
Trial Transcript [December 8, 1993]

Transwestern v. Monsanto

CONDENSED TRANSCRIPT AND CONCORDANCE

PREPARED BY:

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(1) LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 8, 1993
(2) 9:30 A.M.
(3) DEPARTMENT NO. 31 G. KEITH WISOT, JUDGE
(4) ---0---
(5) (APPEARANCES AS HERETOFORE NOTED.)
(6) (DAVID A. SALTER, OFFICIAL REPORTER.)
(7)
(8) THE COURT: AND GOOD MORNING, LADIES AND
(9) GENTLEMEN.
(10) RESUMING TRIAL PROCEEDINGS IN
(11) TRANSWESTERN VERSUS MONSANTO WITH ALL OF THE
(12) APPROPRIATE PARTICIPANTS IN THEIR RESPECTIVE PLACES.
(13) MR. PREUSS, YOU MAY CONTINUE.
(14) MR. PREUSS: THANK YOU, YOUR HONOR.
(15)
(16) WILLIAM B. PAPAGEORGE,
(17) CALLED AS A WITNESS BY THE PLAINTIFF, TRANSWESTERN,
(18) UNDER THE PROVISIONS OF EVIDENCE CODE 776, HAVING
(19) BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:
(20)
(21) CROSS EXAMINATION (CONTINUED.)
(22) BY PREUSS:
(23) Q GOOD MORNING, MR. PAPAGEORGE.
(24) A GOOD MORNING.
(25) Q HOW ARE YOU TODAY?
(26) A FINE, THANK YOU.
(27) Q OKAY. YESTERDAY, MR. PAPAGEORGE, WE HAD
(28) BEEN DISCUSSING SOME OF THE EARLIER SCIENTIFIC WORK

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(1) AND INVESTIGATION BY MONSANTO.
(2) WE WERE JUST GETTING INTO THE MANAGEMENT
(3) ASPECT OF THE PCB ENVIRONMENTAL ISSUE IN THAT EXHIBIT
(4) 92.
(5) COULD YOU GET THAT, PLEASE, SIR.
(6) A I HAVE IT.
(7) Q AND YOU HAD INDICATED, I BELIEVE, THAT
(8) THE ADDRESSEES OF THIS MEMORANDUM FROM MR. JOHN WERE
(9) TO BE THE MEMBERS OF THE TASK FORCE?
(10) A YES.
(11) Q AND THAT THAT TASK FORCE WAS LATER KNOWN
(12) AS THE AD HOC COMMITTEE?
(13) A YES.
(14) Q AND PARAGRAPH 2 THERE INDICATES THE
(15) RESPONSIBILITY OF THE TASK FORCE IS WHAT, SIR?
(16) A IT'S TO OUTLINE A PROGRAM TO BE PURSUED
(17) BY MONSANTO IN MANUFACTURING, MARKETING AND CUSTOMER
(18) USE OF AROCLORS.
(19) Q AND A DEADLINE WAS GIVEN WITH RESPECT TO
(20) RECOMMENDATIONS; IS THAT CORRECT?
(21) A YES.
(22) Q ALL RIGHT. IF YOU WOULD, SIR, PLEASE
(23) TURN TO EXHIBIT 95.
(24) A I HAVE IT.
(25) Q AND YOU WERE SHOWN THAT EARLIER IN YOUR
(26) TESTIMONY, SIR, AND THIS IS A MEMO FROM A DR. WHEELER
(27) TO - EXCUSE ME, FROM DR. RICHARD TO MR. WHEELER?
(28) A CORRECT.

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(1) Q AND THE DATE?
(2) A SEPTEMBER 9TH, 1969.
(3) Q AND SHORTLY AFTER THE FORMATION OF THE
(4) TASK FORCE?
(5) A YES.
(6) Q OKAY. AND WERE MR. WHEELER AND
(7) DR. RICHARD BOTH MEMBERS OF THIS TASK FORCE?
(8) A YES.
(9) Q DO YOU KNOW THE ORIGIN OR THE PURPOSE OF
(10) THIS MEMO, SIR?
(11) A THIS IS DR. RICHARD'S CONTRIBUTION TO THE
(12) WORK OF THAT TASK FORCE.
(13) THESE ARE HIS THOUGHTS HE PUT IN WRITING
(14) AND GAVE TO THE CHAIRMAN OR SENT TO THE CHAIRMAN OF
(15) THAT TASK FORCE.
(16) Q "THE CHAIRMAN" BEING MR. WHEELER?
(17) A CORRECT.
(18) Q AND UNDER GENERAL POLICY, SIR, HE
(19) INDICATES, THE SECOND SENTENCE, WHAT?
(20) A "COMPLY AND WORK WITH PUBLIC OFFICIALS TO
(21) MEET OR EXCEED REQUIREMENTS AHEAD OF TIME."
(22) Q AND WITH RESPECT TO HALFWAY DOWN HERE,
(23) TALKING ABOUT ANALYTIC AROCLOR, WHAT IS THE REFERENCE
(24) THERE TO?
(25) A WELL, IT REFERS TO ANALYSIS OF PCB'S IN
(26) AIR, WATER AND ANIMALS.
(27) Q AND THEN HE DISCUSSES IN THE NEXT SECTION
(28) TOXICITY WORK; IS THAT RIGHT?

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(1) A YES.
(2) Q AND WHAT IS HIS COMMENT WITH RESPECT TO
(3) CONTACTING THE GOVERNMENTAL AGENCIES?
(4) A WELL, HE STATES THERE, MONSANTO VISIT
(5) GOVERNMENT BIO-LABS.
(6) Q AND FOR WHAT REASON, SIR?
(7) A WELL, FOR THE BIO-LABS IT'S TO COORDINATE
(8) WITH THE GOVERNMENT LABORATORIES THEIR FINDINGS
(9) REGARDING ANY TESTING DONE ON ANIMALS AND FISH,
(10) LIVING CREATURES.
(11) Q AND THEN HE MAKES SOME - GIVES HIS
(12) THOUGHTS ABOUT WHAT THE LIKELY OUTCOME OF THIS ISSUE
(13) IS.
(14) THE LAST ONE THERE IS WHAT, SIR?
(15) A "THEREFORE, WE WILL HAVE TO RESTRICT USES
(16) AND CLEAN UP AS MUCH AS WE CAN, STARTING
(17) IMMEDIATELY."
(18) Q AND TURNING TO THE NEXT PAGE, IF YOU
(19) WOULD, SIR.
(20) A I HAVE IT.
(21) Q AND AT THE BOTTOM THERE HE INDICATES WHAT
(22) ON THE LAST PARAGRAPH WITH RESPECT TO WHAT HIS
(23) UNDERSTANDING OF THE USES OF THE MONSANTO PRODUCTS
(24) ARE?
(25) A WELL, HE STATES THAT "WE ARE NOT
(26) POSITIVE, BUT MOST USES ARE 'CLOSED' SYSTEMS OR
(27) PRODUCTS USED IN SOLID PLASTICS OR ADHESIVES OR
(28) SEALANTS."

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- (1) Q THANK YOU, SIR.
 (2) AGAIN, THESE ARE DR. RICHARD'S VIEWS HE
 (3) IS PASSING ON TO MR. WHEELER AS CHAIRMAN?
 (4) A YES.
 (5) Q IF YOU WOULD, PLEASE, TURN TO EXHIBIT
 (6) 102, WHICH IS THE REPORT OF THE AROCLOR AD
 HOC
 (7) COMMITTEE.
 (8) A I HAVE IT.
 (9) Q AND IF YOU WOULD, SIR, TO WHOM WAS THIS
 (10) REPORT DIRECTED?
 (11) A IT'S DIRECTED TO MR. BERGEN AND
 (12) MR. SPRINGGATE WHO WERE THE TWO BUSINESS
 GROUP
 (13) DIRECTORS.
 (14) Q ALL RIGHT. AND THIS WAS FROM THE
 (15) COMMITTEE AS A WHOLE?
 (16) A CORRECT.
 (17) Q AFTER ALL THE INPUT FROM THE MEMBERS WAS
 (18) OBTAINED AND CONSOLIDATED?
 (19) A YES, YES.
 (20) Q AND THE DATE OF THAT?
 (21) A OCTOBER 2, 1969.
 (22) Q ALL RIGHT. AND WOULD YOU BE GOOD ENOUGH
 (23) TO TURN TO THE OBJECTIVES THERE, PLEASE.
 (24) A I HAVE IT.
 (25) Q FIRST OF ALL, WAS THIS A FINAL REPORT,
 (26) SIR?
 (27) A NO.
 (28) THIS IS A WORKING DOCUMENT, A PROPOSAL

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- (1) FROM THE SMALL GROUP TO THE TWO TOP
 DIRECTORS.
 (2) Q OKAY. NOW, YOU WERE ASKED ABOUT A COUPLE
 (3) OF THESE.
 (4) I WOULD LIKE TO ASK IF YOU WOULD BE GOOD
 (5) ENOUGH TO READ NUMBER 3 AMONG THE
 OBJECTIVES IN THIS
 (6) DRAFT PROPOSAL TO MR. SPRINGGATE AND MR.
 BERGEN.
 (7) A "PROTECT THE IMAGE OF THE ORGANIC
 (8) DIVISION AND THE CORPORATION AS MEMBERS OF
 THE
 (9) BUSINESS COMMUNITY RECOGNIZING THEIR
 RESPONSIBILITIES
 (10) TO PREVENT AND/OR CONTROL CONTAMINATION OF
 THE GLOBAL
 (11) ECOSYSTEM."
 (12) Q WHAT IS YOUR UNDERSTANDING OF WHAT THIS
 (13) MEANT TO PROTECT THE IMAGE OF THE ORGANIC
 DIVISION,
 (14) SIR, AND THE CORPORATION?
 (15) A WELL, THE WORD "IMAGE" THERE IMPLIES WHAT
 (16) DOES GENERAL SOCIETY THINK OF WHEN THEY HEAR
 THE WORD
 (17) "MONSANTO."
 (18) AND BY "SOCIETY," I HAVE IN MIND, ALL OF
 (19) US REALLY.
 (20) AND THEN FURTHER THE CUSTOMERS, WHAT DO
 (21) THEY THINK OR DO THEY LIKE WORKING WITH
 MONSANTO AS
 (22) AN EXAMPLE.
 (23) PEOPLE, WOULD THEY LIKE TO WORK FOR
 (24) MONSANTO?
 (25) IS IT A COMPANY TO BE PROUD OF WORKING
 (26) FOR?
 (27) THE GOVERNMENT REGULATORY PEOPLE, AS AN
 (28) EXAMPLE, FIND THAT THEY HAVE VERY FEW
 PROBLEMS WITH

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- (1) THAT PARTICULAR COMPANY.
 (2) THERE ARE MANY EXAMPLES ALONG THAT LINE.
 (3) THE WHOLE IDEA BEING THAT WHEN THE
 (4) CORPORATION'S NAME IS MENTIONED OR THOUGHT
 OF, IT IS
 (5) THOUGHT OF IN A GOOD LIGHT. THAT IS A GOOD
 BUNCH OF
 (6) PEOPLE, SO TO SPEAK.
 (7) THAT IS WHAT WE MEANT BY "IMAGE."
 (8) AND IN THIS CASE THE IDEA THERE WAS TO DO
 (9) THINGS IN A WAY THAT THAT IMAGE IS PROTECTED
 AND NOT
 (10) DAMAGED IN ANY WAY.
 (11) Q THANK YOU.
 (12) COULD YOU TURN, PLEASE, SIR, TO THE
 (13) SECTION ON THE BASIS FOR RECOMMENDATIONS.
 (14) THAT WOULD BE THE PAGE 024257.
 (15) A I HAVE IT.
 (16) Q ALL RIGHT.
 (17) AND DO YOU RECALL BEING ASKED ABOUT THIS
 (18) PARTICULAR PARAGRAPH EARLIER, SIR?
 (19) A YES, I DO.
 (20) Q WITH RESPECT TO THE PRODUCTS IN THIS
 (21) PARAGRAPH, ARE THESE PRODUCTS
 MANUFACTURED BY
 (22) MONSANTO, SIR?
 (23) A NO.
 (24) Q THESE ARE PRODUCTS MANUFACTURED BY
 (25) CUSTOMERS, THEN; IS THAT CORRECT?
 (26) A YES, CUSTOMERS OF MONSANTO.
 (27) Q AND WHAT TYPES OF PRODUCTS ARE THESE
 (28) CLASSIFIED BY MONSANTO?

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- (1) A WELL, THESE PRODUCTS ARE - THEY BELONG
 (2) TO WHAT WE CALL IN THE PLASTICIZERS GROUP.
 (3) Q AND THAT WOULD BE TRUE OF OIL AND/OR
 (4) GREASE LUBRICANT APPLICATIONS?
 (5) A YES.
 (6) Q AND THE REFERENCE THERE IS TO PRODUCTS IN
 (7) THAT CATEGORY MANUFACTURED BY CUSTOMERS
 BUT USING
 (8) COMPONENTS SUPPLIED BY MONSANTO?
 (9) A YES.
 (10) Q OKAY.
 (11) A SOME OF THE COMPONENTS, NOT ALL.
 (12) Q SOME.
 (13) NOW, AFTER THIS REPORT WAS SUBMITTED TO
 (14) MR. SPRINGGATE AND MR. BERGEN AS GROUP
 HEADS OF THE
 (15) FUNCTIONAL FLUIDS AND PLASTICIZER GROUP,
 WAS A
 (16) PRESENTATION MADE TO THE CMC AT A LATER
 TIME?
 (17) A YES.
 (18) Q I WOULD LIKE TO SHOW YOU EXHIBIT 112,
 (19) PLEASE.
 (20) WOULD YOU GET THAT ONE, PLEASE?
 (21) AND IS THIS THE TEXT OF THE PRESENTATION
 (22) BY THE AD HOC COMMITTEE TO THE CMC?
 (23) A THIS IS A COPY OF THE TEXT USED BY THE
 (24) TWO BUSINESS DIRECTORS.
 (25) Q BY "THE TWO BUSINESS DIRECTORS."
 (26) A THE OTHER SPEAKERS HAD THEIR OWN TEXTS.
 (27) Q I THINK YOU MENTIONED, WAS MR. WHEELER A
 (28) SPEAKER AS WELL?

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- (1) A YES, HE WAS.
- (2) Q AND WHAT WAS THE SUBJECT OF HIS
- (3) PRESENTATION?
- (4) A OH, HE WAS ASKED BY MR. BERGEN AND
- (5) MR. SPRINGGATE TO COVER THE MORE SCIENTIFIC
- TECHNICAL
- (6) DISCUSSION AS A KNOWLEDGEABLE PERSON
- RATHER THAN AS A
- (7) MEMBER OF THE TASK FORCE OR ANYTHING.
- (8) Q HE WAS - HE HAPPENED TO BE THE HEAD OF
- (9) THE TASK FORCE AND WAS FROM THE MEDICAL
- DEPARTMENT,
- (10) RIGHT?
- (11) A YES, THAT IS TRUE.
- (12) Q SO HE MADE A PRESENTATION ON THAT ASPECT
- (13) TO THE CMC?
- (14) A ON THE TECHNICAL ASPECTS, INCLUDING THE
- (15) MEDICAL.
- (16) Q AND EXHIBIT 112, THEN, IS A PRESENTATION
- (17) MADE BY MR. SPRINGGATE AND MR. BERGEN?
- (18) A CORRECT.
- (19) Q OKAY. CAN YOU TURN TO PAGE 10, PLEASE.
- (20) IS IT YOUR UNDERSTANDING THAT SEVERAL
- (21) POSSIBLE COURSES OF ACTION WERE DISCUSSED
- BY
- (22) MR. BERGEN AND MR. SPRINGGATE AT THE
- MEETING OF THE
- (23) CMC?
- (24) A YES.
- (25) Q AND ARE THESE THE FOUR THAT WERE
- (26) DISCUSSED?
- (27) A YES.
- (28) Q CAN YOU JUST GO THROUGH THOSE FOR US AND

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- (1) READ THEM OUT.
- (2) A NUMBER ONE IS, "DO NOTHING, JUST REACT TO
- (3) LEGISLATION AND EMOTION."
- (4) NUMBER TWO, "GO OUT OF TOTAL AROCLOR
- (5) BUSINESS."
- (6) NUMBER 3, "GET OUT OF AROCLOR 1254 AND
- (7) 1260 PRODUCTION."
- (8) NUMBER 4, "DEVELOP SPECIFIC ACTION PLANS
- (9) 'TAILORED' TO EACH BUSINESS GROUP AND EACH
- CUSTOMER
- (10) MARKET SITUATION TO CLEAN UP THE MESS."
- (11) Q ALL RIGHT. AND DID THE CMC ADOPT ONE OF
- (12) THESE COURSES OF ACTION?
- (13) A YES, THEY DID.
- (14) Q WHICH ONE?
- (15) A NUMBER 4.
- (16) Q ALL RIGHT. ALL RIGHT. CAN YOU EXPLAIN
- (17) IN MORE DETAIL WHAT IS MEANT BY "DEVELOPING
- SPECIFIC
- (18) ACTION PLANS TAILORED TO EACH BUSINESS
- GROUP AND EACH
- (19) CUSTOMER MARKET SITUATION," SIR?
- (20) A WELL, THE PLANS WERE BASED ON MONSANTO'S
- (21) KNOWLEDGE OF THE TYPE OF PCB INVOLVED, THE
- TYPE OF
- (22) USE, WHETHER IT WAS A CLOSED SYSTEM THAT IS
- (23) MANAGEABLE TO PREVENT SPILLAGE AND LOSS OR
- AN OPEN
- (24) SYSTEM WHERE CONTROL IS IMPOSSIBLE.
- (25) IT CONSIDERED THE RISKS INVOLVED IF YOU
- (26) REMOVE A FIRE-RESISTANT MATERIAL FROM
- SERVICE.
- (27) IT CONSIDERED THE CUSTOMER AND WHAT THE
- (28) CUSTOMER WAS ABLE TO DO TO CORRECT A
- SITUATION,

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- (1) WHETHER IT WAS A SOPHISTICATED COMPANY OR A
- (2) BACK-ALLEY KIND OF OPERATION.
- (3) I THINK I HAVE COVERED MOST OF THE
- (4) CONSIDERATIONS.
- (5) Q OKAY. ALL RIGHT.
- (6) AND THEN I WOULD LIKE YOU TO TURN, IF YOU
- (7) WOULD, TO THE SUMMARY PARAGRAPH.
- (8) IF YOU WOULD READ THAT FOR US, PLEASE.
- (9) A "IN SUMMARY, THE PCB POLLUTION PROBLEM IS
- (10) A VERY SERIOUS ONE.
- (11) "IT'S A WORLDWIDE ECOLOGICAL PROBLEM.
- (12) "AT PRESENT THE MOST SERIOUS OFFENDERS
- (13) ARE THE 5/6 CHLORINE-CONTAINING PRODUCTS
- (AROCLORS
- (14) 1254 AND 1260.)
- (15) "THERE ARE SOME INDICATIONS OTHER MEMBERS
- (16) ARE BIODEGRADABLE TO VARYING DEGREES.
- (17) "CURRENTLY, MUCH SCIENTIFIC TESTING IS
- (18) UNDERWAY AND MORE INFORMATION WILL BE
- FORTHCOMING.
- (19) "MONSANTO MUST ACT IN A POSITIVE,
- (20) COOPERATIVE FASHION. A PLAN OF ACTION HAS
- BEEN
- (21) DISCUSSED WHICH WE FEEL INDICATES
- RESPONSIBLE
- (22) ACTION.
- (23) "OUR STAKES ARE LARGE AND BECAUSE OF THE
- (24) MANY POSSIBLE EFFECTS ON THE CORPORATION,
- YOUR
- (25) GUIDANCE AND APPROVAL OF THE SUGGESTED
- ACTION PROGRAM
- (26) IS REQUESTED."
- (27) Q AND WAS THE ACTION PLAN SUGGESTED OR
- (28) RECOMMENDED BY MR. BERGEN AND MR.
- SPRINGGATE APPROVED

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- (1) BY THE CMC, SIR?
- (2) A YES, IT WAS.
- (3) Q IF YOU WOULD, SIR, PLEASE TURN TO EXHIBIT
- (4) 111.
- (5) A I HAVE IT.
- (6) Q AND ARE THESE THE MINUTES OF THE
- (7) CORPORATE DEVELOPMENT COMMITTEE,
- NOVEMBER 17, 1969?
- (8) A THEY ARE.
- (9) Q AND WAS THIS THE MEETING AT WHICH THE
- (10) RECOMMENDATIONS OF MR. SPRINGGATE AND MR.
- BERGEN WERE
- (11) APPROVED, SIR?
- (12) A YES, THEY WERE.
- (13) Q ALL RIGHT. TURN IF YOU WOULD, PLEASE, TO
- (14) PAGE 2.
- (15) AND YOU WILL SEE "ENVIRONMENTAL ASPECTS,
- (16) E.P. WHEELER."
- (17) A I DO.
- (18) Q DOES THAT INDICATE THAT MR. WHEELER MADE
- (19) A PRESENTATION?
- (20) A YES.
- (21) Q ALL RIGHT. AND WHAT DID HE SAY ABOUT THE
- (22) TECHNICAL OR SCIENTIFIC ASPECTS TO THE CMC
- AS OF THAT
- (23) DATE, NOVEMBER, 1969, SIR?
- (24) A IT'S REPRODUCED IN THIS PARAGRAPH.
- (25) SHOULD I READ IT?
- (26) Q YES, WOULD YOU, PLEASE.
- (27) A "THE FIVE OR SIX CHLORINATED BIPHENYLS,
- (28) (AROCLORE SIZE 1254 AND 1260), HAVE BEEN FOUND
- AT

