercury contamination.
20 Q. Did you have your blood tested for PCBs when
21 they offered?
22 A. No.
23 Q. Why don't we take a quick break?

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1 (Short recess.)
2 Q. (By Mr. Wright) Were you ever involved in
3 any sampling other than sampling the
4 parathion waste water treatment?
5 A. Other than the -- other than the products in
6 parathion?
7 Q. Yeah.
8 A. The products in parathion and waste treatment
9 in parathion. That's the only sampling.
10 Q. Did you ever spend any time in the lab?

11 A. No, other than carrying samples is all.

12 Q. Do you know anything about their sampling,
13 either, I guess, sampling of water or waste?

14 A. I knew that we had stations in the plant
15 perimeter and different places where they did
16 sample air and water.

17 Q. Do you know if they ever sampled air for
18 PCBs?

19 A. I do not know. I can't answer that.

20 Q. What do you remember them sampling air for?

21 A. Well, in parathion days, it was -- had a
22 pretty good aroma out there, and they was
23 sampling -- just exactly what for, I really

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1 don't know, but I know they were sampling the
2 air for the different contents to see if we
3 were doing any contamination.

4 Q. Okay. What kind of health concerns do you
5 remember there being at the plant related to
6 any of the chemicals that were used at the
7 plant? For example, I know with parathion,
8 there were cholinesterase --

9 A. Right.

10 Q. -- monitoring, and, you know, every now and
11 then somebody would get their cholinesterase
12 inhibited.

13 A. Well, we had a by-product was hydrogen
14 sulfide, and it was a very poisonous gas.
15 Enough of it would kill you.

16 And we used quite a bit of
17 chlorine, chlorine gas.

18 Q. Did anybody ever get injured by the hydrogen
19 sulfide?

20 A. Yes, yes.

21 Q. Did they get overcome to the point where they
22 became unconscious?

23 A. Yes.

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1 Q. About how many times did that happen?

2 A. I remember two incidents in my tenure that
3 that did happen. We tried to take all the
4 precautions that we knew existed, you know,
5 to keep that from happening, but I do
6 remember a couple of times. Ruptured disk

7 broke.

8 Q. Did the men recover?

9 A. Yes.

10 Q. Came back to work?

11 A. Right.

12 Q. You started to tell me about something else.

13 Chlorine. Any incidents with chlorine?

14 A. Yes, there's been chlorine incidents. I

15 guess one of the main problems that you had

16 with chlorine is you'd get a small leak in a

17 line, and you would walk into it before you

18 realized it, you know, and then you would get

19 the line repaired.

20 We had all the safety equipment,

21 Scott Air Packs, which is self-contained

22 breathing apparatuses, and just regular gas

23 masks, organic vapor gas masks. Everyone had

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1 one, their own personal mask.

2 Q. As a result of the chlorine exposure, was it

3 primarily their lungs got burned?

4 A. Right. It was the lungs and throat.

5 Q. Anything else you remember?

6 A. It was another bad product that was called

7 intermediate. It was dangerous to your eyes.

8 Q. Which one was that?

9 A. Intermediate.

10 Q. Just called intermediate?

11 A. Called intermediate, right.

12 Q. Okay.

13 A. But it was used in the process of making

14 parathion.

15 Q. Was anybody overcome by parathion?

16 A. Well, there was suspicion that it was

17 parathion when a couple of guys got overcome

18 in the tank car. I'm sure you've heard about

19 that.

20 Q. Actually, I didn't hear about that, so might

21 as well.

22 A. Cleaning out a tank car, and -- that had been

23 washed out like we normally wash out a tank

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1 car with soda ash and hot water. And this

2 was in July of -- I don't know what year.

3 But anyway, they went into the tank
4 to wipe it down before reloading it with
5 either or ethyl or methyl parathion -- I
6 don't know which one -- to be shipped away,
7 and they was overcome with, I guess,
8 parathion poisoning.

9 Q. Did they end up dying?

10 A. No.

11 Q. Oh. Okay.

12 A. No. They made a complete recovery on that,
13 too.

14 Q. They came back to work?

15 A. Yes.

16 Q. Did they seem as mentally with it as they had
17 before the incident?

18 A. Yes, they were -- full recovery.

19 Q. Anything else you can think of?

20 A. Not really.

21 Q. Okay. Did you ever have any conversations or
22 discussions with the people in the community
23 there around the plant?

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1 A. I did not personally, no.

2 Q. Do you know of anybody that did?

3 A. We always turned -- if they called into the

4 department, we always told them to call the

5 lab. And I believe Gene Arnett took most of

6 the calls. I'm not real sure, but I think he

7 did. Someone in the lab.

8 And as far as I know, he would make

9 an effort to go out in the area to see what

10 it was.

11 Q. Okay. Do you know if he ever talked to the

12 people in the community about PCBs?