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- (1) LIMITED LOCATIONS IN WATER, IN BIRDS AND SOME FORMS
(2) OF AQUATIC LIFE.
(3) "RECENT INDICATIONS ARE THAT SUCH
(4) BIPHENYLS MIGHT AFFECT REPRODUCTION OF FOWL LIFE AND
(5) MAY BE TOXIC TO SHRIMP.
(6) "THESE PRODUCTS ARE NOT TOXIC FROM THE
(7) ACUTE STANDPOINT TO MAN OR FISH BUT THERE IS SOME
(8) EVIDENCE OF ECOLOGICAL BUILDUP IN CERTAIN WATER
(9) DEPOSITS, IN FISH AND ULTIMATELY IN BIRD LIFE."
(10) **Q THE NEXT PARAGRAPH?**
(11) A "AROCLORS 1248 AND LOWER IN NUMBER ARE
(12) BELIEVED TO BE BIODEGRADABLE BUT THIS HAS NOT BEEN
(13) CONCLUSIVELY ESTABLISHED AS YET."
(14) **Q ALL RIGHT. AND IF YOU GO A LITTLE BIT LOWER IN THAT PAGE THERE, SIR, IT WILL INDICATE PLAN**
(15) **OF ACTION OR IT INDICATES THEIR PLAN OF ACTION,**
(16) **MR. BERGEN AND MR. SPRINGGATE.**
(17) A YES.
(18) **Q AND THE LAST PARAGRAPH THERE INDICATES WHAT?**
(19) A "THE RECOMMENDED PLAN OF ACTION IS TO
(20) ESTABLISH A TAILORED PROGRAM FOR EACH BUSINESS GROUP
(21) AND EACH CUSTOMER MARKET SITUATION TO ASSURE THAT THE
(22) LOSS OF PCB'S IN THE ENVIRONMENT, IF ANY, IS
(23) MINIMAL."
(24) **Q AND THEN THE NEXT PAGE INDICATES WHAT, SIR?**
(25) A THE NEXT PAGE LISTS THE 12 POINTS OF THE

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- (1) APPROVED PROGRAM.
(2) **Q ALL RIGHT. AND THE NUMBER ONE IS "APPOINT A PROJECT MANAGER"?**
(3) A IT IS.
(4) **Q AND THAT WAS JUST A SHORT TIME LATER?**
(5) A YES.
(6) **Q "NOTIFY ALL AROCLOR CUSTOMERS OF PCB PROBLEM," NUMBER TWO.**
(7) A YES.
(8) **Q HAD THAT BEEN DONE UP TO THAT TIME, SIR?**
(9) A NOT AS OF THE DATE OF THIS MEETING, NO.
(10) **Q HAD SOME CUSTOMERS BEEN NOTIFIED?**
(11) A YES.
(12) **Q BUT NOT ALL?**
(13) A THAT'S CORRECT.
(14) **Q AND THEN, "REDUCE AND EFFECTIVELY CONTROL PCB EFFLUENCE FROM MONSANTO PLANTS." AND HAD**
(15) **SOMETHING BEEN STARTED IN THAT AREA?**
(16) A THEY DID START, YES.
(17) **Q AND NUMBER 3 IS, WHAT IS THAT - OR**
(18) **NUMBER 4, EXCUSE ME.**
(19) A "EDUCATE CUSTOMERS WHO NEED TO REDUCE AND
(20) EFFECTIVELY CONTROL PCB EFFLUENCE AT THEIR PLANTS."
(21) **Q AND NUMBER FIVE?**
(22) A "DEVELOP AND IMPLEMENT NEW PACKAGING
(23) SYSTEMS FOR AROCLOR 1254 AND 1260."
(24) **Q AND DID WE DISCUSS THAT EARLIER?**
(25) **DO YOU REMEMBER THAT?**

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- (1) **IN ANY CASE, WHAT IS MEANT BY "NEW PACKAGING SYSTEMS"?**
(2) A THE EXISTING SYSTEM AT THE TIME IN
(3) MONSANTO'S PLANTS WERE SUCH THAT AT TIMES IT WOULD
(4) OVERFILL A DRUM, FOR EXAMPLE, OR THE FEW FUMES THAT
(5) WOULD COME OFF FROM THE FILLING OPERATION WOULD JUST
(6) GO OUT INTO THE ATMOSPHERE.
(7) AND THE IDEA HERE WAS TO REDESIGN THE
(8) SYSTEM SO THAT THE OVERFILLING OF A DRUM WOULD BE
(9) PREVENTED BY INSTRUMENTS, FOR EXAMPLE.
(10) AND THE FUMES THAT DID COME OFF WOULD BE
(11) SUCKED UP IN A COLLECTION SYSTEM AND NOT PERMITTED TO
(12) GO OUT INTO THE WORK AREA AND ON OUT INTO THE
(13) ATMOSPHERE.
(14) **Q NUMBER SIX, "TALKED ABOUT REPLACEMENT PRODUCTS FOR THE HIGHER-CHLORINATED AROCLORS, 54 AND**
(15) **60."**
(16) A IT DOES.
(17) **Q AND NUMBER SEVEN IS WHAT?**
(18) A "CONTINUE AND EXPAND BIODEGRADATION
(19) PROGRAMS WITH AROCLOR SERIES, PARTICULARLY 1242, 1248
(20) AND 1254."
(21) **Q AND MR. TUCKER, DR. TUCKER AS WE DISCUSSED YESTERDAY, WAS WORKING IN THAT AREA?**
(22) A YES, HE WAS.
(23) **Q NUMBER EIGHT.**
(24) A "CONTINUE TOXICOLOGICAL TEST PROGRAM."
(25) **Q THAT IS THE LAB STUDIES THAT BIO-TEST HAD**

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- (1) **STARTED?**
(2) A YES, THAT WERE UNDERWAY.
(3) **Q HOW LONG HAD THEY BEEN UNDERWAY AS OF NOVEMBER OF '69?**
(4) A ALMOST A YEAR.
(5) **Q AND NUMBER 9?**
(6) A "ACCELERATE PRESENT ANALYTICAL TEST
(7) PROGRAM."
(8) **Q AND, AGAIN, WHAT IS THAT IN REFERENCE TO?**
(9) A THAT IS THE PROGRAM THAT DR. TUCKER WAS
(10) HEADING ON LEARNING MORE AND MORE ABOUT, WHAT THE
(11) BEST WAYS FOR ANALYZING FOR PCB'S WERE AND SORT OF
(12) FINE-TUNING PROCEDURE.
(13) **Q NUMBER 10?**
(14) A "DETERMINE FEASIBILITY AND THE COST OF
(15) ELIMINATING THE FIVE, SIX CHLORINE IN AROCLORS 1242
(16) AND 1248."
(17) **Q AND NUMBER 11?**
(18) A "STUDY INCINERATION PRODUCTS."
(19) **Q WHAT WAS THE IDEA BEHIND THIS PARTICULAR ITEM, SIR?**
(20) A IT WAS BELIEVED THAT THE PROPER
(21) INCINERATION OF PCB'S THAT WERE NOT USEFUL ANY LONGER
(22) WOULD BE A RESPONSIBLE WAY OF DISPOSING OF THOSE
(23) CONTAMINATED PCB'S.
(24) AND THIS PARTICULAR ITEM REFERS TO
(25) TESTING TO SEE THAT WHATEVER COMES UP OUT OF THE
(26) STACK OR GOES DOWN INTO THE SEWER, SO TO

SPEAK, DO

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- (1) NOT CONTAIN PCB'S.
- (2) **Q THE IDEA WAS THAT INCINERATION OF PCB'S**
- (3) **WOULD ELIMINATE THE PCB'S?**
- (4) A YES, YES.
- (5) **Q AND THE FINAL ONE, NUMBER 12.**
- (6) A DEVELOP A BUSINESS PLAN TO OFFER A
- (7) MONSANTO FLUID RECLAMATION AND RECOVERY WITH
- (8) ENVIROCHEM RECLAMATION ALREADY UNDER WAY AT FINDETT.
- (9) **Q AND "RECLAMATION" WAS A REFERENCE TO**
- (10) **WHAT, SIR?**
- (11) A THIS IS AN ATTEMPT TO TAKE MATERIAL WHICH
- (12) IS NOT SUITABLE FOR THE USE THAT IT'S ALREADY IN AND
- (13) TREAT IT TO PURIFY IT AGAIN SO IT HAS A USE, VERY
- (14) MUCH LIKE OUR PLASTICS RECYCLE PROGRAM WE HEAR TODAY.
- (15) THE IDEA IS TO TRY TO KEEP THAT PCB FROM
- (16) ENTERING THE ENVIRONMENT BY MAKING IT USEFUL AGAIN BY
- (17) PURIFYING IT.
- (18) **Q AND THEN IN THE CONCLUSION SECTION IS**
- (19) **THERE A REFERENCE TO DISCONTINUING CERTAIN PRODUCTS?**
- (20) A YES, THERE IS.
- (21) **Q AND WHAT IS THAT REFERENCE TO, SIR?**
- (22) A IT SAYS, "IN THE LIGHT OF RECENT AND
- (23) DEVELOPING EVIDENCE OF A POSSIBLE THREAT TO CERTAIN
- (24) SPECIES OF BIRDS AND AQUATIC LIFE, WE SHOULD PLAN TO
- (25) DISCONTINUE THE MANUFACTURE OF AROCLORS 1254 AND
- (26) 1260.
- (27) "THE DIVISION IS INSTRUCTED TO DEVELOP A
- (28) PROGRAM TO DISCONTINUE THESE PRODUCTS AND REPORT THIS

Page 2072

- (1) TO THE COMMITTEE."
- (2) **Q AND WAS THERE A SPECIAL REFERENCE TO 1242**
- (3) **ALSO IN THE CONCLUSION SECTION?**
- (4) A NO.
- (5) **Q IN THE NEXT PARAGRAPH?**
- (6) A OH, THE NEXT PARAGRAPH?
- (7) "THE STATUS OF AROCLOR 1242 SHOULD
- (8) CONTINUE TO BE TESTED TO DETERMINE WHETHER IT
- (9) CONTRIBUTES TO THIS PROBLEM. OTHER PRODUCTS WHICH
- (10) MIGHT BE" -
- (11) **Q I'M SORRY, MY MISTAKE.**
- (12) **GO AHEAD.**
- (13) A "OTHER PRODUCTS WHICH MIGHT BE INVOLVED
- (14) SHOULD ALSO BE EXAMINED."
- (15) **Q THANK YOU. NOW, WAS THIS ACTION PLAN WE**
- (16) **HAVE DISCUSSED, SIR, BASICALLY YOUR, IF YOU WILL,**
- (17) **MARCHING ORDERS WHEN YOU TOOK OVER IN JANUARY OF**
- (18) **1970?**
- (19) A YES.
- (20) **Q AS WE HAVE DISCUSSED EARLIER, SIR, MR. OR**
- (21) **DR. WIDMARK'S FINDINGS OCCURRED SOMEWHERE IN LATE**
- (22) **DECEMBER OF 1966 AND NOW MONSANTO, AS WE HAVE**
- (23) **DISCUSSED, HAS BEEN DEALING WITH THIS SITUATION FOR**
- (24) **THREE YEARS.**

- (25) **AND CAN YOU EXPLAIN WHY IT TOOK THREE**
- (26) **YEARS TO DEVELOP AN ACTION PLAN AFTER THE FIRST**
- (27) **FINDINGS OF DR. WIDMARK IN 1966?**
- (28) **A WELL, IT'S A HIGHLY CHALLENGING TECHNICAL**

Page 2073

- (1) PROBLEM.
- (2) THERE IS NO MAGIC WAND THAT ONE CAN BUY
- (3) AND WAVE AND HAVE THINGS DONE OVERNIGHT. IT JUST
- (4) TAKES TIME.
- (5) MONSANTO WAS VERY ANXIOUS TO DO THE RIGHT
- (6) THING, BUT THAT ACTION HAD TO BE BASED ON GOOD SOLID
- (7) SCIENCE. OTHERWISE, DECISIONS MADE ON POOR SCIENCE
- (8) WOULD COME BACK TO HAUNT YOU LATER BECAUSE YOU HAVE
- (9) CREATED A MORE SERIOUS PROBLEM.
- (10) SO THE WHOLE IDEA WAS TO GO INTO THIS
- (11) WITH THE BEST INFORMATION AVAILABLE.
- (12) THE INFORMATION, FOR EXAMPLE, IN
- (13) ANALYTICAL PROCEDURES, THE QUESTION OF PROPER
- (14) IDENTIFICATION AND ONCE YOU IDENTIFY IT, JUST HOW
- (15) MUCH IS REALLY THERE AND CAN MANY LABORATORIES GET
- (16) THE SAME ANSWER OR ALL OF THESE ANSWERS SO DIFFERENT
- (17) THAT IT CAUSES CONFUSION.
- (18) THAT TOOK A WHILE, TO GET THE METHODOLOGY
- (19) DOWN AND TO GET THE RIGHT INSTRUMENTS IN PLACE AND
- (20) LOOKING FOR EVEN BETTER METHODS AND INSTRUMENTS
- (21) THROUGH THAT PERIOD OF TIME.
- (22) AND IF YOU WILL RECALL, THE DOCUMENT WE
- (23) SAW YESTERDAY WHERE DR. TUCKER LISTED ALL THE KNOWN
- (24) ANALYTICAL DATA, IF YOU LOOK AT THAT SHEET, THAT
- (25) COVERED THE THREE-YEAR PERIOD WE ARE TALKING ABOUT.
- (26) AND MANY OF THOSE SAMPLES ARE GENERATED
- (27) BY DR. TUCKER IN HIS STUDY.
- (28) THEY WERE MONSANTO SAMPLES.

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- (1) AND, YES, THE REST OF THE WORLD WAS
- (2) COVERED IN SOME OF THOSE, BUT IT WAS STILL VERY, VERY
- (3) HAZY.
- (4) NOT ENOUGH TO MAKE A REAL IMPORTANT
- (5) DECISION.
- (6) **Q THANK YOU, SIR.**
- (7) **ONCE YOU ASSUMED YOUR JOB AS THE MANAGER**
- (8) **OF ENVIRONMENTAL CONTROL, DID YOU TAKE STEPS TO**
- (9) **ACQUAINT YOURSELF WITH THE HISTORY OF THE PCB ISSUE**
- (10) **AND FAMILIARIZE YOURSELF WITH WHAT HAD BEEN DONE UP**
- (11) **TO THE TIME THAT YOU ASSUMED YOUR JOB?**
- (12) A YES, I DID.
- (13) **Q WAS THERE ANYONE IN THE INDUSTRY OR**
- (14) **GOVERNMENT THAT YOU COULD LOOK TO TO GET ALL OF THIS**
- (15) **INFORMATION?**
- (16) A THERE WAS NO ONE PERSON TO GET IT ALL
- (17) FROM.
- (18) I HAD TO TALK TO MANY PEOPLE TO GATHER
- (19) ALL THE BITS AND PIECES.

(20) Q AND YOU INDICATED, I BELIEVE, EARLIER,
(21) THAT YOU TALKED DR. RICHARD, DR. KELLY AND
(22) MR. WHEELER?
(23) A YES.
(24) Q WHAT ELSE DID YOU DO TO FAMILIARIZE
(25) YOURSELF WITH THE SITUATION AS YOU FOUND IT
(26) IN
(26) JANUARY OF 1970?
(27) A THERE WAS AN AWFUL LOT OF LITERATURE I
(28) PERUSED OR READ.

Page 2075

(1) I WAS IN CONTACT WITH THE REPRESENTATIVES
(2) OF CUSTOMERS.
(3) I WAS IN TOUCH WITH THE REPRESENTATIVES
(4) OF FEDERAL LABORATORIES, THE ANALYTICAL
LABORATORIES,
(5) FOR EXAMPLE, ALSO WITH SOME OF THE
REGULATORY PEOPLE
(6) IN THE EXISTING GOVERNMENTAL AGENCIES AT THAT
TIME.
(7) Q DID YOU LOOK AT ANY LITERATURE THAT MAY
(8) BE AVAILABLE ON PCB'S?
(9) A MOUNDS OF LITERATURE, YES.
(10) Q DID YOU TAKE ANY STEPS TO MAKE SURE YOU
(11) WERE GOING TO KEEP ABREAST OF WHAT WAS
HAPPENING
(12) AROUND MONSANTO?
(13) A WELL, I MADE IT KNOWN THAT I WAS
(14) INTERESTED IN CERTAIN INFORMATION.
(15) I ASKED THE LIBRARIANS WHO RECEIVED BOOKS
(16) AND DOCUMENTS TO PERUSE THE CONTENTS AND
LET ME KNOW,
(17) SEND ME A COPY WITH A CIRCLE AROUND THE ITEM
SO I
(18) COULD GO TO THE LIBRARY AND READ THE ARTICLE.
(19) I EVEN SUBSCRIBED, AS I REMEMBER, TO A
(20) SERVICE THAT GAVE ME COLLECTIONS OF ANY
PRESS
(21) CLIPPINGS OF NEWSPAPER ARTICLES AND
SCIENTIFIC
(22) JOURNALS.
(23) I GOT A WEEKLY DELIVERY OF A BUNDLE OF
(24) CLIPPINGS.
(25) Q DID YOU MEET WITH ANY OF THE SCIENTISTS
(26) THEMSELVES?
(27) A OH, YES.
(28) Q DID YOU TALK TO DR. WIDMARK?

Page 2076

(1) A EVENTUALLY, EARLY IN '70, YES.
(2) I TALKED TO DR. WIDMARK AND OTHERS.
(3) Q AND DID YOU ACTUALLY GO TO SWEDEN TO SEE
(4) DR. WIDMARK?
(5) A YES.
(6) Q AND WHEN WAS THAT?
(7) A THAT WAS IN LATE APRIL, EARLY MAY, FIRST
(8) PART OF MAY.
(9) Q DID YOU GO WITH ANYBODY ELSE?
(10) A YES, DR. KELLER, THE ANALYTICAL
(11) SUPERVISOR, AND MR. WHEELER.
(12) Q AND WHAT WAS THE PURPOSE FOR YOUR VISIT,
(13) SIR?
(14) A MY PARTICULAR - MY PERSONAL PURPOSE
(15) REALLY WAS TO GET EDUCATED, IF YOU WILL, AND
ALSO TO
(16) TOUCH BASE WITH THESE INDIVIDUALS AS TO WHAT
THEY
(17) WERE THINKING OF THE FUTURE WORK THEY
PLANNED AND
(18) WHAT THEY HAD FOUND SINCE THE LAST TIME
MONSANTO
(19) PEOPLE HAD TALKED TO THEM.
(20) Q AND YOU INDICATED THAT ONE OF THE FIRST

(21) THINGS YOU DID WAS TO CONTACT CUSTOMERS?
(22) A YES.
(23) Q OKAY. DID YOU TAKE STEPS ALSO TO MAKE
(24) SURE THAT CUSTOMERS, ALL CUSTOMERS, WERE
CONTACTED?
(25) A YES.
(26) IN FEBRUARY, RIGHT AFTER I ASSUMED THE
(27) JOB, WE HAD A PROGRAM FOR INFORMING
CUSTOMERS ON THE
(28) RECORD.

Page 2077

(1) Q WHAT WAS THAT?
(2) A IT WAS A FORM LETTER, REALLY. IT WAS
(3) TAILORED TO FIT THE DIFFERENT, BIG CATEGORIES
OF
(4) BUSINESSES IN WHICH THE - WE TRIED TO TELL
THEM IN
(5) AS FEW WORDS AS POSSIBLE WHAT THE STATUS OF
THE PCB
(6) SITUATION IN THE ENVIRONMENT WAS, AS OF
FEBRUARY,
(7) 1970.
(8) Q OKAY.
(9) COULD YOU TAKE A LOOK AT EXHIBIT 125,
(10) PLEASE.
(11) A I HAVE IT.
(12) Q ALL RIGHT. AND IS THIS A COMMUNICATION
(13) THAT RESULTED FROM THE EFFORT TO INFORM
CUSTOMERS OF
(14) MONSANTO ABOUT THE PCB SITUATION?
(15) A YES.
(16) Q IS THIS WHAT YOU HAD REFERENCE TO A SHORT
(17) TIME AGO IN YOUR TESTIMONY?
(18) A WELL, I HAD REFERENCE, REALLY, TO THE
(19) ATTACHMENTS TO THIS PARTICULAR EXHIBIT.
(20) Q OKAY. THE COVER - THERE IS A COVER
(21) MEMO HERE, RIGHT, OF TWO PAGES, BY MR.
JOHNSON?
(22) AND THEN THERE IS A LETTER THAT IS
(23) ATTACHED TO THAT?
(24) A YES.
(25) Q AND I BELIEVE YOU WERE QUESTIONED ON THAT
(26) THE OTHER DAY.
(27) A YES, SIR.
(28) Q LET'S STAY WITH THE COVER LETTER FOR A

Page 2078

(1) MOMENT.
(2) DID YOU REVIEW THIS LETTER, SIR?
(3) A BEFORE IT WAS SENT? YES.
(4) Q AND YOU WERE ASKED ABOUT ONE PHRASE IN
(5) THE SECOND PARAGRAPH OF MR. JOHNSON'S
LETTER, IN
(6) PARTICULAR, "WE DON'T WANT TO TAKE FLUID
BACK."
(7) DO YOU SEE THAT?
(8) A I DO SEE IT.
(9) Q WHAT IS MEANT BY THAT AS YOU UNDERSTAND
(10) IT, SIR?
(11) MR. TALLON: OBJECTION, NO FOUNDATION.
(12) THE COURT: SUSTAINED.
(13) Q BY MR. PREUSS: DID YOU HAVE AN
(14) UNDERSTANDING AS TO WHAT WAS MEANT BY
THAT AT THE
(15) TIME YOU REVIEWED THIS LETTER BEFORE IT WAS
SENT OUT?
(16) A I DID, YES.
(17) Q WHAT WAS THAT UNDERSTANDING?
(18) A THERE WERE MANY, HUNDREDS OF CUSTOMERS
(19) INVOLVED WITH THIS PARTICULAR GROUP.
(20) THE FEAR THAT EXISTED AT THE TIME IS THAT
(21) ALL OF THESE CUSTOMERS WOULD START DRAINING
THEIR

(22) SYSTEMS, PUTTING IT IN RUSTY DRUMS AND HAULING IT
 (23) ACROSS THE COUNTRY WITHOUT RECOGNIZING THAT
 (24) ENVIRONMENTAL PROBLEMS COULD BE GENERATED IT WOULD
 (25) CREATE A PROBLEM FAR GREATER THAN THE SITUATION THAT
 (26) EXISTED WHEN A GOOD PRODUCT IS IN A SYSTEM THAT IS
 (27) PROVIDING THIS CUSTOMER WITH A GOOD SERVICE, IT ISN'T
 (28) DAMAGING HIS MACHINE, IT IS GIVING HIM THAT FIRE

Page 2079

(1) PROTECTION HE WAS LOOKING FOR IN THE FIRST PLACE.
 (2) IF HE CAN CONTROL ANY LEAKAGE AND DRIPS
 (3) FROM HIS SYSTEM FROM GETTING AWAY FROM THEM, THERE IS
 (4) NO REASON IN THE WORLD TO DRAIN THAT SYSTEM AND
 (5) CREATE PROBLEMS WHILE YOU ARE DRAINING IT AND GETTING
 (6) RID OF THE MATERIAL.
 (7) SO HE IS MUCH BETTER OFF TO CONTINUE
 (8) USING THAT GOOD FLUID, ADDING A LITTLE TOPPING OFF,
 (9) AS THEY CALL IT, JUST LIKE WE ADD OIL, THE ENGINE OIL
 (10) IN OUR CARS. DON'T LET ANY DRIPS AND LEAKAGES GET
 (11) AWAY FROM YOU. THERE IS NO REASON IN THE WORLD WHY
 (12) THAT PRODUCT CAN'T PROVIDE YOU WITH WHAT YOU WANTED.
 (13) THAT WAS SAFETY AND GOOD PERFORMANCE.
 (14) THERE IS NO NEED TO DRAIN IT AND POSSIBLY
 (15) CAUSE FURTHER PROBLEMS.
 (16) THAT WAS THE WHOLE INTENT OF THAT.
 (17) IT DOES NOT MEAN THAT WE WOULDN'T TAKE IT
 (18) BACK. IF A CUSTOMER INSISTED ON IT, YEAH, WE COULD
 (19) INCINERATE IT FOR THEM.
 (20) **Q ALL RIGHT. I WOULD LIKE TO HAVE YOU GO**
 (21) **TO THE SECOND PAGE THERE, IF YOU WOULD, PLEASE.**
 (22) A I SEE IT.
 (23) **Q AND THE PARAGRAPH THAT BEGINS, "WE SHOULD**
 (24) **RECOGNIZE."**
 (25) **COULD YOU READ THAT?**
 (26) A "WE SHOULD ALSO RECOGNIZE, (POINT THIS OUT
 (27) TO YOUR CUSTOMER) WE MUST CLEAN UP.
 (28) "THE CHEMICAL WEEK ARTICLE GIVES HIM AN

Page 2080

(1) IDEA OF LAWS IN EFFECT IN HIS STATE. READ THIS
 (2) YOURSELF.
 (3) "BE FAMILIAR WITH THE DATA ON EACH STATE
 (4) IN WHICH YOUR CUSTOMERS ARE LOCATED. USE THIS IN
 (5) YOUR DISCUSSIONS."
 (6) **Q AND THE CHEMICAL WEEK ARTICLE I TAKE IT**
 (7) **WAS A SUMMARY ARTICLE OF WHATEVER REGULATIONS MAY**
 (8) **REFER TO THE USE OF PRODUCTS THAT CONTAIN PCB?**
 (9) A NO.
 (10) THIS WAS AN ARTICLE THAT HAD A SUMMARY OF
 (11) THE EXISTING STATE RULES AND REGULATIONS CONCERNING
 (12) WASTE WATERS FROM WITHIN THE STATES.
 (13) **Q ALL RIGHT. AND THIS WAS AN ENCLOSURE?**
 (14) A IT WAS ATTACHED TO THE LETTER THAT WAS

(15) SENT.
 (16) **Q NOW, WHO ARE THE RECIPIENTS OF**
 (17) **MR. JOHNSON'S COVER MEMO HERE?**
 (18) A THESE ARE ALL HIS FIELD SALESMEN.
 (19) **Q ANYBODY UNDER HIS - AND MR. JOHNSON WAS**
 (20) **IN WHAT ASPECT OF MONSANTO'S BUSINESS?**
 (21) A HE WAS THE MANAGER FOR - IN THE
 (22) FUNCTIONAL FLUIDS GROUP RESPONSIBLE FOR WHAT WE CALL
 (23) IN A GENERIC KIND OF WAY "HYDRAULIC FLUIDS."
 (24) **Q AND DID YOU GET TOGETHER WITH MR. JOHNSON**
 (25) **AND OTHERS THAT WERE IN SIMILAR JOB POSITIONS?**
 (26) A OH, YES.
 (27) **Q AT MONSANTO?**
 (28) A CERTAINLY.

Page 2081

(1) **Q AND AT OR ABOUT FEBRUARY OF 1970?**
 (2) A OH, YES, MANY TIMES, UH-HUH.
 (3) **Q AND WHEN YOU SAY "MANY TIMES," WERE THESE**
 (4) **PERIODIC MEETINGS THAT YOU WOULD GET TOGETHER?**
 (5) A SOME OF THEM WERE ACTUALLY MEETINGS
 (6) CALLED FOR AND HELD. OTHERS WERE DISCUSSIONS, ONE ON
 (7) ONE, IN OFFICES, IN CORRIDORS, JUST A LOT OF DIRECT
 (8) CONTACT.
 (9) **Q WAS THE SUBJECT OF THE STATUS OF PCB**
 (10) **DISCUSSED AT THESE MEETING?**
 (11) A OH, YES.
 (12) THAT WAS THE SUBJECT OF THE DAY.
 (13) **Q AND DID YOU HAVE MEETINGS ON A MORE OR**
 (14) **LESS PERIODIC OR REGULAR BASIS BEGINNING AFTER YOU**
 (15) **TOOK OVER YOUR JOB RESPONSIBILITIES IN JANUARY OF**
 (16) **'70?**
 (17) A OH, YES.
 (18) **Q ALL RIGHT. COULD YOU TURN TO THE**
 (19) **ATTACHED LETTER, PLEASE, SIR.**
 (20) A THERE ARE TWO OF THEM.
 (21) **Q THE FIRST ONE, IF YOU WOULD, PLEASE.**
 (22) A I HAVE IT.
 (23) **Q ALL RIGHT. YOU WILL SEE IN THE SECOND**
 (24) **PARAGRAPH THERE, THERE IS A REFERENCE TO PYDRAUL-AC?**
 (25) A YES.
 (26) **Q ALL RIGHT. AND "AC" STANDS FOR WHAT?**
 (27) A AIR COMPRESSORS.
 (28) **Q AND HOW IS PYDRAUL-AC USED, SIR?**

Page 2082

(1) A IT'S USED AS A LUBRICANT IN COMPRESSORS.
 (2) **Q OKAY. AND WAS - WERE AIR COMPRESSOR**
 (3) **FLUIDS, PYDRAUL-AC, IN PARTICULAR, CONSIDERED A**
 (4) **CLOSED SYSTEM?**
 (5) A NOT - IT WASN'T PERFECTLY CLOSED.
 (6) THERE WERE SOME LOSSES OF THE FLUID
 (7) THROUGH - WHILE IT WAS WORKING. WE WOULD VENT OFF
 (8) SOME VAPORS AND GET SOME LIQUID IN THE COMPRESSED AIR
 (9) THAT IT WAS GENERATING.
 (10) **Q I WANT YOU TO BACK UP A LITTLE BIT THERE,**
 (11) **SIR.**
 (12) **IN THE FIRST PARAGRAPH THERE, THIS IS A**
 (13) **LETTER THAT IS GOING TO BE - WENT TO CUSTOMERS,**
 (14) **RIGHT?**
 (15) A YES.
 (16) **Q CAN YOU READ THAT FIRST PARAGRAPH OUT**

(17) **LOUD, PLEASE?**
 (18) A "RECENTLY SEVERAL NEWSPAPER AND MAGAZINE
 (19) ARTICLES HAVE BEEN PUBLISHED INDICATING THAT
 (20) POLYCHLORINATED BIPHENYLS, (PCB'S), HAVE BEEN
 (21) DISCOVERED AT SOME POINTS IN SOME MARINE,
 AQUATIC AND
 (22) WILDLIFE ENVIRONMENTS.
 (23) "THE QUANTITIES DETECTED ARE SAID TO BE
 (24) IN THE PARTS-PER-MILLION AND PARTS-PER-BILLION
 (25) CATEGORIES."
 (26) **Q THANK YOU, SIR.**
 (27) **NOW, FROM TIME TO TIME AFTER RECEIVING**
 (28) **YOUR JOB RESPONSIBILITIES AND**
COMMUNICATING WITH

Page 2083

(1) **CUSTOMERS, DID YOU GET QUESTIONS BACK**
FROM CUSTOMERS
 (2) **FROM TIME TO TIME?**
 (3) A OH, YES.
 (4) **Q IF YOU WOULD, SIR, TAKE A LOOK AT**
 (5) **TRANSWESTERN 128.**
 (6) A I HAVE IT.
 (7) **Q FIRST OF ALL, SIR, COULD YOU TELL US TO**
 (8) **WHOM THAT MEMO WAS SENT AND BY WHOM?**
 (9) A THIS MEMORANDUM WAS SENT TO ME BY
 (10) MR. JACK GARRETT OF MONSANTO'S MEDICAL
 DEPARTMENT.
 (11) IT'S DATED FEBRUARY 19, 1970.
 (12) **Q SO THAT WAS WITHIN A FEW DAYS OF THE**
 (13) **FEBRUARY 16TH LETTER THAT WE JUST LOOKED**
AT?
 (14) A YES.
 (15) **Q AND I WOULD LIKE TO TURN YOUR ATTENTION**
 (16) **TO THE BOTTOM OF THE PAGE, THERE, WHICH**
STARTS OUT
 (17) **WITH THE SECOND ISSUE.**
 (18) A I SEE IT.
 (19) **Q AND CAN YOU TELL US WHAT THE SECOND ISSUE**
 (20) **WAS ALL ABOUT, SIR?**
 (21) A I'M READING THIS LETTER TO FIND OUT WHAT
 (22) THE FIRST ISSUE IS.
 (23) **Q ALL RIGHT.**
 (24) A THE SECOND ISSUE HERE REFERS TO THE
 (25) SITUATION WHERE A TRADE NAME IS USED TO
 DESCRIBE A
 (26) PRODUCT AND THE TRADE NAME IN ITSELF DOESN'T
 INDICATE
 (27) THE PRESENCE OF PCB'S IN THAT CONTAINER, THE
 TRADE
 (28) NAME ITSELF.

Page 2084

(1) **Q AND THE TRADE NAME IN THIS CASE IS**
 (2) **TURBINOL-153?**
 (3) A YEAH, IF YOU GO FURTHER DOWN THE
 (4) PARAGRAPH, HE IS USING TURBINOL-153 AS A GOOD
 (5) EXAMPLE.
 (6) **Q AND THE INQUIRY CAME FROM WHOM?**
 (7) MR. TALLON: OBJECTION, FOUNDATION.
 (8) THE COURT: SUSTAINED.
 (9) **Q BY MR. PREUSS: DOES THE MEMO THAT YOU**
 (10) **RECEIVED INDICATE THAT THE INQUIRY CAME**
FROM A
 (11) **PARTICULAR ENTITY, SIR?**
 (12) A IT DOES.
 (13) THE COURT: DOES THE MEMO INDICATE?
 (14) ARE YOU ASKING HIM TO READ FROM THE
 (15) MEMO?
 (16) MR. PREUSS: YES.
 (17) THE COURT: OVERRULED.
 (18) YOU MAY ANSWER.
 (19) THE WITNESS: IT SAYS, "AT THE PRESENT TIME WE
 (20) ARE HOLDING A REQUEST FROM CARL CLAY TO

DISCUSS THE
 (21) TOXICITY OF TURBINOL-153 (FORMERLY MCS 153),
 WITH
 (22) TEXAS EASTERN GAS TRANSMISSION CORPORATION
 IN HOUSTON
 (23) TEXAS."
 (24) SHOULD I READ FURTHER ON?
 (25) **Q BY MR. PREUSS: SURE. WHY DON'T YOU GO**
 (26) **AHEAD?**
 (27) A "TURBINOL-153 IS PRINCIPALLY PCB'S."
 (28) **Q WHY DON'T YOU GO AHEAD AND READ THE**
WHOLE

Page 2085

(1) **THING.**
 (2) A "THE QUESTION THAT ARISES IS DO WE TELL
 (3) THIS CUSTOMER THAT THIS PRODUCT IS COMPOSED
 OF
 (4) PRINCIPALLY PCB WITH SOME PHOSPHATE ESTER
 AND THEN
 (5) GIVE THE CUSTOMER THE TOXICITY AND
 SAFE-HANDLING
 (6) CHARACTERISTICS OR DO WE WAIT UNTIL THE
 CUSTOMER IS
 (7) INFORMED BY THE PCB GENERAL INFORMATION
 PROGRAM.
 (8) "IN THE CASE OF THE TEXAS EASTERN
 (9) REQUEST, THEY WANT TO KNOW WHAT THE
 DECOMPOSITION
 (10) PRODUCTS OF THE TURBINOL-153 COULD BE --
 WOULD BE.
 (11) "WE CANNOT GIVE THIS INFORMATION TO THE
 (12) CUSTOMER WITHOUT REVEALING THAT IT IS
 PRINCIPALLY A
 (13) CHLORINATED ORGANIC."
 (14) **Q HOW DID YOU HANDLE THIS INQUIRY, SIR,**
 (15) **FROM MR. GARRETT?**
 (16) A I CALLED HIM AND TOLD HIM -- TOLD HIM
 (17) EVERYTHING.
 (18) "THERE IS NO REASON NOT TO SAY THAT IT
 (19) CONTAINS CHLORINATED HYDROCARBONS."
 (20) **Q IN FACT, THAT IS ON THE LABEL, RIGHT?**
 (21) MR. TALLON: OBJECTION, FOUNDATION.
 (22) THE COURT: SUSTAINED.
 (23) **Q DO YOU RECALL THE LABELING WE LOOKED AT**
 (24) **THE OTHER DAY, SIR?**
 (25) A I DO.
 (26) **Q AND EXHIBIT 721 IS THE LABEL WE DISCUSSED**
 (27) **YESTERDAY.**
 (28) **YOU MIGHT LOOK AT THE BOARD THERE, IF YOU**

Page 2086

(1) **WANT.**
 (2) **CAN YOU READ IT ALL RIGHT FROM THERE?**
 (3) A SOMEWHAT.
 (4) IT'S A LITTLE DISTORTED, BUT I CAN MAKE
 (5) IT OUT.
 (6) **Q THAT'S RIGHT.**
 (7) **YOU ARE LOOKING AT AN ANGLE HERE.**
 (8) **DOES THAT LABEL INDICATE A CHLORINATED**
 (9) **HYDROCARBON, SIR?**
 (10) A YES, IN THE FIRST LINE SHOWN ON THE
 (11) SCREEN.
 (12) **Q THANK YOU.**
 (13) **AND AS FAR AS YOU KNOW, THE COMMUNICATION**
 (14) **WENT BACK TO TEXAS EASTERN IN ACCORDANCE**
WITH YOUR
 (15) **INSTRUCTIONS?**
 (16) MR. TALLON: OBJECTION, FOUNDATION.
 (17) THE COURT: SUSTAINED.
 (18) **Q BY MR. PREUSS: DO YOU HAVE ANY KNOWLEDGE**
 (19) **IN THAT REGARD, SIR?**
 (20) A I HAVE AN UNDERSTANDING THAT MR. GARRETT
 (21) UNDERSTOOD WHAT I WAS TELLING HIM AND

IMMEDIATELY

- (22) CONVEYED THAT TO MR. CLAY.
- (23) **Q THANK YOU, SIR.**
- (24) MR. TALLON: OBJECT AND MOVE TO STRIKE.
- (25) THE COURT: THE OBJECTION IS SUSTAINED.
- (26) LADIES AND GENTLEMEN, THE ANSWER WILL BE
- (27) STRICKEN.
- (28) I THINK THIS IS THE FIRST TIME IN THE

Page 2087

- (1) COURSE OF THE TRIAL I HAVE BEEN ASKED TO STRIKE
- (2) SOMETHING.
- (3) THAT MEANS YOU SHOULD DISREGARD IT AS IF
- (4) YOU HAD NOT HEARD IT.
- (5) **Q BY MR. PREUSS: HOW DID YOU GAIN THAT**
- (6) **UNDERSTANDING, SIR?**
- (7) MR. TALLON: OBJECTION.
- (8) THE COURT: AS FRAMED, SUSTAINED.
- (9) DID YOU READ ANY UNDERSTANDING OF THE
- (10) GARRETT COMMUNICATION BACK FROM THE CUSTOMER?
- (11) THAT IS THE QUESTION. DID YOU REACH ANY
- (12) UNDERSTANDING?
- (13) THE WITNESS: YES.
- (14) THE COURT: HOW DID YOU REACH THAT
- (15) UNDERSTANDING?
- (16) THE WITNESS: I REACHED AN UNDERSTANDING THAT
- (17) THIS WAS CONVEYED.
- (18) THE COURT: NO, NOT WHAT WAS CONVEYED, HOW
- (19) DID YOU REACH AN UNDERSTANDING OF ANY
- (20) COMMUNICATION? WHO
- (21) TOLD YOU OR WHAT COMMUNICATION DID YOU SEE?
- (22) THE WITNESS: I HAD DISCUSSIONS WITH
- (23) MR. GARRETT AND WITH MR. CLAY AND WITH MR. JOHNSON,
- (24) ALL THREE.
- (25) MR. PREUSS: MAY I THEN ASK THE COURT TO
- (26) RECONSIDER ITS MOTION TO STRIKE?
- (27) THE COURT: ASK YOUR NEXT QUESTION,
- (28) MR. PREUSS.
- (29) **Q BY MR. PREUSS: TO THE BEST OF YOUR**

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- (1) **KNOWLEDGE, SIR, BASED ON INFORMATION YOU**
- (2) **RECEIVED**
- (3) **FROM MR. CLAY, MR. JOHNSON AND MR. GARRETT,**
- (4) **AS YOU**
- (5) **JUST INDICATED, WAS THE MESSAGE THAT YOU**
- (6) **PASSED ON**
- (7) **COMMUNICATED?**
- (8) MR. TALLON: OBJECTION, CALLS FOR A HEARSAY
- (9) RESPONSE.
- (10) THE COURT: WHAT NON-HEARSAY PURPOSE,
- (11) MR. PREUSS, OR EXCEPTION?
- (12) MR. PREUSS: NOTICE.
- (13) THE COURT: SUSTAINED.
- (14) **Q BY MR. PREUSS: ALL RIGHT.**
- (15) **MR. PAPAGEORGE, IF YOU WOULD, SIR, I WOULD**
- (16) **LIKE YOU**
- (17) **TO GO TO THE BLACK BINDERS AND IN**
- (18) **PARTICULAR 716.**
- (19) A I HAVE IT.
- (20) **Q NOW, THIS IS A HISTORICAL SUMMARY OF PCB**
- (21) **ENVIRONMENTAL ISSUES THAT YOU PREPARED,**
- (22) **SIR?**
- (23) A I DID.
- (24) **Q AND WHEN DID YOU PREPARE THIS?**
- (25) A IT WAS LATE IN 1970, ABOUT NOVEMBER OR
- (26) SO.
- (27) **Q ALL RIGHT. AND WHAT WAS THE PURPOSE OF**
- (28) **PREPARING THIS, SIR?**
- (29) A I WAS PLANNING A TRIP INTO CANADA TO

- (24) VISIT A FEW PCB CUSTOMERS, ALONG WITH A
- (25) MONSANTO
- (26) REPRESENTATIVE IN CANADA.
- (27) AND HE HAD ASKED ME TO PREPARE SOMETHING
- (28) THAT HE COULD LATER USE WITH HIS OTHER
- (29) CUSTOMERS THAT
- (30) WE COULD NOT VISIT AT THAT TIME.