13 A. I can't answer that. I don't know.

14 Q. Did anybody ever talk to the people in the

15 community about PCBs to your knowledge?

16 A. To my knowledge, no.

17 Q. Okay. Now, the aroclor area was expanded,

18 and I've gotten varying dates on the

19 expansion, but it was sometime in the '69,

20 '70 --

21 A. That's real close.

22 Q. -- time frame.

23 A. That's the time that I would say it was.

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1 Q. That's what I'm going to ask you then because
2 that would have been -- you left about that
3 time?

4 A. (Witness nods head.) Right.

5 Q. And so I was going to ask you if you heard
6 about plans to expand the aroclor department
7 before you left?

8 A. Well, I know that it was, you know, after I
9 came back, it was all this talk -- well, dog
10 gone spend this much money to expand and
11 then, bam, shut it down, you know.

12 I think the expansion wound up
13 being a tank farm, best I recall, maybe
14 adding four different storage tanks across
15 the street right there from what I remember.

16 Q. Was that done before you left?

17 A. I think it was done going on when I did --
18 when I left.

19 Q. Okay. Do you remember what month you left in
20 '69?

21 A. Let's see. It would probably have been
22 around December. November or December.

23 Q. Very end of the year?

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1 A. (Witness nods head.)

2 Q. I can't remember whether I asked you this or
3 not, but what was your understanding of why
4 the aroclor plant shut down?

5 A. Because of aroclor being a suspected
6 carcinogenic is my understanding why it shut
7 down.

8 Q. And that came from people there at Monsanto
9 when you came back?

10 A. Is where I heard that?

11 Q. Yes.

12 A. Yes, yes.

13 Q. With regard to industrial hygiene, are you
14 familiar with the -- or with any records that
15 are kept on the health and safety -- not the
16 health and safety -- on the health of the
17 Anniston employees?

18 A. All our records, I understand, were kept.
19 I've never encountered the need to have to
20 check and see, but all of our records -- as a
21 matter of fact, I think that was a law that
22 they were supposed to be kept.

23 Q. Did you have a physical every year?

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1 A. Yes, yes.

2 Q. I know they drew blood; right?

3 A. Right.

4 Q. Every time, even in the '60s?

5 A. Yes, it was -- it was about a six-weeks

6 interval -- six-to eight-week interval --

7 that they drew blood.

8 Q. Now, that was at the parathion department?

9 A. Right, right.

10 Q. I guess I was talking just about in the

11 general physical that you may not -- being a

12 parathion worker most of the time --

13 A. Well, general physical they also did.

14 Q. Do you know what tests they ran, what things

15 they checked?

16 A. Cholesterol, albumin, the whole list of --

17 there is a name for that, and I forgot. Just

18 what all the pertinent things that's in your

19 bloodstream.

20 Q. Did they check for liver enzymes, for

21 example? Do you recall that?

22 A. I believe so, yes.

23 Q. Do you think -- and I'm taxing your memory

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1 now -- do you think they tested for the liver

2 enzymes way back when you first started

3 getting the physicals, or is that something

4 that they added later on?

5 A. I couldn't -- I couldn't answer that. The

6 only thing I remember them changing in

7 physical, so to speak, or the blood is -- if

8 you remember you used to have just one number

9 as a cholesterol, and then they broke it down

10 to the high and the good and the bad, and I

11 do remember them making that change.

12 Q. When you went to the landfill that short

13 period of time, did you only take stuff to

14 one pit?

15 A. As far as I remember, it was in one pit.

16 Q. Okay. Were there other pits around?

17 A. Yes, there were other pits.

18 Q. Were they active? I mean, were people

19 dumping stuff in them at the same time as

20 y'all were dumping stuff in the pit you were
21 using? And I don't mean the exact same
22 minute. I just mean contemporaneously.
23 A. The best of my recollection, there was a

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1 place where you put scrap, just
2 uncontaminated scrap is a part that I
3 remember.
4 Now, I can't -- that's really -- I
5 didn't make too many trips up there to tell
6 you the truth.

7 Q. Was the TP incinerator up there?

8 A. No, no.

9 Q. Do you remember when that came?

10 A. It may have come when I was gone in that
11 four-year period too. I never went back to
12 the landfill after I came back. That was
13 really the only time that I'd ever had an
14 occasion --

15 Q. Could you see the TP from the road or
16 anywhere?

17 A. No.

18 Q. How did you know it was up there, just heard
19 about it?

20 A. Just talk about it and from photographs of
21 the plant in the area.

22 Q. When would you have seen photographs, or why
23 would you have seen photographs of the plant?

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1 A. Well, they were posted throughout the plant,
2 conference rooms. As a matter of fact, we
3 had plant photographs, what it looked like in
4 1930 and 19 -- on down the line.