Page 2089

- (1) SO I PREPARED THIS THREE-PAGE DOCUMENT.
- (2) **Q ALL RIGHT. NOW, WAS IT PREPARED**
- (3) **SPECIFICALLY JUST FOR THIS CANADIAN**
- (4) **CUSTOMER OR DID**
- (5) **YOU USE IT MORE BROADLY?**
- (6) A OH, ONCE IT WAS PREPARED I USED IT QUITE
- (7) EXTENSIVELY, WHEREVER IT WAS APPROPRIATE.
- (8) **Q ALL RIGHT. AND WHAT TYPE OF INFORMATION**
- (9) **THERE DID YOU INTEND TO COMMUNICATE TO THE**
- (10) **CUSTOMER**
- (11) **WITH THIS DOCUMENT?**
- (12) A WELL, IT BOILS DOWN TO AN ATTEMPT TO
- (13) SUMMARIZE WHAT WE KNEW ABOUT THE PCB
- (14) ENVIRONMENTAL
- (15) ISSUE, WHAT MONSANTO'S UNDERSTANDING WAS OF
- (16) ALL THE
- (17) STUDIES UNDERWAY.
- (18) **Q DOES IT TALK ABOUT THE PROGRAM THAT**
- (19) **MONSANTO HAS EMBARKED ON?**
- (20) A YES, AND WHAT PROGRAM MONSANTO HAD.
- (21) **Q AND THAT STARTS AT THE BOTTOM OF THE**
- (22) **FIRST PAGE?**
- (23) A YES.
- (24) **Q AND THEN IT GOES ON TO THE SECOND PAGE?**
- (25) A UP TO THE TOP OF THE SECOND PAGE,
- (26) UH-HUH.
- (27) **Q AND THERE ARE SEVEN ITEMS, MANY OF WHICH**
- (28) **WE HAVE ALREADY DISCUSSED?**
- (29) A CORRECT.
- (30) **Q AND THEN YOU HAVE A SECTION THERE,**
- (31) **"BEGINNING STUDIES PERFORMED"?**
- (32) A YES.

Page 2090

- (1) **Q AND WHAT WAS THE INTENT OF SHARING THAT**
- (2) **INFORMATION?**
- (3) A THE INTENT WAS TO INFORM THE CUSTOMER OF
- (4) WHAT WE KNEW ABOUT THE SITUATION AS OF
- (5) DECEMBER,
- (6) 1970.
- (7) **Q AND IF YOU WOULD, SIR, WOULD YOU READ THE**
- (8) **BEGINNING ON THE "BECAUSE" SECTION TO THE**
- (9) **END OF THE**
- (10) **MEMO, PLEASE.**
- (11) A "BECAUSE OF ITS PRESENCE IN THE
- (12) ENVIRONMENT AN INDICATED EFFECT ON SOME
- (13) SPECIES OF
- (14) WILDLIFE, COUPLED WITH THE CONCERN REGARDING
- (15) THE
- (16) EFFECT ON HUMANS OF LOW-LEVEL, LONG-TERM
- (17) EXPOSURE,
- (18) MONSANTO VOLUNTARILY INSTITUTED A WORLDWIDE
- (19) PROGRAM
- (20) FOR TERMINATING THE SALE OF POLYCHLORINATED
- (21) BIPHENYLS
- (22) TO THOSE USES IN WHICH CONTROL OF ESCAPE TO
- (23) THE
- (24) ENVIRONMENT WAS IMPRACTICAL."
- (25) **Q NOW, BASED ON THE RECOMMENDED PLAN OF**
- (26) **ACTION THAT WAS ADOPTED IN NOVEMBER OF**
- (27) **1969 IN WHICH**
- (28) **YOU TOOK AS YOUR MARCHING ORDERS, DID YOU,**
- (29) **AFTER YOU**
- (30) **ACQUAINTED YOURSELF WITH THE JOB THAT YOU**
- (31) **HAD IN**

(21) **FRONT OF YOU, COME UP WITH YOUR OWN RECOMMENDATIONS**
(22) **FOR ACTION BY THE CMC?**
(23) A YES.
(24) **Q OKAY. AND, AGAIN, THE CMC IS WHAT GROUP**
(25) **IN CORPORATE MANAGEMENT OF MONSANTO?**
(26) A ITS - IT CONSISTS OF THE PRESIDENT OF
(27) THE COMPANY PLUS THE KEY VICE-PRESIDENTS OF THE COMPANY
(28) DEPARTMENTS IN THE COMPANY.

Page 2091

(1) AND IT'S A COMMITTEE THAT ESTABLISHES
(2) COMPANY POLICY AND PROGRAMS.
(3) **Q OKAY. AND IF YOU WOULD, SIR, WOULD YOU**
(4) **TURN TO TRANSWESTERN 135.**
(5) **IT'S A BLUE ONE.**
(6) **I'M SORRY.**
(7) A I HAVE IT.
(8) **Q AND CAN YOU IDENTIFY THIS FOR US, SIR?**
(9) A THIS IS A COPY OF A MANAGEMENT PLAN
(10) TRANSMITTED BY A COVER MEMORANDUM TO INDIVIDUALS IN
(11) MONSANTO WHO WERE MANAGING THE PCB BUSINESS.
(12) AND THIS PLAN WAS DEVELOPED BY ME.
(13) DATED APRIL 7, 1970.
(14) **Q AND THIS WAS A DRAFT PLAN AT THAT POINT?**
(15) A YES.
(16) **Q OKAY. AND DID YOU SOLICIT THE INPUT OF**
(17) **OTHER INDIVIDUALS THAT HAD BEEN DEALING WITH THE PCB**
(18) **ISSUE?**
(19) A OH, YES.
(20) **Q ALL RIGHT. WHOM DID YOU CONTACT TO GET**
(21) **INFO?**
(22) A OH, THERE WERE MANY, OF COURSE,
(23) MR. WHEELER, DR. RICHARD, DR. FERRAR, THE MANAGING -
(24) MANAGERS OF MANUFACTURING, MANAGERS OF ENGINEERING,
(25) THE MARKETING PEOPLE LIKE MR. JOHNSON AND HIS
(26) COUNTERPARTS IN THE OTHER BUSINESSES.
(27) I CAN'T THINK OF ANY OTHER SPECIFICS AT
(28) THE MOMENT, BUT IT DID REPRESENT ALL OF THE

Page 2092

(1) DEPARTMENTS WHO WERE INVOLVED WITH MONSANTO WITH
(2) PCB'S.
(3) **Q AS OF THAT TIME HAD CERTAIN USES OR**
(4) **CERTAIN PRODUCTS ALREADY BEEN DISCONTINUED BY**
(5) **MONSANTO?**
(6) A AS OF APRIL OF 1970?
(7) **Q I THINK I CAN HELP YOU OUT, IF YOU TURN**
(8) **TO PAGE 2, RIGHT BEFORE "OBJECTIVES" THERE.**
(9) **BEGINNING WITH THE WORD "USES."**
(10) A OH. YOUR QUESTION WAS, "HAD UP TO THAT
(11) TIME HAD ANY PRODUCT BEEN DISCONTINUED?"
(12) **Q YES.**
(13) A THE ONLY APPLICATION I RECALL IS AN
(14) APPLICATION THAT HAD BEEN DEVELOPED BY THE DEPARTMENT
(15) OF AGRICULTURE FOR THE USE OF PCB'S WITH SOME
(16) INSECTICIDES THAT WERE - WOULD BE USED ON SURFACES
(17) TO DISCOURAGE OR TO ELIMINATE CRAWLING INSECTS.
(18) AND WE HAD WRITTEN TO THE DEPARTMENT OF
(19) AGRICULTURE SUGGESTING THAT THEY NOT SUPPORT THAT
(20) USE.
(21) THAT IS THE ONLY ONE THAT I CAN RECALL AS

(22) OF APRIL OF 1970.
(23) **Q AND WERE THERE CERTAIN PRODUCTS THAT WERE**
(24) **ABOUT TO BE DEALT WITH IN TERMS OF THEIR CONTINUANCE?**
(25) A OH, YES.
(26) THAT WAS PART OF THE RECOMMENDATION HERE,
(27) YES.
(28) **Q OKAY. AND YOU GO THROUGH SOME OBJECTIVES**

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(1) **AND THEN YOU GO THROUGH A SPECIFIC ACTION PLAN FOR**
(2) **EACH OF THESE OBJECTIVES; IS THAT RIGHT?**
(3) A THAT IS RIGHT.
(4) **Q AND AT THE END, ON PAGE 9 THERE, YOU TALK**
(5) **ABOUT COST OF THIS PROGRAM?**
(6) A I DO.
(7) **Q AND YOU ESTIMATE IT WILL TAKE A BUDGET OF**
(8) **WHAT?**
(9) A IT'S \$675,000.
(10) **Q OKAY. AND THIS PARTICULAR DRAFT PROPOSAL**
(11) **THAT YOU HAVE WAS REVIEWED BY MR. MASON, I BELIEVE**
(12) **YOU INDICATED?**
(13) A YES.
(14) HE WAS ONE OF THE RECIPIENTS.
(15) **Q AND MR. MASON'S RELATIONSHIP TO YOU WAS**
(16) **WHAT IN TERMS OF MANAGEMENT?**
(17) A WELL, HE WAS MY BOSS' BOSS.
(18) **Q SO HE WAS MR. BERGEN'S BOSS?**
(19) A YES.
(20) **Q AND IF YOU TURN TO 137, PLEASE.**
(21) **WHAT WAS MR. MASON'S INITIAL REACTION TO**
(22) **YOUR PLAN?**
(23) A WELL, HE INDICATED THAT IT WAS OKAY AS A
(24) WORKING DOCUMENT BUT A LITTLE BIT TOO MUCH
(25) A TOP-LEVEL MANAGEMENT GROUP THAT WAS TRYING TO
(26) UNDERSTAND THE PROBLEM IN A BROADER SENSE.
(27) HE ALSO FELT THAT IT DIDN'T - HE DIDN'T
(28) READ IN IT THAT IT WAS AN AGGRESSIVE ENOUGH - DIDN'T

Page 2094

(1) DO ENOUGH QUICKLY.
(2) **Q OKAY. AND ONE OF THE THINGS I WANTED TO**
(3) **ASK YOU ABOUT HERE ON PAGE 2, IF YOU TURN TO THAT,**
(4) **PAGE G, SECTION G THERE ON THE TOP.**
(5) A YES. I SEE THAT.
(6) **Q ALL RIGHT. IT TALKS ABOUT - WHY DON'T**
(7) **YOU JUST READ THAT FOR US.**
(8) **THEN I WILL ASK YOU THE QUESTION.**
(9) A "EMPHASIZE THE STRONG REACTION WE
(10) RECEIVED FROM GENERAL ELECTRIC WHEN WE INDICATED
(11) INTENTION TO DISCONTINUE MANUFACTURING OF AROCLOR
(12) 1254 AND 1260.
(13) "TAKE THE OPPORTUNITY OF IMPRESSING ON
(14) THE CMC THE NEED FOR BALANCE, THAT IS, ONE SAFETY
(15) FACTOR AGAINST ANOTHER."
(16) **Q AS OF THAT TIME, SIR, WERE THE REPORTS OF**
(17) **PCB'S IN NATURE COMING OUT WITH FINDINGS IN THE**
(18) **CHLORINATED AROCLORS, IN PARTICULAR 1254 AND 1260?**
(19) A YES.
(20) **Q AND WAS THAT A MAJOR CONSIDERATION AS TO**
(21) **DISCONTINUING PRODUCTS WITH THOSE**

HIGHER-CHLORINATED

- (22) **PCB'S IN THEM?**
 (23) **A IT WAS.**
 (24) **Q AND WHAT WAS THE REACTION THAT YOU**
 (25) **RECEIVED FROM GENERAL ELECTRIC?**
 (26) **A OH, IT WAS ALMOST SHOCKING TO THEM THAT**
 (27) **WE WOULD EVEN CONSIDER SUCH A BAN OR REFUSE**
 (28) **TO SELL THEM THE MATERIAL.**

Page 2095

- (1) **THEY FELT THAT THE USE OF THESE**
 (2) **HIGHER-CHLORINATED PCB'S WERE VERY ESSENTIAL**
 (3) **TO**
 (4) **MAINTAINING THE ELECTRICAL DISTRIBUTION**
 (5) **SYSTEM IN**
 (6) **THIS COUNTRY, WHICH HAD BEEN RELYING AND**
 (7) **BUILT ON 40**
 (8) **YEARS OF PCB USE.**
 (9) **AND THEY WERE VERY CONCERNED THAT THIS**
 (10) **COUNTRY WOULD END UP WITH MANY BROWNOUT**
 (11) **AND BLACKOUT**
 (12) **SITUATIONS THROUGHOUT THE COUNTRY AND THEY**
 (13) **WERE**
 (14) **ADAMANTLY AGAINST SUCH AN APPROACH BECAUSE**
 (15) **THEY ALSO**
 (16) **WERE AFRAID THE TRANSFER TO A MINERAL OIL**
 (17) **SYSTEM**
 (18) **WOULD EVENTUALLY RESULT IN FIRES AND**
 (19) **EXPLOSIONS THAT**
 (20) **HADN'T BEEN EXPERIENCED WITH THE PCB'S.**
 (21) **Q DID THE GOVERNMENT GET INVOLVED IN THIS**
 (22) **DISCUSSION?**
 (23) **A EVENTUALLY, YES.**
 (24) **Q DID THE REACTION OF GENERAL ELECTRIC**
 (25) **INFLUENCE MONSANTO'S DECISION WITH RESPECT**
 (26) **TO 1254**
 (27) **AND 1260 AS IT WAS USED IN THE ELECTRICAL**
 (28) **APPLICATION?**
 (29) **A IT DID.**
 (30) **Q ALL RIGHT. NOW, IF YOU WOULD, PLEASE,**
 (31) **TURN TO 145.**
 (32) **I'M SORRY, 141. MY MISTAKE.**
 (33) **DO YOU HAVE THAT, MR. PAPAGEORGE?**
 (34) **A I HAVE IT, YES.**
 (35) **Q AND IT'S ENTITLED "OUTLINE FOR CMC**
 (36) **PRESENTATION"?**
 (37) **A IT IS.**

Page 2096

- (1) **Q ALL RIGHT. AND WERE YOU THE AUTHOR OF**
 (2) **THAT?**
 (3) **A YES.**
 (4) **Q AND THE PURPOSE OF THIS OUTLINE, SIR, IS**
 (5) **WHAT?**
 (6) **A THIS WAS AN ATTEMPT TO PUT TOGETHER THE**
 (7) **INFORMATION THAT WAS GOING TO BE GIVEN TO THE**
 (8) **CMC AT**
 (9) **A MEETING SCHEDULED LATER ON IN APRIL.**
 (10) **Q ALL RIGHT. AND DID YOU SET FORTH A**
 (11) **SCHEDULE FOR DISCONTINUANCE OF CERTAIN**
 (12) **PRODUCTS THAT**
 (13) **YOU WERE RECOMMENDING AS PART OF THIS**
 (14) **OUTLINE?**
 (15) **A YES.**
 (16) **Q ALL RIGHT. AND THAT IS IN THE - WHERE**
 (17) **IN THIS MEMO, AT THE END OR ALMOST TO THE**
 (18) **END?**
 (19) **A YES.**
 (20) **THAT'S - I THINK IT'S DOUBLE ZERO 175.**
 (21) **Q DO YOU HAVE IT?**
 (22) **I FOUND IT. THANKS.**
 (23) **IS THAT THE SCHEDULE WITH TARGET DATES**
 (24) **THAT YOU RECOMMENDED?**

- (21) **A YES.**
 (22) **Q AND YOU JUST TALKED ABOUT THE PESTICIDE**
 (23) **EXTENDED AS ALREADY BEING COMPLETED?**
 (24) **A YES.**
 (25) **Q AND CUTTING OILS, WHAT ARE "CUTTING**
 (26) **OILS," SIR?**
 (27) **A THESE ARE OILS USED IN THE METALWORKING**
 (28) **INDUSTRY WHEN THEY, FOR EXAMPLE, PUT A PIECE**
 (29) **OF METAL**

Page 2097

- (1) **IN A LATHE AND CUT ON IT TO END UP WITH A GIVEN**
 (2) **SHAPE. OILS ARE POURED ON IT TO HELP THE**
 (3) **CUTTING**
 (4) **ACTION AND TO COOL THE METAL AND CARRY AWAY**
 (5) **THE DRILL**
 (6) **CUTTINGS.**
 (7) **Q OKAY. AND COATINGS, WHAT ARE THEY?**
 (8) **A "COATINGS" COVERS VARNISHES, LACQUERS,**
 (9) **PAINTS.**
 (10) **Q AND THEN SEALANTS?**
 (11) **A "SEALANTS," THAT COVERED THE CALKING**
 (12) **MATERIALS AND ADHESIVES, THAT BROADER**
 (13) **CATEGORY.**
 (14) **Q OKAY. AND THEN WE TALKED ABOUT SOME OF**
 (15) **THE HYDRAULIC FLUIDS, ONE OF WHICH IS**
 (16) **PYDRAUL-AC?**
 (17) **A YES.**
 (18) **Q AND TURBINOL-153 IS NOT LISTED ANYWHERE**
 (19) **HERE, IS IT?**
 (20) **A NO, IT DOESN'T FIT THESE CATEGORIES.**
 (21) **Q WHY IS THAT?**
 (22) **A BECAUSE IT WAS UNDERSTOOD TO BE USED IN A**
 (23) **CONTROLLABLE CLOSED SYSTEM BY A**
 (24) **SOPHISTICATED**
 (25) **CUSTOMER IN A VERY IMPORTANT APPLICATION.**
 (26) **Q NAMELY TRANSMISSION OF -**
 (27) **A TRANSMISSION OF EXPLOSIVE GASES.**
 (28) **Q ALL RIGHT. IF YOU WOULD TURN TO 138.**
 (29) **CAN YOU IDENTIFY THIS FOR US, PLEASE?**
 (30) **A THIS IS A COPY OF THE DOCUMENT FROM WHICH**
 (31) **I ACTUALLY READ WHEN I MADE MY PRESENTATION**
 (32) **TO THE**
 (33) **CMC IN APRIL.**
 (34) **Q ALL RIGHT. SO YOU ACTUALLY MADE THE**

Page 2098

- (1) **PRESENTATION TO THE CMC?**
 (2) **A I DID.**
 (3) **Q TURN TO PAGE 3, IF YOU WOULD, PLEASE.**
 (4) **A I HAVE IT.**
 (5) **Q ALL RIGHT. AND THIS PRESENTATION**
 (6) **INCLUDED KIND OF A STATUS REPORT OF WHERE**
 (7) **THINGS WERE**
 (8) **ON SCIENCE AND OTHER AREAS?**
 (9) **A IT DID.**
 (10) **Q AND YOU TALK ABOUT MEETING WITH**
 (11) **DR. RISEBROUGH.**
 (12) **DO YOU SEE THAT?**
 (13) **A YES.**
 (14) **Q CAN YOU - THAT WAS - WOULD HAVE BEEN**
 (15) **MARCH OF 1970?**
 (16) **A '70, YES.**
 (17) **Q SO HE WAS ONE OF THE OTHER SCIENTISTS YOU**
 (18) **SAW IN ADDITION TO DR. WIDMARK AND OTHERS?**
 (19) **A YES, UH-HUH.**
 (20) **Q AND DR. RISEBROUGH WAS THE DOCTOR THAT**
 (21) **MADE THE FINDINGS RELATIVE TO THE PERGRINE**
 (22) **FALCONS**
 (23) **WE DISCUSSED YESTERDAY?**
 (24) **A THAT IS ONE OF THE WILD BIRDS HE STUDIED,**
 (25) **YES.**
 (26) **Q AND TELL US ABOUT THE MEETING YOU HAD**
 (27) **WITH HIM IN MARCH?**

(26) A WELL, WE WANTED TO MEET WITH
 (27) DR. RISEBROUGH AND DR. OLCUTT TO GET A MORE
 PERSONAL
 (28) FEEL OF WHAT HE FOUND, WHAT HIS WORK
 CONSISTED OF,

Page 2099

(1) WHAT HIS PLANS WERE FOR FURTHER WORK, WHAT
 HIS
 (2) OPINIONS WERE REGARDING PCB'S AND THE
 POSSIBLE
 (3) EFFECTS ON THE ENVIRONMENT.
 (4) IT WAS A GOOD CONVERSATION, AS FAR AS I
 (5) WAS CONCERNED.
 (6) I FOUND THAT BOTH PARTIES WERE FREE TO
 (7) EXCHANGE INFORMATION.
 (8) THAT IS ABOUT ALL I REMEMBER.
 (9) IT WAS A GOOD MEETING IS ALL I RECALL.
 (10) Q ALL RIGHT. NOW, COULD YOU TURN TO, THIS
 (11) WOULD BE NUMBER 9536.
 (12) A I HAVE IT.
 (13) Q AND I WOULD LIKE YOU TO READ THE TOP
 (14) PARAGRAPH, IF YOU WOULD, PLEASE.
 (15) A "SUCCESSFUL CONTROL TO PREVENT
 (16) CONTAMINATION IS POSSIBLE IN SYSTEMS IN WHICH
 (17) AROCLORS ARE SEALED. WE ARE WORKING VERY
 CLOSELY
 (18) WITH OUR CUSTOMERS TO EDUCATE AND MOTIVATE
 THEM AND
 (19) HAVE OFFERED TECHNICAL ASSISTANCE ON THEIR
 DISPOSAL
 (20) AND EFFLUENT PROBLEMS."
 (21) Q THE REFERENCE THERE THAT YOU HAVE IN
 (22) WHICH AROCLORS ARE SEALED, YOU ARE TALKING
 ABOUT A
 (23) CONTROLLED APPLICATION. IS THAT ANOTHER
 WAY TO SAY
 (24) THAT?
 (25) A YES.
 (26) Q HOW DID YOUR PRESENTATION TO THE CMC GO
 (27) IN APRIL OF 1970?
 (28) A WELL, THEY WERE APPRECIATIVE OF THE

Page 2100

(1) INTENT HERE IN TERMS OF GETTING OUT OF SOME
 OF THE
 (2) BUSINESSES.
 (3) BUT THEY WERE VERY INTERESTED IN SPEEDING
 (4) UP THE PROGRAM, THE DATES THAT I HAD SHOWN IN
 THAT
 (5) PREVIOUS CHART, FOR EXAMPLE.
 (6) THEY WANTED TO DO IT SOONER.
 (7) SO AS I REMEMBER, THEY ASKED THOSE OF US
 (8) INVOLVED WITH IT TO GO BACK TO THE DRAWING
 BOARD, SO
 (9) TO SPEAK, AND COME UP WITH A FASTER PROGRAM.
 (10) Q LET'S TAKE A LOOK AT 144-A, PLEASE.
 (11) THE COURT: BEFORE WE DO THAT, MR. PREUSS, WE
 (12) WILL TAKE THE MORNING BREAK.
 (13) LADIES AND GENTLEMEN, WE WILL BE IN
 (14) RECESS UNTIL 11 O'CLOCK.
 (15) PLEASE DO RETURN AT THAT TIME SO WE CAN
 (16) RESUME.
 (17) (RECESS.)
 (18) THE COURT: AND RESUMING. GO AHEAD,
 (19) MR. PREUSS.
 (20) MR. PREUSS: THANK YOU, YOUR HONOR.
 (21) Q WE WERE AT EXHIBIT 144-A?
 (22) A I HAVE IT.
 (23) Q THESE ARE THE MINUTES OF THE CMC APRIL
 (24) 28TH, 1978 MEETING FOLLOWING YOUR
 PRESENTATION?
 (25) A YES.
 (26) Q WHAT DID THE CMC MINUTES REFLECT IN THE

(27) BOTTOM PARAGRAPH CONCERNING THE DIVISION
 EFFORT SO

(28) FAR? "DIVISION" IS A REFERENCE TO THE ORGANIC

Page 2101

(1) DIVISION?
 (2) A YES.
 (3) "DIVISION HAS MAINTAINED AN AGGRESSIVE
 (4) PROGRAM OF CUSTOMER EDUCATION AND
 COOPERATIVE EFFORTS
 (5) WITH RESEARCH ORGANIZATIONS, GOVERNMENTAL
 AGENCIES
 (6) AND WILD FIRE GROUPS TO IDENTIFY THE SCOPE OF
 THE
 (7) PROBLEM, ELIMINATE DISCHARGES, IMPROVE
 ANALYTICAL
 (8) METHODS AND CONDUCT TOXICITY STUDIES."
 (9) Q ALL RIGHT. IF YOU TURN TO THE SECOND
 (10) PAGE, PLEASE.
 (11) THE FIRST UNDERLINED AT THE TOP, IF YOU
 (12) WOULD READ THAT.
 (13) A "CONCERNED AGENCIES AND GROUPS ARE
 (14) APPRECIATIVE OF OUR EFFORTS."
 (15) Q AND THEN IF YOU WOULD GO DOWN TO THE
 (16) PROGRAM ON DISCHARGES.
 (17) IT'S THE NEXT HIGHLIGHTING THERE.
 (18) WOULD YOU READ THAT?
 (19) A "A PROGRAM HAS BEEN ESTABLISHED TO
 (20) CURTAIL DISCHARGES FROM OUR PLANTS AND
 LEVELS HAVE
 (21) ALREADY BEEN REDUCED SIGNIFICANTLY."
 (22) SHOULD I READ THE REMAINDER?
 (23) Q YES.
 (24) A "WE ARE TARGETED TO REACH" -
 (25) Q IT'S HARD TO READ.
 (26) BUT DO YOU RECALL WHAT IT WAS?
 (27) A "50 PARTS PER BILLION BY YEAR END WITH AN
 (28) ULTIMATE TARGET OF 10 PARTS PER BILLION."

Page 2102

(1) Q WERE THOSE GOALS MET BY MONSANTO, SIR?
 (2) A YES.
 (3) Q SO YOU WERE ABLE TO MEET THE 50 PARTS PER
 (4) BILLION BY THE END OF THE YEAR AND
 ULTIMATELY 10
 (5) PARTS PER BILLION?
 (6) A CORRECT.
 (7) Q AND THE NEXT PARAGRAPH, HAD SALES BEEN
 (8) TERMINATED ON SOME PRODUCTS?
 (9) A YES, THEY WERE.
 (10) SHOULD I READ THAT?
 (11) Q YES, PLEASE.
 (12) A "SALES ARE BEING TERMINATED TO A NUMBER
 (13) OF INDUSTRIAL USERS WHERE THERE ARE
 INADEQUATE
 (14) POSSIBILITIES OF CONTROL."
 (15) Q ALL RIGHT. AND THEN GOING DOWN TO THE
 (16) CONCLUSION SECTION, IF YOU WOULD.
 (17) THERE IS A REFERENCE THAT MORE
 (18) AFFIRMATIVE ACTION MUST BE TAKEN AND I THINK
 YOU WERE
 (19) REQUESTED OR READ THE OTHER DAY THAT A
 CRASH BASIS
 (20) SHOULD BE THE APPROACH TO THE NCR
 APPLICATION WITH
 (21) 1242, CORRECT?
 (22) A YES.
 (23) Q ALL RIGHT. AND THEN DID YOU GET
 (24) DIRECTION AS TO WHEN TO REPORT BACK?
 (25) THAT IS THE LAST PARAGRAPH.
 (26) A YES, THE LAST PARAGRAPH.
 (27) THE DIVISION IS TO REPORT ITS SPECIFIC
 (28) ANSWERS TO THE COMMITTEE BY JUNE 1.

Page 2103

(1) Q AND DID THE DIVISION MEET THAT DEADLINE?
 (2) A YES, THEY DID.
 (3) Q ALL RIGHT. TAKE A LOOK AT 154, PLEASE.
 (4) AND CAN YOU IDENTIFY THIS DOCUMENT FOR
 (5) US, SIR?
 (6) A THIS IS A COPY OF A MONSANTO MEMORANDUM
 (7) PREPARED BY MR. JOHN MASON ADDRESSED TO MR.
 BERGEN
 (8) AND MR. SPRINGGATE WITH A CARBON COPY TO ME.
 (9) IT'S DATED MAY 11, 1970.
 (10) AND ATTACHED TO THAT MEMORANDUM ARE
 (11) COPIES OF TRANSPARENCIES USED BY MR. MASON
 AT A CMC
 (12) MEETING.
 (13) Q ALL RIGHT. AND WHO MADE THE
 (14) PRESENTATION?
 (15) A MR. MASON.
 (16) Q ONE OF THE THINGS THAT WE HAVE TALKED A
 (17) LOT ABOUT IN HERE, SIR, IS THE
 CHROMATOGRAPHS.
 (18) DO YOU RECALL THOSE DISCUSSIONS?
 (19) A YES.
 (20) Q IF YOU WOULD TURN TO 085288.
 (21) I DON'T THINK WE HAVE EVER SEEN ONE OF
 (22) THESE.
 (23) IS THIS A PHOTOCOPY OF A SAMPLE
 (24) CHROMATOGRAPH?
 (25) A YES.
 (26) THIS IS A COPY OF THE CHART THAT THE
 (27) INSTRUMENT GENERATES AS IT LOOKS AT THE
 SAMPLE.
 (28) Q ALL RIGHT. AND YOU TALKED ABOUT PEAKS.

Page 2104

(1) CAN YOU JUST TAKE A POINTER THERE AND
 (2) SHOW US WHAT IS MEANT BY THE "PEAK" AND THE
 NUMBER
 (3) UNDERNEATH IT.
 (4) A THE PEAKS ARE, OF COURSE, THE MOUNTAIN
 (5) TOPS, IF YOU WILL, THE TOP OF EACH OF THESE
 LINES.
 (6) THE NUMBERS YOU SEE THERE REPRESENT THE
 (7) NUMBER OF CHLORINES PER BIPHENYL.
 (8) Q SO IF THERE IS A TWO AND A THREE AND A
 (9) THREE AND A FOUR, THOSE ARE THE - WHAT YOU
 ARE
 (10) REFERRING TO?
 (11) A YES. ALL OF THOSE NUMBERS THERE REFER TO
 (12) THE NUMBER OF CHLORINES THAT THAT PEAK
 REPRESENTS.
 (13) Q OKAY. AND HOW DOES THE LABORATORY
 (14) ANALYST KNOW THAT?
 (15) A HE KNOWS THAT BY THE MASS SPECTROMETER
 (16) WHICH HAS TOLD HIM THAT THIS WAS SO MUCH, SO
 THE
 (17) THREE AND FOUR CATEGORIES AND THE SINGLE
 FOUR AND SO
 (18) ON, ARE IDENTIFIED IN THAT FASHION.
 (19) Q AND ARE THESE DIAGRAMS SOMETIMES
 REFERRED
 (20) TO AS A FINGERPRINT OR A PROFILE?
 (21) A YES.
 (22) Q ALL RIGHT. AN DOES EACH PCB HAVE ITS OWN
 (23) FINGERPRINT OR PROFILE?
 (24) A YES.
 (25) EACH COMMERCIAL MIXTURE OF PCB'S HAS WHAT
 (26) WE CALL THE FINGERPRINT.
 (27) Q AND IF YOU ARE LOOKING AT RESIDUES IN
 (28) NATURE, IT COULD HAVE OTHER LITTLE THINGS
 THAT GET IN

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(1) THE WAY, RIGHT?
 (2) A WELL, YES.

(3) IT WILL BE CHANGED, UH-HUH.
 (4) Q OKAY. ALL RIGHT. COULD YOU TAKE A LOOK
 (5) AT 157, PLEASE, SIR.
 (6) TELL US WHAT THAT DOCUMENT IS.
 (7) A THIS IS A MONSANTO MEMORANDUM AUTHORED BY
 (8) MR. JOHN EHLERS ADDRESSED TO MR. MINCKLER,
 (9) MR. HARRIS, MR. KELLY, MR. SMITH.
 (10) IT'S A COPY OF THE MINUTES OF THE MEETING
 (11) OF MAY 11 AT WHICH MR. MASON GAVE HIS
 PRESENTATION.
 (12) Q OKAY. AND THE DEADLINE, AS WE DISCUSSED,
 (13) WAS JUNE 1.
 (14) SO THEY MADE IT BEFORE THEN?
 (15) A CORRECT.
 (16) Q OKAY. AND DOES THIS GIVE AN UPDATE,
 (17) THEN, OF THE ACTION PLAN THAT HAD
 PREVIOUSLY BEEN
 (18) ADOPTED IN APRIL?
 (19) A NO.
 (20) THIS IS THE ATTEMPT TO SPEED UP THE
 (21) PROGRAM THAT HAD BEEN DISCUSSED AND
 PROPOSED IN
 (22) APRIL.
 (23) Q ALL RIGHT. AND THE FIRST ITEM THERE, I
 (24) WOULD LIKE TO GO THROUGH THOSE WITH YOU,
 SIR.
 (25) IT SAYS, "DISCONTINUE SALE OF 1242 TO NCR
 (26) AND REPLACE WITH HB-40 IN UK AND MIBP IN
 U.S.A. WITH
 (27) DEADLINES IN JULY 1 OF '70 AND JANUARY 30, '71,
 (28) RESPECTIVELY."

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(1) NOW, WHAT WERE HB-40 AND MIBP?
 (2) A HB-40 IS A DESIGNATION FOR HYDROGENATED
 (3) BIPHENYL THAT MONSANTO MADE AND MIBP IS
 MONO
 (4) ISOPROPYL BIPHENYL, AS BEST I REMEMBER.
 (5) ISOBUTYL BIPHENYL.
 (6) I'M SORRY.
 (7) Q WERE THESE REPLACEMENT PRODUCTS FOR THE
 (8) 1242 THAT WERE CONSIDERED?
 (9) A YES, THEY HAD NO CHLORINE IN THEM.
 (10) Q AND THE NEXT ONE SAYS WHAT, SIR?
 (11) A "CLOSE THE LOOP ON HEAT TRANSFER
 (12) APPLICATIONS WHERE FIRE RESISTANCE IS VITAL
 AND
 (13) REPLACE WITH ALTERNATES IN OTHER CASES."
 (14) Q WHAT DOES THE TERM "CLOSE THE LOOP" MEAN,
 (15) SIR?
 (16) A THAT IS MR. MASON'S EXPRESSION THAT HE
 (17) USED TO DESCRIBE A SYSTEM OF CONTROL OF THE
 (18) PCB-CONTAINING PRODUCT FROM THE POINT OF
 MANUFACTURE,
 (19) SHIPPING, USE AND FINAL DISPOSAL, WHEN IT
 WOULD NO
 (20) LONGER BE USEFUL.
 (21) AND HE WOULD DESCRIBE ALL OF THAT AS A
 (22) LOOP.
 (23) Q OKAY. AND THE NEXT ITEM?
 (24) A "REPLACE ALL NON-BIODEGRADABLE
 (25) CHLORINATED BIPHENYLS IN HYDRAULIC
 APPLICATIONS.
 (26) "COMPLETE 20 PERCENT OF THEM BY AUGUST
 (27) 1ST, 1970.
 (28) "COMPLETE 40 PERCENT BY NOVEMBER 1ST,

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- (1) 1970.
- (2) "COMPLETE A HUNDRED PERCENT DECEMBER 30,
- (3) 1970."
- (4) **Q AND THE NEXT TWO REFER TO THE TRANSFORMER**
- (5) **AND CAPACITOR APPLICATIONS IN THE ELECTRICAL**
- (6) **INDUSTRY?**
- (7) A THEY DO.
- (8) **Q AND THE LAST ONE?**
- (9) A "TERMINATE SALES OF ALL NON-BIODEGRADABLE
- (10) CHLORINATED BIPHENYLS TO VARIOUS NON-CONTROLLABLE END
- (11) USES.
- (12) "COMPLETE BY AUGUST 30, 1970."
- (13) **Q AND WHERE DOES TURBINOL-153 FIT?**
- (14) A IT DOESN'T FIT ANY OF THESE.
- (15) **Q WHY IS THAT?**
- (16) A WELL, IT'S OBVIOUSLY NOT IN ELECTRICAL
- (17) USE.
- (18) IT HAS NOTHING DO WITH NCR PAPER.
- (19) IT HAS NOTHING TO DO WITH TRANSFER, HEAT
- (20) TRANSFER.
- (21) SO - AND IT'S A CONTROLLABLE USE. SO
- (22) EVEN THE BOTTOM ONE DOESN'T FIT.
- (23) **Q OKAY. THEN, AGAIN, ON THE LAST PARAGRAPH**
- (24) **OF THAT PAGE IT TALKS ABOUT A FOLLOW-UP WITH CMC**
- (25) **BEING DIRECTED?**
- (26) A YES.
- (27) **Q ALL RIGHT. AND THE LAST PAGE TALKS ABOUT**
- (28) **SOME CAPITAL EXPENDITURE TO CARRY OUT THIS PROGRAM?**

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- (1) A IT DOES.
- (2) **Q AND WHAT AMOUNT, SIR?**
- (3) A \$3,585,000.
- (4) **Q WOULD YOU TAKE A LOOK, PLEASE, AT EXHIBIT**
- (5) **160.**
- (6) A I HAVE IT.
- (7) **Q DO YOU REMEMBER BEING QUESTIONED ON THIS**
- (8) **MEMO YESTERDAY, I GUESS IT WAS?**
- (9) A I DO.
- (10) **Q AND IF YOU COULD TURN TO THE PARAGRAPH**
- (11) **DEALING WITH NCR.**
- (12) **FIRST OF ALL, IS THIS - WHY DON'T YOU**
- (13) **IDENTIFY THE MEMO FOR US, JUST BRIEFLY.**
- (14) A IT'S A MEMORANDUM DATED MAY 27, 1970,
- (15) AUTHORED BY ME, ADDRESSED TO J. R. DURLAND IN
- (16) **TOKYO.**
- (17) **Q WOULD YOU READ THE PARAGRAPH THIRD UP**
- (18) **FROM THE BOTTOM BEGINNING WITH "NCR"?**
- (19) A "NCR HAS SATISFACTORILY DEMONSTRATED
- (20) HB-40 AS AN ACCEPTABLE SUBSTITUTE FOR
- (21) AROCLOR 1242 IN
- (22) ITS EUROPEAN APPLICATION AND WE ARE
- (23) OPTIMISTIC THE
- (24) MONO-ISOPROPYL BIPHENYL (MIBP) WILL BE
- (25) ACCEPTABLE FOR
- (26) THE U.S. APPLICATION."
- (27) **Q ALL RIGHT. AND I BELIEVE YOU WERE**
- (28) **QUESTIONED, MR. PAPAGEORGE, ABOUT SOME**
- (29) **CONTACT**
- (30) **BETWEEN MONSANTO REPRESENTATIVES IN**
- (31) **LONDON AND THE**
- (32) **BRITISH GOVERNMENT CONCERNING NCR AND ITS**
- (33) **APPLICATION.**
- (34) **COULD YOU TELL US THAT STORY, SIR.**

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- (1) MR. TALLON: OBJECTION, FOUNDATION.
- (2) THE COURT: LAY SOME FOUNDATION, MR. PREUSS.
- (3) **Q BY MR. PREUSS: ARE YOU AWARE OF SOME**
- (4) **CONTACT AS PART OF YOUR JOB**
- (5) **RESPONSIBILITIES AS**
- (6) **MANAGER OF ENVIRONMENTAL CONTROL, SIR,**
- (7) **CONTACT**
- (8) **BETWEEN THE GOVERNMENT OF BRITAIN AND**
- (9) **MONSANTO**
- (10) **REPRESENTATIVES RELATIVE TO THE USE OF**
- (11) **CARBONLESS**
- (12) **CARBON PAPER IN ENGLAND?**
- (13) A I AM.
- (14) **Q HOW DID YOU GAIN THAT INFORMATION?**
- (15) A THAT IS PART OF MY JOB TO KNOW THESE KIND
- (16) OF THINGS.
- (17) I RELIED ON THE MONSANTO REPRESENTATIVES
- (18) IN EUROPE, ENGLAND, SPECIFICALLY, TO KEEP ME
- (19) INFORMED.
- (20) **Q AND WAS THAT INFORMATION NECESSARY FOR**
- (21) **YOU IN ORDER TO PLAN YOUR ACTIVITIES AND**
- (22) **TAKE ACTION**
- (23) **ON INFORMATION THAT YOU RECEIVED?**
- (24) A OH, I FELT IT VERY IMPORTANT, YES.
- (25) **Q WHAT WAS THE NATURE OF THAT CONTACT,**
- (26) **SIR?**
- (27) MR. TALLON: OBJECTION, CALLS FOR A HEARSAY
- (28) RESPONSE.
- (29) THE COURT: ARE YOU ASKING WHO DID HE TALK
- (30) WITH?
- (31) MR. PREUSS: I'M ASKING WHAT INFORMATION HE
- (32) OBTAINED AND HOW WAS THE SITUATION HANDLED.
- (33) I'M NOT GOING FOR THE TRUTH OF THE