5 Q. Were they still posted throughout the plant
6 when you left?

7 A. There was one -- there was one in the main
8 conference room.

9 Q. Was that the only one that was left?

10 A. Well, that's the only one -- now, when I say,
11 "throughout the plant," I guess that's the
12 only one I mean.

13 Q. Okay.

14 A. Just a conference room like this.

15 Q. Did they have several pictures though?

16 A. No.

17 Q. The reason I'm asking you that is because you

18 said a little while ago that there was

19 pictures of how the plant looked at different

20 times.

21 A. Well, Dan Truitt had one in his office -- Dan

22 Truitt was an accountant -- of a picture of,

23 I believe, in the '30s.

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1 Q. Okay.

2 A. And then they used to have a picture of the

3 plant with parathion, aroclor, all of it, and

4 then they upgraded the picture. I remember

5 the plane flying around and taking the

6 pictures, and he upgraded that picture.

7 Q. Okay.

8 A. And then they upgraded that picture when they

9 removed parathion.

10 Q. Okay.

11 A. That's the pictures I remember.

12 Q. Now, did you actually see those pictures

13 after they were developed?

14 A. They were for anybody to see.
15 Q. They were -- the pictures you were talking
16 about were on the walls?
17 A. Right.
18 Q. Okay. And they were still on the walls when
19 you left?
20 A. As far as I remember, yeah.
21 Q. Do you know if there were ever any pictures
22 made of the aroclor department itself?
23 A. I -- no, I don't.

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1 Q. What about a video or a movie or anything
2 like that of any part of the plant for that
3 matter?
4 A. The only video I remember they made, which I
5 never did see, was a safety film about how to
6 handle parathion, a parathion spill.
7 Q. Would that have been in the '70s?
8 A. Yes, yes.
9 Q. Do you know if there were similar films made
10 about other parts of the plant?
11 A. I never did hear about it because it was a

12 lot of focus on safety in the parathion. I
13 do know that.
14 Q. Okay. Where was that film kept, do you know?
15 A. I have no idea. I don't know.
16 Q. Do you remember who prepared it or -- by
17 "who," I don't mean the person's name
18 necessarily. But was it the safety
19 department or industrial hygiene or the
20 parathion department itself or St. Louis, for
21 that matter?
22 A. I think it was a corporate effort. I don't
23 believe it was just a local -- just a local

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1 film.
2 Q. Okay. Can you think of some people who spent
3 more time at the landfill than you did?
4 A. Well, this gentleman you just interviewed,
5 Jesse Abernathy, did. I thought.
6 Q. Okay.
7 MS. RUTH: Maybe his memory says it
8 all then.
9 MR. PECK: He didn't remember much.

10 Q. (By Mr. Wright) He didn't remember much.
11 A. There was an Amos Payne -- not Amos Payne.
12 Amos Payne's dead. Amos Mixon. I don't know
13 if that name has ever come up.

14 MR. KELLY: Mixon?

15 THE WITNESS: M-i-x-o-n, with an
16 "M". But I think he's very old and in
17 terrible health right now.

18 He drove one of the skip trucks.

19 There was Sam White, which he's dead.

20 Q. (By Mr. Wright) Is Mr. Mixon still in the
21 area?

22 A. I believe he lives in Jacksonville, but he's
23 -- I think he's got Alzheimer's. Him and

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1 his wife both is in bad shape.

2 Q. You mentioned somebody else.

3 A. Sam White. Sam's dead.

4 Q. Okay.

5 A. Abney, Johnny Abney. He worked in shipping
6 along that time.

7 Q. Is he still alive?

8 A. He's still living, but I don't know -- I
9 don't know what kind of -- he's pretty old
10 himself.

11 Q. Is he still in the area?

12 A. I think so.

13 MR. PECK: A-b-n-e-y.

14 THE WITNESS: Right.

15 Q. (By Mr. Wright) Anybody else you can think
16 of?

17 A. Another guy that worked in shipping was Homer
18 Broadwell, B-r-o-a-d-w-e-l-l.

19 MR. PECK: Deceased or alive?

20 THE WITNESS: He's still alive.

21 He's about eighty-five years old.

22 Cecil Beard's dead. Let's see.

23 Who else? I really can't think of anybody

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1 right now that's still alive and kicking.

2 Q. (By Mr. Wright) Okay. Thank you for your
3 time, sir.

4 A. Okay.

5

6 (Deposition concluded at 3:40 p.m.)

7 FURTHER THE DEPONENT SAITH NOT.

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1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 CALHOUN COUNTY)

5

6 I HEREBY CERTIFY that the above and
7 foregoing transcript was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness.

13 I FURTHER CERTIFY that I am neither
14 of counsel, nor of any relation to the parties to
15 the action, nor am I anywise interested in the
16 result of said cause.

17

18

19

20

21 TAMMY R. JENNINGS GREGORY
Notary Public, State of Alabama
22 MY COMMISSION EXPIRES: 9-12-2001

23

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