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- (1) MATTER.
- (2) THE COURT: IS THERE A NON-HEARSAY PURPOSE,
- (3) MR. PREUSS, OR AN EXCEPTION?
- (4) MR. PREUSS: IT'S NON-HEARSAY, YOUR HONOR.
- (5) THE COURT: BECAUSE?
- (6) MR. PREUSS: IT'S WHAT INFORMATION HE HAS AND
- (7) HOW HE ACTS UPON THAT INFORMATION.
- (8) THE COURT: ITS PURPOSE IS TO SHOW MONSANTO'S
- (9) ACTIONS NOT THE TRUTH OF THE INFORMATION
- (10) ITSELF?
- (11) MR. PREUSS: THAT'S CORRECT.
- (12) THE COURT: THE OBJECTION IS OVERRULED.
- (13) YOU MAY ANSWER.
- (14) THE WITNESS: I FORGOT THE QUESTION.
- (15) THE COURT: WHAT DID YOU LEARN IN CONNECTION
- (16) WITH THE BRITISH GOVERNMENT RESPONSES?
- (17) THE WITNESS: THANK YOU.
- (18) THE BRITISH GOVERNMENT REQUESTED FROM
- (19) MONSANTO INFORMATION REGARDING WHO IN
- (20) ENGLAND WAS
- (21) INVOLVED WITH THE NCR-TYPE PAPER COATING AND
- (22) WHAT
- (23) TYPE OF PCB THEY WERE USING AND HOW MUCH.
- (24) **Q BY MR. PREUSS: WHAT DID MONSANTO DO?**
- (25) A MONSANTO SAID, "WE UNDERSTAND WHY YOU
- (26) NEED THIS. BUT AT PRESENT WE ARE NOT IN THE
- (27) POSITION
- (28) TO DIVULGE THIS INFORMATION WITHOUT THE
- (29) APPROVAL OF
- (30) OUR CUSTOMER.
- (31) "WE WILL CONTACT THE CUSTOMER AND MENTION
- (32) THIS TO HIM AND GET - TRY TO GET THE APPROVAL."
- (33) **Q WAS THAT OBTAINED?**

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- (1) A THE CUSTOMER SAID, "WELL, WE DON'T
- (2) WANT" -
- (3) MR. TALLON: OBJECTION AS TO WHAT THE CUSTOMER
- (4) SAID.
- (5) THE COURT: YOU SHOULD DIRECT YOUR INQUIRY,
- (6) MR. PREUSS, TO SHOW THE BASIS FOR MONSANTO ACTIONS.
- (7) REFINE YOUR QUESTION, PLEASE.
- (8) Q BY MR. PREUSS: DID YOU RECEIVE SOME
- (9) INFORMATION FROM THE CUSTOMER?
- (10) A YES.
- (11) Q ALL RIGHT. AND WAS THE SITUATION
- (12) SATISFACTORILY RESOLVED?
- (13) A YES.
- (14) Q NOW, WHAT IS YOUR UNDERSTANDING OF HOW?
- (15) A THE CUSTOMER INFORMED THE PROPER
- (16) AUTHORITIES IN ENGLAND ITSELF.
- (17) IT DID NOT INVOLVE MONSANTO.
- (18) Q ALL RIGHT. THANK YOU, SIR.
- (19) COULD YOU TAKE A LOOK AT 178, SIR.
- (20) A I HAVE IT.
- (21) Q COULD YOU IDENTIFY THIS FOR US, SIR.
- (22) A THIS IS A COPY OF THE MINUTES OF A
- (23) MEETING OF THE CORPORATE MANAGEMENT COMMITTEE THAT
- (24) WAS HELD IN SEPTEMBER OF 1970.
- (25) Q SO, AGAIN, THIS WOULD BE A FOLLOW-UP TO
- (26) THE ONE WE JUST DISCUSSED WHERE THE REPORT BACK WAS
- (27) DIRECTED FOR SEPTEMBER?
- (28) A YES.

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- (1) Q AND THEN WHO MADE THE PRESENTATION IN
- (2) SEPTEMBER OF 1970?
- (3) A JOHN MASON.
- (4) Q ALL RIGHT. AND THE PURPOSE OF THIS
- (5) MEETING WITH JOHN MASON AND THE CMC WAS WHAT?
- (6) A TO REVIEW WITH THE CMC THE STATUS OF THE
- (7) PROGRAM THAT THE CMC HAD APPROVED BACK IN MAY OF
- (8) 1970.
- (9) Q ALL RIGHT. AND DO THESE MINUTES REFLECT
- (10) PROGRESS UNDER EACH OF THE ACTION STEPS ADOPTED BY
- (11) THE CMC IN THE EARLIER MINUTES WE HAD DISCUSSED?
- (12) A IT DOES.
- (13) Q ALL RIGHT. THE SECOND PAGE, IF YOU
- (14) WOULD, PLEASE, SIR.
- (15) ALL RIGHT. JUST TAKE A LOOK AT 1242 IN
- (16) THE NCR APPLICATION.
- (17) UK HAD ALREADY MET ITS DEADLINE?
- (18) A IT DID.
- (19) Q AND IT LOOKED LIKE IN THE U.S. THE TARGET
- (20) DATE WOULD ALSO BE MET?
- (21) A YES.
- (22) Q WAS IT MET AS FAR AS YOU KNOW?
- (23) A YES.
- (24) Q ALL RIGHT. AND NUMBER 3 TALKS ABOUT THE
- (25) HEAT-TRANSFER APPLICATIONS?
- (26) A YES.
- (27) Q AND USE FOR FOOD APPLICATIONS HAS BEEN
- (28) DISCONTINUED.

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- (1) A YES.
- (2) Q COULD YOU EXPLAIN AGAIN HOW IT HAD BEEN
- (3) USED PREVIOUSLY IN THE FOOD INDUSTRY?
- (4) A IT WAS USED IN THE HEATING SYSTEMS
- (5) INVOLVED WITH HUMAN FOOD, REALLY, SUCH THINGS AS
- (6) POTATO CHIPS, AND WE DECIDED THAT THAT WAS TOO RISKY
- (7) IN SPITE OF THE SAFETY FEATURES OF FIRES AND
- (8) EXPLOSIONS.
- (9) WE DIDN'T WANT TO HAVE FOOD THAT CLOSE TO
- (10) PCB'S.
- (11) SO WE TERMINATED.
- (12) Q AND THIS, AGAIN, IS WHAT I THINK YOU
- (13) EXPLAINED YESTERDAY, THAT THE PCB'S ARE HEATED AT A
- (14) DISTANT POINT AND TRANSFERRED AROUND A COOKING
- (15) VESSEL, IF YOU WILL?
- (16) A RIGHT, TO HEAT THE COOKING OIL IN WHICH
- (17) THE CHEMICALS ARE FRIED, FOR EXAMPLE.
- (18) Q AND IT TALKS ABOUT AN INSEPARATION
- (19) PROJECT AT THE BOTTOM THERE, FOR EXAMPLE, ON NUMBER
- (20) 3?
- (21) A YES.
- (22) Q WAS THAT ULTIMATELY ACCOMPLISHED BY
- (23) MONSANTO?
- (24) A IT WAS.
- (25) Q DO YOU RECALL WHEN THAT WAS ACCOMPLISHED?
- (26) A IT WAS IN WORKING ORDER, AS I RECALL,
- (27) ABOUT THE MIDDLE OF 1971.
- (28) Q OKAY. AND WAS THAT AVAILABLE TO

Page 2114

- (1) CUSTOMERS UPON REQUEST?
- (2) A OH, YES.
- (3) Q OKAY.
- (4) A THAT SERVICE WAS AVAILABLE BEFORE THE
- (5) INCINERATOR WAS EVEN CONSTRUCTED.
- (6) WE WOULD RECEIVE MATERIAL AND STOCKPILE
- (7) IT, WAITING FOR THE DAY WHEN WE COULD DESTROY IT.
- (8) Q OKAY. NUMBER FIVE, COULD YOU READ THAT
- (9) FOR US, PLEASE.
- (10) A "CLOSE THE LOOP ON NON-BIODEGRADABLE
- (11) CHLORINATED BIPHENYLS AND CAPACITOR AND TRANSFORMER
- (12) APPLICATIONS."
- (13) Q THAT IS CORRECT, IN THE FIRST SUBHEADING
- (14) THERE?
- (15) A "THIS USAGE BY RESPONSIBLE INDUSTRIES IS
- (16) NECESSARY FOR CONTINUATION OF PUBLIC POWER
- (17) OPERATIONS."
- (18) Q WAS THAT A REFLECTION OF BALANCING THE
- (19) SAFETY FACTORS THAT MR. MASON REFERRED TO IN HIS
- (20) EARLIER MEMO?
- (21) A IT IS.
- (22) IT'S A GOOD EXAMPLE.
- (23) Q AND IN THE SUMMARY THERE HAD SALES BEEN
- (24) REDUCED BY THE TERMINATION OF THESE PRODUCTS THAT ARE
- (25) DISCUSSED IN THIS MEMO?
- (26) A YES.
- (27) Q BY HOW MANY POUNDS?
- (28) A IT SHOWED 23.6 MILLION POUNDS.

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- (1) Q AND IF YOU WOULD TURN TO THE CONCLUSION
(2) SECTION.
(3) A I HAVE IT.
(4) Q AND COULD YOU READ THAT FOR US, PLEASE.
(5) A "THE PRESIDENT COMMENDED THE DIVISION FOR
(6) THE EXCELLENT PROGRESS MADE ON ITS PROGRAM.
(7) "THE THREE-MONTHS EXTENSION REQUESTED FOR
(8) PHASING OUT OF PRODUCTS IN HYDRAULIC FLUIDS
WAS
(9) APPROVED WITH THE CAUTION THAT THE DIVISION
CONTINUE
(10) TO EXERT PRESSURE TO MOVE THIS PROGRAM AS
FAST AS
(11) POSSIBLE. FURTHER PROGRESS ON THE PROGRAM
SHOULD BE
(12) REVIEWED WITH THE COMMITTEE THE FIRST
QUARTER OF
(13) 1971."
(14) Q OKAY. AND WAS IT REVIEWED IN SEPTEMBER
(15) OF '71?
(16) A IN MARCH, MARCH OF '71.
(17) Q IN THE FIRST QUARTER OF '71, MY MISTAKE?
(18) A YES.
(19) Q OKAY. IF YOU WOULD, PLEASE, TURN TO
(20) TRANSWESTERN 193.
(21) A I HAVE IT.
(22) Q AND COULD YOU IDENTIFY THIS FOR US,
(23) PLEASE.
(24) A THIS IS A COPY OF A NOTE THAT I MADE TO
(25) MYSELF WHICH INCLUDED OR ATTACHED TO IT WERE
COPIES
(26) OF TRANSPARENCIES USED BY MR. MASON AT A
REPORT TO
(27) THE CMC IN MARCH OF 1971.
(28) Q AND MR. MASON, THEN, MADE THE

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- (1) PRESENTATION AGAIN?
(2) A YES.
(3) Q ALL RIGHT. I TAKE IT HE CONSULTED WITH
(4) YOU BEFOREHAND?
(5) A HE DID. YES.
(6) Q AND TURN JUST TO THE FIRST PAGE THERE
(7) TALKING ABOUT NON-CONTROLLABLE END USES,
(8) PLASTICIZERS?
(9) A I SEE IT.
(10) Q AND HAD THOSE SALES ALREADY BEEN
(11) TERMINATED?
(12) A YES.
(13) Q AND THE NEXT ONE, HYDRAULIC APPLICATION.
(14) A YES.
(15) Q YOU SEE THERE IS SPECIFICALLY MENTIONED
(16) TURBINOL-153?
(17) A I DO.
(18) Q INDICATING THAT 1242 IS STILL BEING USED
(19) IN THAT APPLICATION?
(20) A YES.
(21) Q AND IT SAYS, "PLAN TO TRY MCS-1016 WHEN
(22) AVAILABLE"?
(23) A IT DOES SAY THAT.
(24) Q DO YOU KNOW WHETHER 1016 WAS EVER USED
IN
(25) CONNECTION WITH TURBINOL OR ANY OTHER
PRODUCT?
(26) A IT WAS NOT USED WITH TURBINOL BUT IT WAS
(27) USED IN DIELECTRIC APPLICATIONS.
(28) Q AND WHAT DIELECTRIC APPLICATIONS?

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- (1) A CAPACITORS.
(2) Q COULD YOU TURN TO 390, 86390, THE
(3) INTERNATIONAL SECTION?
(4) A I HAVE IT.
(5) Q OKAY. AND COULD YOU TELL US WHAT WAS
(6) HAPPENING OUTSIDE OF THE U.S. ON - WITH
RESPECT TO
(7) PCB'S AND THEIR CONTROL, SIR?
(8) A AT THAT POINT IN TIME?
(9) Q YES, PLEASE.
(10) A THE SCANDINAVIAN COUNTRIES WERE
(11) CONSIDERING THE - EITHER THE TIGHT CONTROL OF
THE
(12) USE OF PCB'S OR POSSIBLY EVEN BLOCK THE USE
OF PCB'S.
(13) IN CONTINENTAL EUROPE THERE WAS AN
(14) INCREASING INTEREST IN PCB'S AND THE
ENVIRONMENT.
(15) AND THE EUROPEAN PRODUCERS WERE STARTING
(16) TO APPRECIATE THE PROBLEM AND TAKING THEIR
(17) INDEPENDENT ACTIONS.
(18) Q WERE MONSANTO REPRESENTATIVES MEETING
(19) WITH THEIR COUNTERPARTS IN EUROPE AND
ELSEWHERE?
(20) A YES.
(21) Q HOW ABOUT MONSANTO'S REPRESENTATIVES IN
(22) UK, WERE THEY FOLLOWING THE PLAN ADOPTED
HERE?
(23) A YES, THEY WERE.
(24) THEY WERE FOLLOWING EXACTLY THE SAME
(25) PROGRAM.
(26) Q AND IF YOU TURN TO 086397, PLEASE.
(27) IT TALKS ABOUT TURBINOL-153 SALES?
(28) A YES.

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- (1) Q AND PROJECTING SALES OF 400,000 POUNDS IN
(2) 1971?
(3) A YES.
(4) Q AND WAS TEXAS EASTERN THE CUSTOMER THAT
(5) WAS PURCHASING THE TURBINOL-153?
(6) A AT THAT TIME, YES.
(7) Q AND DID MONSANTO CONSIDER TEXAS EASTERN
(8) TO BE A RESPONSIBLE COMPANY?
(9) A YES, UH-HUH.
(10) Q DID MONSANTO CONSIDER TEXAS EASTERN TO
(11) HAVE ADEQUATE TECHNICAL SUPPORT FOR ITS
OPERATIONS?
(12) A DEFINITELY, YES.
(13) Q AND DID MONSANTO CONSIDER THE USE OF
(14) TURBINOL-153 TO BE IN A CONTROLLED SYSTEM?
(15) A YES.
(16) Q AND WAS THAT UNDERSTANDING GAINED
THROUGH
(17) CONTACT WITH TEXAS EASTERN?
(18) MR. TALLON: OBJECTION, FOUNDATION AND
(19) LEADING.
(20) THE COURT: SUSTAINED.
(21) Q BY MR. PREUSS: DID YOU KEEP IN TOUCH
(22) WITH MR. JOHNSON?
(23) A YES.
(24) Q AND DID MR. JOHNSON HAVE OVERALL
(25) RESPONSIBILITY FOR PEOPLE UNDER HIM IN
TERMS OF
(26) CONTACT WITH CUSTOMERS IN THE FUNCTIONAL
FLUIDS AREA?
(27) A YES.
(28) Q AND WAS TURBINOL-153 A FLUID IN THE

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- (1) **FUNCTIONAL FLUID AREA?**
- (2) A YES.
- (3) **Q AND WAS PART OF YOUR RESPONSIBILITIES**
- (4) **THROUGH MR. JOHNSON, MR. JOHNSON'S**
- (5) **RESPONSIBILITY TO**
- (6) **CONTACT CUSTOMERS CONCERNING THEIR**
- (7) **OPERATIONS?**
- (8) A YES.
- (9) **Q AND TO LEARN ABOUT THOSE OPERATIONS?**
- (10) A YES.
- (11) **Q AND FOR WHAT PURPOSE?**
- (12) A WELL, SPECIFICALLY THIS PURPOSE IS TO
- (13) **DETERMINE THE EFFORTS TOWARD CONTROL OF**
- (14) **LOSS OF PCB'S**
- (15) **TO THE ENVIRONMENT.**
- (16) **Q AND WAS THAT PART OF THE INSTRUCTIONS YOU**
- (17) **GAVE TO MR. JOHNSON AND OTHERS IN THESE**
- (18) **MEETINGS AS**
- (19) **TO PROVIDING INFORMATION TO CUSTOMERS**
- (20) **CONCERNING THE**
- (21) **STATUS OF THE ENVIRONMENTAL SITUATION OF**
- (22) **PCB'S?**
- (23) A YES.
- (24) MR. TALLON: OBJECTION, LEADING.
- (25) THE COURT: SUSTAINED.
- (26) **Q BY MR. PREUSS: WHAT INFORMATION DID YOU**
- (27) **IMPART AT THESE MEETINGS TO OTHER**
- (28) **REPRESENTATIVES OF**
- (29) **MONSANTO CONCERNING THESE ENVIRONMENTAL**
- (30) **SITUATIONS,**
- (31) **SIR?**
- (32) A THE IMPORTANCE OF CONTROLLING THE USE OF
- (33) **PCB'S SO THEY DO NOT END UP IN THE**
- (34) **ENVIRONMENT.**
- (35) THAT WAS THE PRIMARY OBJECTIVE HERE.
- (36) **Q AND AS PART OF THESE MEETINGS DID YOU ASK**
- (37) **YOUR REPRESENTATIVES TO REPORT BACK TO YOU**
- (38) **CONCERNING**

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- (1) **THEIR CONTACTS WITH THEIR CUSTOMERS?**
- (2) A YES.
- (3) **Q AND DID YOU RECEIVE INFORMATION THROUGH**
- (4) **MR. JOHNSON AND HIS PEOPLE CONCERNING**
- (5) **CONTACTS MADE**
- (6) **WITH TEXAS EASTERN?**
- (7) A YES.
- (8) **Q AND DID THE INFORMATION YOU RECEIVED**
- (9) **SATISFY YOU IN YOUR MIND THAT THE**
- (10) **INFORMATION WAS**
- (11) **SUCH THAT THE USE OF TEXAS EASTERN OF**
- (12) **TURBINOL-153**
- (13) **WAS, INDEED, A CONTROLLED USE?**
- (14) MR. TALLON: CALLS FOR A RESPONSE BASED ON
- (15) HEARSAY.
- (16) MR. PREUSS: IT GOES TO STATE OF MIND, YOUR
- (17) HONOR.
- (18) MR. TALLON: AND IT'S LEADING.
- (19) THE COURT: THE OBJECTION IS OVERRULED.
- (20) YOU MAY ANSWER.
- (21) THE WITNESS: I WAS LEFT WITH THE IMPRESSION
- (22) THAT I WAS SATISFIED WITH THE RESPONSES I GOT
- (23) TO MY
- (24) INQUIRY.
- (25) **Q BY MR. PREUSS: RELATIVE TO THE USE OF**
- (26) **TURBINOL BEING A CONTROLLED USE?**
- (27) A YES.
- (28) **Q 194, IF YOU WOULD TURN TO THAT, SIR.**
- (29) **COULD YOU IDENTIFY THAT FOR US, PLEASE.**
- (30) A THIS IS A COPY OF THE MINUTES OF THE
- (31) MEETING OF THE CORPORATE MANAGEMENT
- (32) COMMITTEE OF

(28) MARCH 8, 1971 AT WHICH MR. MASON MADE HIS PCB STATUS

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- (1) REPORT.
- (2) **Q OKAY. SO MR. MASON MADE THIS**
- (3) **PRESENTATION, AS WELL?**
- (4) A CORRECT.
- (5) **Q AND THIS WAS IN THE FIRST QUARTER**
- (6) **DEADLINE AS OF THE SEPTEMBER MEETING?**
- (7) A YES.
- (8) **Q OKAY. GOING TO NUMBER ONE, SIR, WHAT WAS**
- (9) **THE POUNDAGE OF SALES TERMINATED IN**
- (10) **CONNECTION WITH**
- (11) **THE USE OF THE NCR PRODUCT?**
- (12) A 14.3 MILLION POUNDS ANNUALLY.
- (13) **Q AND IF YOU GO TO NUMBER 3, ON HEAT**
- (14) **TRANSFER APPLICATIONS, HOW WERE SALES**
- (15) **AFFECTED IN**
- (16) **THAT AREA?**
- (17) A 50 PERCENT OF THEM HAD BEEN REPLACED.
- (18) **Q BY SUBSTITUTE PRODUCTS?**
- (19) A BY SUBSTITUTE FLAMMABLE PRODUCTS,
- (20) INCIDENTALLY.
- (21) **Q WHAT REMAINED TO BE ACCOMPLISHED AFTER**
- (22) **MARCH OF '71, SIR, IN TERMS OF THE PROGRAM?**
- (23) A WELL, I RECALL THE PROGRAM REGARDING THE
- (24) DISCHARGES FROM THE MONSANTO PLANTS. THAT
- (25) WAS STILL
- (26) ONGOING.
- (27) **Q ALL RIGHT. MAYBE WE CAN TAKE THE**
- (28) **HEADINGS HERE. IT WOULD BE EASIER, STARTING**
- (29) **WITH THE**
- (30) **NCR APPLICATION.**
- (31) **HAS THAT BASICALLY BEEN COMPLETED?**
- (32) A YES.

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- (1) **Q AND HOW ABOUT SALES OF**
- (2) **NON-BIODEGRADABLE**
- (3) **PCB'S TO NON-CONTROLLABLE END USES?**
- (4) **WHAT WAS THE STATUS AS OF MARCH OF '71?**
- (5) A THEY HAD BEEN COMPLETED.
- (6) **Q AND HOW ABOUT THE HEAT TRANSFER**
- (7) **APPLICATIONS, HOW WAS THAT PROGRAM?**
- (8) A WELL, IT'S PRETTY FAR ALONG, AS I RECALL,
- (9) VIRTUALLY COMPLETED AT THAT TIME.
- (10) **Q AND HOW ABOUT THE HYDRAULIC**
- (11) **APPLICATIONS?**
- (12) A THE REFORMULATION TO REMOVE PCB'S WAS
- (13) COMPLETED.
- (14) **Q AND THEN IN THE ELECTRICAL AREA.**
- (15) **WHAT WAS THE STATUS, AT THAT TIME, WITH**
- (16) **RESPECT TO TRANSFORMERS AND CAPACITORS?**
- (17) A WELL, THE RESPONSE TO - BY THE CUSTOMER,
- (18) BY CONTROL WAS VERY GOOD.
- (19) INFORMATION WAS SHARED BY BOTH PARTIES
- (20) VERY FREELY.
- (21) THERE WAS A PROBLEM WHAT TO DO WITH SOLID
- (22) WASTE CONTAINING PCB'S. IT WAS BEING LOOKED
- (23) INTO -
- (24) BY SOLID WASTE, BY EXAMPLE, THE CAPACITORS
- (25) THAT FAIL,
- (26) WHAT DO YOU DO WITH THEM. THAT KIND OF
- (27) QUESTION WAS
- (28) BEING ASKED.
- (29) AND 1016, MCS-1016 WHICH WAS THE
- (30) SUBSTITUTE FOR AROCLOR 1242 IN CAPACITORS,
- (31) WAS WELL
- (32) ON ITS WAY TO BEING ACCEPTED.
- (33) **Q AS OF MARCH OF '71 DID YOU HAVE 1016**
- (34) **COMMERCIALLY AVAILABLE IN QUANTITIES -**

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- (1) A NO.

(2) **Q - FOR THE CAPACITOR INDUSTRY?**
(3) A NO, NO, IT CAME LATER THAT YEAR.
(4) **Q AND, SIR, I WOULD LIKE TO SHOW YOU**
(5) **EXHIBIT 719, IF YOU WOULD, TAKE A LOOK AT THAT.**
(6) A I HAVE IT.
(7) **Q CAN YOU IDENTIFY IT FOR US, PLEASE.**
(8) A THIS IS A COPY OF THE LABEL WE HAVE BEEN
(9) TALKING ABOUT, THE STICK-ON LABEL THAT
CONTAINS THE
(10) PARAGRAPH THAT DESCRIBES THE ENVIRONMENTAL
SITUATION
(11) AS IT RELATES TO PCB'S.
(12) **Q HOW DID THIS COME INTO BEING?**
(13) A WELL, A GROUP OF US IN EARLY APRIL
(14) DECIDED WE NEEDED SOME STATEMENT SIMILAR TO
THIS ON
(15) OUR CONTAINERS OF PCB CONTAINING PRODUCTS.
(16) AND IT WAS FINALLY DEVELOPED IN EARLY MAY
(17) AND BEGAN - WE BEGAN USING IT ON OUR
PRODUCTS IN
(18) MAY, AS BEST I RECALL.
(19) **Q WAS THERE A SAMPLE LABEL LIKE THIS THAT**
(20) **WAS OUT IN THE WORLD FOR YOU TO FOLLOW AS**
(21) **AN EXAMPLE?**
(22) A NO, NO.
(23) THAT WAS ONE OF OUR PROBLEMS.
(24) WE HAD NOTHING TO GUIDE US REGARDING
(25) LABELS LIKE THIS FOR INDUSTRIAL CHEMICALS.
(26) SO WE JUST DID THE BEST WE COULD WITH
(27) WHAT WE KNEW.
(28) **Q AS FAR AS YOU KNOW, WAS THERE AN**
(29) **ENVIRONMENTAL LABEL SUCH AS THIS AVAILABLE**
(30) **AT THAT**

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(1) **TIME ANYWHERE OR USED ANYWHERE IN THE**
(2) **INDUSTRY?**
(3) A NO, THIS IS THE FIRST.
(4) **Q OKAY. AND HOW WAS - WAS THIS LABEL THE**
(5) **RESULT OF A CMC DIRECTIVE?**
(6) A YES.
(7) THE NOVEMBER '69 MEETING THEY REFERRED TO
(8) LABEL CHANGES.
(9) **Q OKAY. AND HOW IS THIS STICK-ON LABEL TO**
(10) **BE USED, SIR?**
(11) A IT'S TO BE USED ON THOSE PRODUCTS MADE
(12) AND SHIPPED BY MONSANTO THAT CONTAIN PCB'S
OF ANY
(13) AMOUNT THAT WERE ADDED TO MAKE THE PRODUCT
AND DID
(14) NOT CONTAIN THIS KIND OF INFORMATION ON THE
ORIGINAL
(15) OR THE FIRST LABEL THAT IS APPLIED TO THE
CONTAINER.
(16) **Q FOR EXAMPLE, ON TURBINOL-153, WOULD THAT**
(17) **BE A CASE IN POINT?**
(18) A YES.
(19) **Q ALL RIGHT. SO USING THAT AS AN EXAMPLE,**
(20) **THEN, TURBINOL-153 DOES NOT HAVE ANY**
(21) **ENVIRONMENTAL**
(22) **STATEMENT ON IT, AS INDICATED THERE,**
(23) **CORRECT?**
(24) A CORRECT.
(25) THE COURT: THIS IS EXHIBIT 721, IS IT NOT?
(26) MR. PREUSS: 22.
(27) I'M SORRY, I DIDN'T MENTION THAT.
(28) **Q SO IN THAT TYPE OF A SITUATION THEN THE**
(29) **ENVIRONMENTAL LABEL, 719, WOULD BE ALSO**
(30) **ADDED?**
(31) A YES.
(32) **Q THAT WAS THE INTENT OF THIS STICK-ON**

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(1) LABEL?

(2) A CERTAINLY.
(3) **Q NOW, IF YOU WOULD TAKE A LOOK AT 545,**
(4) **PLEASE, SIR.**
(5) A I HAVE IT.
(6) **Q AND THIS IS A MEMO THAT YOU WROTE ON**
(7) **APRIL 30, 1970?**
(8) A IT IS.
(9) **Q AND DOES IT DEAL WITH THE SUBJECT OF THE**
(10) **SUPPLEMENTAL LABEL?**
(11) A IT DOES.
(12) **Q AND WHAT DOES IT SAY WITH RESPECT TO THE**
(13) **SUPPLEMENTAL LABEL, SIR?**
(14) A IT REFERS TO THE NEED FOR A SUPPLEMENTAL
(15) LABEL FOR MATERIAL ALREADY PACKAGED BY
MONSANTO, THE
(16) MATERIAL CONTAINING A PCB AND SITUATED IN
VARIOUS
(17) WAREHOUSES, EITHER IN MONSANTO PLANTS OR
OUTSIDE.
(18) **Q SO THAT IF THERE WAS A 55-GALLON DRUM OF**
(19) **A MONSANTO PRODUCT ALREADY MANUFACTURED**
(20) **AND LABELED**
(21) **AND READY FOR SALE AND DISTRIBUTION, THEN**
(22) **THE**
(23) **SUPPLEMENTAL LABEL SHOULD BE STUCK ON**
(24) **THAT?**
(25) A YES.
(26) **Q AND TAKE A LOOK AT TRANSWESTERN 148, IF**
(27) **YOU WOULD, PLEASE.**
(28) A I HAVE IT.
(29) **Q AND IS THIS ALSO A MEMO THAT YOU WROTE,**
(30) **SIR?**
(31) A I DID.

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(1) **Q AND DOES IT ALSO CONCERN THE SUBJECT OF A**
(2) **SUPPLEMENTAL LABEL?**
(3) A YES.
(4) **Q AND WHAT WAS YOUR PURPOSE IN SENDING**
(5) **THIS**
(6) **MEMO, SIR?**
(7) A THE PURPOSE WAS TO MAKE CERTAIN THAT THE
(8) MANUFACTURING MANAGERS WERE AWARE OF THIS
ARRANGEMENT
(9) AND WOULD SEE TO IT THAT THE LABELS WERE
PROPERLY
(10) USED.
(11) **Q 172, IF YOU WOULD LOOK AT THAT, PLEASE.**
(12) A I HAVE IT.
(13) **Q ALL RIGHT. AND IS THIS A MEMO YOU**
(14) **RECEIVED FROM MR. SIDO?**
(15) A YES.
(16) **Q DID I PRONOUNCE HIS NAME CORRECTLY?**
(17) A SIDO.
(18) **Q AND THE SECOND PARAGRAPH THERE YOU WERE**
(19) **QUESTIONED ABOUT WITH RESPECT TO PYDRAUL**
(20) **PRODUCTS AND**
(21) **THEIR USE ON COAL MINE EQUIPMENT?**
(22) A YES.
(23) **Q CAN YOU EXPLAIN THAT SITUATION, SIR, AS**
(24) **TO WHY THE SUPPLEMENTAL WASN'T SENT FOR IN**
(25) **THAT**
(26) **PARTICULAR SITUATION?**
(27) A THIS REFLECTS OUR ATTEMPT TO COOPERATE
(28) AND COORDINATE WITH THE EUROPEAN PRODUCERS
OF THESE
(29) HYDRAULIC FLUIDS USED IN MINES.
(30) AND THE INTENT, THE HOPE, REALLY, WAS
(31) THAT A LABEL THAT WAS COMMON TO ALL
PRODUCERS OF

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- (1) PCB'S IN EUROPE FOR THAT USE WOULD BE CONSISTENT AND
- (2) NOT CONTRADICTORY.
- (3) **Q THAT THE NON-USE, IF YOU WILL, OF THIS**
- (4) **SUPPLEMENTAL ENVIRONMENTAL LABEL REFERS ONLY TO THAT**
- (5) **SITUATION?**
- (6) A YES.
- (7) AND IF IT TOOK TOO LONG, WE WERE PREPARED
- (8) TO GO AHEAD WITH OUR OWN.
- (9) **Q NO APPLICATION FOR THE USE OF THAT**
- (10) **SUPPLEMENTAL LABEL ON PRODUCTS THAT ARE SOLD HERE IN**
- (11) **THE UNITED STATES, CORRECT?**
- (12) A CORRECT.
- (13) **Q THIS WAS TO BE USED IN THE VERY SITUATION**
- (14) **YOU HAVE DESCRIBED?**
- (15) A THIS VERY SPECIAL SITUATION, YES.
- (16) **Q "VERY SPECIAL SITUATION" BEING THE ONLY**
- (17) **EXCEPTION TO THE USE OF THAT LABEL ON MONSANTO**
- (18) **PRODUCTS?**
- (19) MR. TALLON: OBJECTION, LEADING.
- (20) **Q BY MR. PREUSS: WAS THAT THE ONLY**
- (21) **EXCEPTION CONTEMPLATED BY YOU IN CONNECTION WITH THE**
- (22) **ENVIRONMENTAL SUPPLEMENTAL LABEL?**
- (23) A CORRECT.
- (24) **Q NOW, TRANSWESTERN 174, IF YOU WOULD,**
- (25) **PLEASE.**
- (26) A I HAVE IT.
- (27) **Q NOW, THIS IS A STATUS REPORT; IS THAT**
- (28) **CORRECT?**

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- (1) A YES.
- (2) **Q AND YOU PREPARED IT?**
- (3) A YES.
- (4) **Q AND TELL US ABOUT THE EVOLUTION OR THE**
- (5) **REASON FOR YOU PREPARING THIS STATUS REPORT, SIR.**
- (6) **NOT THIS PARTICULAR ONE BUT THE STATUS REPORT**
- (7) **CONCEPT.**
- (8) A WELL, STARTING FAIRLY EARLY IN 1970 I
- (9) PERCEIVED THE NEED FOR COMMUNICATING THE STATUS OF
- (10) THINGS, ESPECIALLY TO THE HIGHER-MANAGEMENT PEOPLE,
- (11) MR. BERGEN, MR. SPRINGGATE, MR. MASON AND SO ON.
- (12) SO I BEGAN, AS I RECALL, MAYBE ABOUT MAY
- (13) OF 1970 TO REPORT THE ACTIVITIES RELATING TO THIS PCB
- (14) ENVIRONMENTAL ISSUE.
- (15) AND OVER THE MONTHS THE REPORT COVERED A
- (16) GREATER SPAN OF ACTIVITIES, BECAME A LITTLE BIT MORE
- (17) DETAILED.
- (18) **Q AND YOU PREPARED THEM ON A MONTHLY BASIS?**
- (19) A I PREPARED THEM ON A MONTHLY BASIS.
- (20) THE CONTRIBUTORS WERE THE MEMBERS OF
- (21) MY - I CALL IT THE PCB COMMITTEE, THE PEOPLE THAT
- (22) MET WITH ME ON A PERIODIC BASIS TO TOUCH BASE WITH
- (23) EACH OTHER, SO TO SPEAK.
- (24) **Q WHO WERE THOSE INDIVIDUALS?**
- (25) A THEY WERE -
- (26) **Q WHAT KIND OF JOBS DID THEY HAVE IN THE**
- (27) **ORGANIZATION?**

(28) A OH, THEY HAD JOBS IN RESEARCH, MARKETING,

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- (1) ENGINEERING, MANUFACTURING, PUBLIC RELATIONS, LEGAL.
- (2) WE HAD -
- (3) **Q MEDICAL?**
- (4) A MEDICAL.
- (5) I SUSPECT I MISSED SOME, BUT ANYBODY THAT
- (6) HAD ANY CONTRIBUTION AT ALL ABOUT PCB'S WOULD
- (7) PARTICIPATE.
- (8) **Q AND DID YOU ASK THESE INDIVIDUALS TO**
- (9) **PROVIDE YOU INFORMATION ON THEIR SPECIALTY, IF YOU**
- (10) **WILL, IN THEIR PARTICULAR AREA OF THE PCB ISSUE?**
- (11) A YES.
- (12) THAT WAS THE SOURCE FOR MY MONTHLY
- (13) SUMMARY.
- (14) **Q AND WAS IT YOUR INTENT TO PUT THAT**
- (15) **INFORMATION INTO A SUMMARY FASHION AND THEN DISBURSE**
- (16) **IT?**
- (17) A YES.
- (18) **Q SORT OF THE FUNNELING OPERATION WE TALKED**
- (19) **ABOUT EARLIER?**
- (20) A THAT WAS A GOOD EXAMPLE OF IT.
- (21) **Q TO WHOM DID YOU DESIGNATE THESE MONTHLY**
- (22) **REPORTS?**
- (23) A WELL, THE PEOPLE LISTED THERE ARE - WERE
- (24) ACTIVE ON MY PCB COMMITTEE.
- (25) THEY WOULD BE THE ADDRESSEES AS LISTED ON
- (26) THIS DOCUMENT.
- (27) AND THE CARBON COPIES WERE SENT TO THE
- (28) BOSSES, SO TO SPEAK.

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- (1) AND THEY, IN TURN, COULD SHARE THIS WITH
- (2) THEIR BOSSES, IF THEY CHOSE TO DO SO.
- (3) THE COURT: MR. PREUSS, I NEED TO STOP A FEW
- (4) MINUTES BEFORE NOON TO ATTEND TO SOME OTHER
- (5) BUSINESS.
- (6) IF THIS IS A NATURAL BREAKING POINT, WE
- (7) WILL TAKE THE NOON RECESS NOW.
- (8) MR. PREUSS: ALL RIGHT FINE.
- (9) THE COURT: THEN, LADIES AND GENTLEMEN, WE WILL
- (10) BE IN RECESS UNTIL 1:30.
- (11) PLEASE RETURN JUST BEFORE THEN SO WE CAN
- (12) RESUME.
- (13) WE ARE IN RECESS NOW.
- (14) (AT 11:50 A.M., A RECESS WAS TAKEN
- (15) UNTIL 1:30 P.M. OF THE SAME DAY.)
- (16)
- (17)
- (18)
- (19)
- (20)
- (21)
- (22)
- (23)
- (24)
- (25)
- (26)
- (27)
- (28)

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- (1) LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 8, 1993
- (2) 1:30 P.M.
- (3) DEPARTMENT NO. 31 G. KEITH WISOT, JUDGE
- (4) --0--

(5) (APPEARANCES AS HERETOFORE NOTED.)
 (6) (DAVID A. SALYER, OFFICIAL REPORTER.)
 (7)
 (8) THE COURT: AND RESUMING.
 (9) GO AHEAD, MR. PREUSS.
 (10)
 (11) WILLIAM B. PAPAGEORGE,
 (12) CALLED AS A WITNESS BY THE PLAINTIFF,
 TRANSWESTERN,
 (13) UNDER THE PROVISIONS OF EVIDENCE CODE 776,
 HAVING
 (14) BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:
 (15)
 (16)
 (17) CROSS EXAMINATION (CONTINUED.)
 (18) BY MR. PREUSS:
 (19) Q GOOD AFTERNOON, MR. PAPAGEORGE.
 (20) A GOOD AFTERNOON.
 (21) Q I WOULD LIKE TO GO BACK TO SOMETHING WE
 (22) DISCUSSED BEFORE THE LUNCH BREAK, IN
 PARTICULAR
 (23) EXHIBIT 545.
 (24) A I HAVE IT.
 (25) Q AND THIS MEMO WAS FROM YOU TO MR. SIDO?
 (26) A IT IS.
 (27) Q AND IT INVOLVED THE SUPPLEMENTAL
 (28) ENVIRONMENTAL LABEL?

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(1) A YES.
 (2) Q ALL RIGHT. AND WOULD YOU READ YOUR LAST
 (3) SENTENCE THERE.
 (4) A "WILL YOU ARRANGE FOR PROCUREMENT OF THE
 (5) APPROPRIATE LABEL TO TAKE CARE OF THIS
 ONE-TIME
 (6) NEED."
 (7) Q OKAY. AND THE FIRST SENTENCE THERE
 (8) INDICATES WHAT, SIR?
 (9) A "A REVIEW OF OUR INVENTORY ON 4-29-70
 (10) INDICATES ABOUT 6,000 UNITS OF PACKAGED
 AROCLOR
 (11) PRODUCTS ARE NOW IN VARIOUS WAREHOUSES.
 THESE UNITS
 (12) WILL REQUIRE A SUPPLEMENTARY LABEL WHICH WILL
 CONTAIN
 (13) THE PCB STATEMENT WE DISCUSSED."
 (14) Q AND SUBSEQUENT TO APRIL 30, 1970, DID YOU
 (15) TAKE ANY STEPS TO SEE IF, IN FACT, THE
 ENVIRONMENTAL
 (16) SUPPLEMENTAL LABEL WAS AFFIXED TO THE
 PRODUCTS IN THE
 (17) VARIOUS WAREHOUSES OF MONSANTO?
 (18) A YES.
 (19) Q AND HOW DID YOU ACCOMPLISH THAT, SIR?
 (20) A WELL, AS PART OF MY PERSONAL VISIT TO THE
 (21) PLANTS THAT WERE INVOLVED WITH PCB'S AS
 EITHER A
 (22) MANUFACTURER OR A BLENDER PACKAGER.
 (23) I MADE IT A POINT THAT SOMETIME DURING
 (24) THE DAY OF MY VISIT I WOULD BE TAKEN TO THE
 WAREHOUSE
 (25) AND BE SHOWN THE MATERIALS STORED THERE.
 (26) Q ALL RIGHT. AND WHEN DID YOU - TELL US
 (27) WHAT PLANTS DID YOU VISIT, SIR?
 (28) A ANNISTON, ALABAMA, THE W. G. KRUMMRICH

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(1) PLANT AT SAUGET, ILLINOIS AND THE JOHN F.
 QUEENY
 (2) PLANT IN ST. LOUIS.
 (3) Q AND APPROXIMATELY WHEN DID YOU GO TO THE
 (4) QUEENY PLANT?
 (5) A ABOUT AUGUST OR SEPTEMBER, 1970.
 (6) Q AND WHAT DID YOU DO WHEN YOU VISITED THE

(7) QUEENY PLANT IN AUGUST OR SEPTEMBER OF
 1970?
 (8) A WELL, I MET WITH THE PLANT MANAGER AND
 (9) HIS STAFF AND REVIEWED THE PCB ENVIRONMENTAL
 ISSUE
 (10) AND STATUS OF IT.
 (11) AND I TOOK ABOUT HALF A DAY AND THEN
 (12) FOLLOWING LUNCH, IN THE AFTERNOON, I WAS
 GIVEN A TOUR
 (13) OF THE PLANT WHERE WE VISITED VARIOUS HEIGHT
 TRANSFER
 (14) UNITS, TRANSFORMER INSTALLATIONS AND THE
 BLENDING
 (15) STATION AND THE WAREHOUSES AND THE SHIPPING
 DOCKS, SO
 (16) ON.
 (17) Q OKAY. THE BLENDING OPERATION WOULD HAVE
 (18) INCLUDED THE BLENDING OF TURBINOL-153?
 (19) A YES.
 (20) Q AND YOU HAD FAMILIARITY WITH THAT PLANT
 (21) WITH THAT BLENDING OPERATION EARLIER IN
 YOUR CAREER?
 (22) A I DID.
 (23) I WAS THE SUPERINTENDENT RESPONSIBLE FOR
 (24) THAT IN 1963.
 (25) Q AND AT THAT TIME, AS PART OF YOUR JOB
 (26) RESPONSIBILITIES, WERE YOU FAMILIAR WITH
 LABELING IN
 (27) CONNECTION WITH ITEMS THAT WOULD BE
 BLENDED AND
 (28) STORED IN THE WAREHOUSE?

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(1) A YES, I WAS.
 (2) Q AND IN CONNECTION WITH YOUR TOUR OF THE
 (3) WAREHOUSE IN AUGUST OR SEPTEMBER OF 1970
 DID YOU HAVE
 (4) OCCASION TO OBSERVE PRODUCTS THAT WERE
 STILL IN THE
 (5) WAREHOUSE AND ON THE SHELF?
 (6) A YES.
 (7) Q AND DID YOU SEE ANY TURBINOL-153?
 (8) A I DID.
 (9) Q AND DID YOU EXAMINE THE LABELING ON THOSE
 (10) DRUMS AND INVENTORY IN THE WAREHOUSE AT
 QUEENY?
 (11) A NATURALLY, YES.
 (12) Q AND WHAT LABELS DID YOU SEE ON THOSE
 (13) DRUMS OF TURBINOL-153 IN THE WAREHOUSE?
 (14) A WELL, THERE WAS THE TURBINOL-153 LABEL WE
 (15) SAW EARLIER TODAY AND THE SUPPLEMENTAL LABEL
 WE SAW
 (16) EARLIER TODAY, THE TWO.
 (17) Q AND YOU HAVE A PERSONAL RECOLLECTION OF
 (18) SEEING THOSE TWO LABELS ON THOSE DRUMS OF
 (19) TURBINOL-153 IN THE WAREHOUSE AT QUEENY IN
 AUGUST OR
 (20) SEPTEMBER OF 1970?
 (21) A YES, SIR.
 (22) Q JUST SO - IN PARTICULAR THE DRUMS OF 153
 (23) THAT YOU SAW IN AUGUST OR SEPTEMBER OF
 1970, WHEN YOU
 (24) TOURED THE WAREHOUSE, HAD AFFIXED THIS
 LABEL?
 (25) A YES.
 (26) Q EXHIBIT 722.
 (27) AND THIS LABEL, EXHIBIT 719?
 (28) A YES, DEFINITELY.

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- (1) Q NOW, I BELIEVE RIGHT AT THE BREAK, SIR -
 (2) IF YOU WILL GO BACK TO TRANSWESTERN 174.
 (3) IF YOU WOULD TURN TO PAGE 5 OF THAT
 (4) EXHIBIT, PLEASE.
 (5) A I HAVE IT.
 (6) Q UNDER THE ACTION PLAN ON PCB'S, SIR, ONE
 (7) OF THE OBJECTIVES WAS TO FIND REPLACEMENT
 PRODUCTS
 (8) WHEREVER POSSIBLE; IS THAT CORRECT?
 (9) A YES.
 (10) Q AND WERE REPLACEMENT PRODUCTS
 CONSIDERED
 (11) FOR TURBINOL-153?
 (12) A YES.
 (13) Q ALL RIGHT. AND WAS 1016 ONE POSSIBLE
 (14) SUBSTITUTE FOR 1242 THAT WAS CONSIDERED FOR
 THAT
 (15) PRODUCT?
 (16) A YES.
 (17) Q WHAT BECAME OF THAT EFFORT WITH RESPECT
 (18) TO 1016, IN PARTICULAR?
 (19) A WELL, BY THE TIME AROCLOR 1016 WAS
 (20) AVAILABLE COMMERCIALY, THE PROGRAM WHICH
 INVOLVED
 (21) LOOKING AT PHOSPHATE ESTERS FOR FLUIDS WAS
 QUITE
 (22) SUCCESSFUL.
 (23) WE WERE QUITE OPTIMISTIC THAT WE WERE
 (24) GOING TO COME UP WITH A PHOSPHATE ESTER THAT
 WAS
 (25) BETTER THAN ANYTHING ALREADY ON THE
 MARKETPLACE.
 (26) THIS WAS FAIRLY LATE IN '71, AS I
 (27) RECALL.
 (28) SO RATHER THAN GOING TO A CHLORINATED

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- (1) MATERIAL LIKE AROCLOR 1016, IT WAS DECIDED THAT
 FOR A
 (2) TURBINOL-TYPE FLUID THAT THE PHOSPHATE ESTER,
 IF IT'S
 (3) AS GOOD AS IT LOOKS, WILL BE BETTER THAN THE
 ONE WITH
 (4) THE 1016.
 (5) SO THE EMPHASIS WAS SWITCHED TO LOOKING
 (6) AT PHOSPHATE ESTERS INSTEAD OF CHLORINATED
 (7) CHEMICALS.
 (8) Q AND THIS MEMO IS AUGUST, '70.
 (9) IS THE NC PHOSPHATE ESTER THE PRODUCT
 (10) THAT MONSANTO WAS LOOKING AT AT THAT TIME
 IN HOPES OF
 (11) DEVELOPING?
 (12) A YES.
 (13) Q TAKING IT A YEAR FROM THE DATE OF THIS
 (14) MEMO, SAY, LATE '71, HAD THIS PHOSPHATE ESTER
 (15) MATERIAL REACHED THE STAGE OF COMMERCIAL
 (16) AVAILABILITY?
 (17) A TO A LIMITED AMOUNT, YES.
 (18) Q IN WHAT AREAS?
 (19) A IT WAS BEING USED IN SOME OF THE PYDRAUL
 (20) PRODUCTS AT MONSANTO, BLENDED.
 (21) Q HOW ABOUT IN ANY APPLICATION SUCH AS FOR
 (22) GAS TURBINES?
 (23) A WELL, IT WAS BEING SERIOUSLY CONSIDERED.
 (24) IF MY MEMORY SERVES ME RIGHT, THERE WAS
 (25) SOME TESTING DONE.
 (26) I THINK ITS FIRE RESISTANCE WAS
 (27) DEMONSTRATED BY THEN.
 (28) BUT THE KEY WAS TO GET THE MANUFACTURER

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- (1) OF THE TURBINES, GENERAL ELECTRIC COMPANY, TO
 ALSO
 (2) CONDUCT ITS TESTS AND APPROVE THE PRODUCT.
 (3) THAT WAS VERY IMPORTANT.
 (4) Q WHY WAS THAT IMPORTANT, SIR?
 (5) A WELL, MONSANTO PERCEIVED IT AS IMPORTANT
 (6) BECAUSE THESE ARE MILLIONS OR DOLLARS OR
 MORE PIECES
 (7) OF EQUIPMENT.
 (8) AND THE PERSON THAT KNOWS THE MOST ABOUT
 (9) IT IS THE PERSON THAT MANUFACTURED IT.
 (10) AND THAT WAS CERTAINLY IN THIS CASE
 (11) GENERAL ELECTRIC.
 (12) AND THEY KNOW BETTER THAN ANYONE ELSE
 (13) WHAT IS INVOLVED IN THAT WHOLE SYSTEM, NOT
 JUST THE
 (14) FLUID ITSELF.
 (15) Q OKAY. COULD YOU TAKE A LOOK AT
 (16) TRANSWESTERN 209, PLEASE.
 (17) A I HAVE IT.
 (18) Q ALL RIGHT. AND COULD YOU IDENTIFY THIS
 (19) FOR US, PLEASE.
 (20) A THIS IS A MEMORANDUM FROM MR. C. L.
 (21) BRADFORD ADDRESSED TO ME DATED SEPTEMBER
 16, 1971
 (22) AND - THE SUBJECT IS "PCB WORK-STATUS."
 (23) Q OKAY. AND MR. BRADFORD HELD WHAT TYPE OF
 (24) POSITION AT MONSANTO AT THE TIME, SIR?
 (25) A HE WAS IN THE MARKETING DEPARTMENT IN
 (26) ST. LOUIS THAT CONCERNED ITSELF WITH THE
 TECHNICAL
 (27) MATTERS RELATING TO PRODUCTS USED IN
 HYDRAULIC
 (28) SYSTEMS, LUBRICATING SYSTEMS.

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- (1) Q ALL RIGHT. AND WOULD HE BE UNDER NORM
 (2) JOHNSON'S SUPERVISION?
 (3) A HE WAS, YES.
 (4) Q ALL RIGHT. COULD YOU TURN TO THE SECOND
 (5) PAGE, PLEASE.
 (6) A ALL RIGHT.
 (7) Q AND THE FOURTH PARAGRAPH.
 (8) A DO YOU WANT ME TO READ THAT?
 (9) Q YES, PLEASE.
 (10) A "ON TURBINOL-153 WE DO NOT PLAN TO
 (11) APPROACH TEXAS EASTERN UNTIL WE HAVE
 RECEIVED
 (12) APPROVAL FROM GENERAL ELECTRIC FOR USE OF
 ONE OF OUR
 (13) NEW NC ESTERS IN GAS TURBINES."
 (14) Q WHAT WAS YOUR UNDERSTANDING OF THIS
 (15) PARAGRAPH UPON RECEIVING THE MEMO, SIR?
 (16) A I UNDERSTOOD THAT AS ONE OF POINTING OUT
 (17) THAT GENERAL ELECTRIC'S APPROVAL WAS THE KEY
 NEED
 (18) HERE.
 (19) WE COULDN'T REALLY APPROACH TEXAS EASTERN
 (20) WITHOUT HAVING THE BLESSING, IF YOU WILL, FROM
 (21) GENERAL ELECTRIC THAT THIS MATERIAL WILL
 OPERATE
 (22) PROPERLY IN THE EQUIPMENT THEY DESIGNED.
 (23) Q THE PHOSPHATE ESTER THAT WE TALKED
 ABOUT,
 (24) THAT IS ALSO FIRE RESISTANT?
 (25) A NO.
 (26) YES, YES.
 (27) I'M THINKING OF THE OILS.
 (28) PHOSPHATE ESTER IS FIRE RESISTANT.

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- (1) Q DO YOU RECALL EARLIER THAT WE TALKED
(2) ABOUT DR. RISEBROUGH BOTH IN THE CONTEXT OF
(3) HIS FINDINGS IN 1968 WITH RESPECT TO THE
(4) PEREGRINE FALCONS?
(5) A I RECALL THAT.
(6) Q AND MARINE WILDLIFE?
(7) A YES.
(8) Q ALL RIGHT. AND YOU SAID THAT YOU HAD HAD
(9) A VISIT WITH HIM AND DR. OLCUTT EARLIER?
(10) A YES.
(11) Q DID YOU HAVE A SUBSEQUENT VISIT WITH
(12) DR. RISEBROUGH?
(13) A WELL, THERE WERE - I MET WITH
(14) DR. RISEBROUGH MANY TIMES.
(15) I KNOW HE CAME TO ST. LOUIS.
(16) WE HAD A FULL-DAY SESSION WITH HIM AND
(17) TWO OTHER SCIENTISTS. I FORGET THEIR NAMES
(18) NOW.
(19) Q AT SOME POINT DID DR. RISEBROUGH ASK YOU
(20) OR MONSANTO FOR MONSANTO'S PRODUCTION
(21) FIGURES ON PCB'S?
(22) A YES, HE DID.
(23) Q AND WHAT WAS THE EXPRESS PURPOSE THAT
(24) DR. RISEBROUGH GAVE TO YOU FOR THAT
(25) REQUEST?
(26) A WELL, HE BELIEVED THAT HE NEEDED THOSE
(27) NUMBERS IN ORDER TO -
(28) MR. TALLON: I WILL OBJECT TO HIS BELIEF, YOUR
(29) HONOR.
(30) THE COURT: SUSTAINED.

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- (1) Q BY MR. PREUSS: WERE THE PRODUCTION
(2) FIGURES PROVIDED TO DR. RISEBROUGH, SIR?
(3) A THEY WERE NOT.
(4) Q WERE THEY ULTIMATELY PROVIDED TO HIM,
(5) SIR?
(6) A YES.
(7) Q ALL RIGHT. AND INITIALLY WHY WERE THEY
(8) NOT?
(9) A WELL, IT'S MONSANTO'S POLICY NOT TO
(10) MENTION PRODUCTS BY CUSTOMERS, BY AMOUNTS,
(11) WITHOUT CUSTOMER APPROVAL OR PERMISSION.
(12) Q AND WHY IS THAT, SIR?
(13) A PRIMARILY BECAUSE OF THE COMPETITIVENESS
(14) THAT IS OUT THERE IN THE MARKETPLACE AND OUR
(15) CUSTOMERS DON'T WANT OTHERS TO KNOW WHAT
(16) INGREDIENT IS USED IN MATERIALS OR HOW MUCH BECAUSE
(17) THAT TELLS THE COMPETITOR WHAT THE MARKETPLACE IS LIKE.
(18) THAT IS ABOUT IT.
(19) IT HAS TO DO WITH COMPETITION IN THE
(20) MARKETPLACE FOR THE PRODUCTS OUR
(21) CUSTOMERS ARE PRODUCING.
(22) Q WOULD YOU TAKE A LOOK AT EXHIBIT 586,
(23) PLEASE.
(24) A I HAVE IT.
(25) Q ALL RIGHT. AND DID YOU SEND THIS LETTER
(26) TO DR. RISEBROUGH ON OR ABOUT NOVEMBER 30,
(27) 1971?
(28) A I DID.
(29) Q DID YOU PROVIDE HIM WITH A COPY OF THE

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- (1) PRESS RELEASE?
(2) A I DID.
(3) Q ALL RIGHT. CAN YOU TAKE A LOOK AT 587,
(4) PLEASE.
(5) A I HAVE IT.
(6) Q AND IS THAT THE PRESS RELEASE THAT WAS
(7) ENCLOSED IN YOUR LETTER TO DR. RISEBROUGH?
(8) A IT IS.
(9) Q AND COULD YOU READ THE FIRST PARAGRAPH
(10) FOR US, PLEASE.
(11) A "MONSANTO COMPANY ANNOUNCED TODAY IT HAS
(12) RELEASED FIGURES TO THE UNITED STATES
(13) DEPARTMENT OF COMMERCE SHOWING THE COMPANY'S U.S.
(14) PRODUCTION AND SALES OF POLYCHLORINATED BIPHENYL (PCB) FROM
(15) 1960 THROUGH ESTIMATED 1971."
(16) Q AND THE DATE OF THIS PRESS RELEASE?
(17) A NOVEMBER 30, 1971.
(18) Q OKAY. AND THE THIRD PARAGRAPH, COULD YOU
(19) READ THAT, PLEASE.
(20) A "THE REPORT ALSO SHOWS MONSANTO'S
(21) VOLUNTARILY REDUCED ITS NON-ELECTRICAL SALES
(22) OF PCB FROM THE HIGH OF 16,000 TONS IN 1970 TO 4,400
(23) TONS IN 1971.
(24) "SUBSTANTIAL REDUCTION - SUBSTANTIAL
(25) FURTHER REDUCTION WILL BE ACCOMPLISHED IN
(26) 1972, THE COMPANY SAID."
(27) Q AND THEN COULD YOU READ THE QUOTE AT THE
(28) BOTTOM THAT IS ATTRIBUTED TO MR. CUNNINGHAM, THE

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- (1) FIRST PAGE THERE.
(2) A "AS PART OF OUR CONTROL PROGRAM THE DATA
(3) WERE ORIGINALLY PREPARED FOR THE FEDERAL PCB
(4) JOINT TASK FORCE AND OTHER CONCERNED CITIZENS FOR
(5) USE" -
(6) Q COULD YOU RE-READ THAT ONE.
(7) A "CONCERNED SCIENTISTS FOR USE ON A
(8) CONFIDENTIAL BASIS SO SCIENTISTS CAN PROPERLY
(9) EVALUATE THE FIGURES AND RELATE THEM TO
(10) IMPACT ON THE ENVIRONMENT."
(11) Q AND CONTINUE ONTO THE NEXT PAGE.
(12) A "MONSANTO HAS NOW CHOSEN TO RELEASE THE
(13) FIGURES PUBLICLY BECAUSE SCIENTISTS HAVE
(14) CONTINUED TO EXPRESS A NEED FOR THE DATA TO MAKE A PROPER
(15) ESTIMATE HOW MUCH PCB MIGHT BE IN THE ENVIRONMENT.
(16) "WE ALSO BELIEVE THE FIGURES WILL INFORM
(17) THE PUBLIC ABOUT MONSANTO'S POSITIVE ACTIONS
(18) TO LIMIT THE SALE OF PCB'S TO CONFINED APPLICATIONS,
(19) THE COMPANY EXECUTIVE SAID."
(20) Q AND IS THERE AN ATTACHMENT TO THAT, SIR?
(21) A YES, SIR.
(22) Q ARE THOSE THE PRODUCTION FIGURES?
(23) A YES.
(24) Q AND IS THIS WHAT WAS PROVIDED, THEN, TO
(25) DR. RISEBROUGH AND THE GOVERNMENT?
(26) A YES.
(27) Q WOULD YOU TAKE A LOOK AT 715, PLEASE.
(28) IF YOU WOULD, MR. PAPAGEORGE, JUST TAKE A
(29) GLANCE THROUGH IT.

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- (1) MY ONLY QUESTION WOULD BE WHETHER YOU
(2) WERE THE AUTHOR OF THIS DOCUMENT.
(3) A YES, I WAS.
(4) Q AND CAN YOU PLACE IT IN POINT OF TIME,
(5) PLEASE.
(6) A THIS WAS PREPARED IN APRIL OF 1970 FOR
(7) PRESENTATION TO THE CMC LATER THAT MONTH.
(8) Q THANK YOU, SIR.
(9) NOW, IF YOU WOULD, GO TO 581, PLEASE.
(10) CAN YOU IDENTIFY THIS MEMO FOR US,
(11) PLEASE.
(12) A THIS IS A MEMORANDUM DATED NOVEMBER 16,
(13) 1971, AUTHORED BY T. L. GOSSAGE, ADDRESSED TO
(14) C. P. CUNNINGHAM.
(15) Q AND MR. CUNNINGHAM WAS MENTIONED IN THE
(16) PRESS RELEASE, SIR.
(17) WHAT WAS MR. CUNNINGHAM'S POSITION WITH
(18) THE COMPANY IN NOVEMBER OF 1971?
(19) A HE WAS A VICE-PRESIDENT AND MANAGING
(20) DIRECTOR OF THE OPERATING UNIT IN MONSANTO
THAT WAS
(21) RESPONSIBLE FOR PCB-TYPE PRODUCTS.
(22) Q AND MR. GOSSAGE, THE AUTHOR OF THE MEMO,
(23) HELD WHAT POSITION?
(24) A HE WAS THE DIRECTOR OF MARKETING OF THE
(25) BUSINESS GROUP THAT WAS INVOLVED WITH
PCB-TYPE
(26) PRODUCTS.
(27) Q AND YOU RECEIVED A COPY OF THIS MEMO?
(28) A I DID.

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- (1) Q AND THERE IS A DISCUSSION OF APPROVED
(2) CUSTOMERS AND LIST OF APPROVED CUSTOMERS.
(3) COULD YOU TELL US WHAT THIS IS ALL ABOUT,
(4) SIR.
(5) A THIS WAS A PROGRAM FOR LISTING THOSE
(6) CUSTOMERS OF MONSANTO'S PCB-TYPE PRODUCTS
THAT IN
(7) MONSANTO'S OPINION WERE RESPONSIBLE AND
CAPABLE OF
(8) CARRYING OUT THE RESPONSIBILITIES REGARDING
KEEPING
(9) PCB'S OUT OF THE ENVIRONMENT AND PROPERLY
USED AND
(10) HANDLED.
(11) Q WAS THERE AN ACTUAL LIST WHERE
CUSTOMERS
(12) WERE PUT ON A LINE?
(13) A YES, THEY WERE.
(14) Q AND WHEN DID THIS APPROVED LIST PROCESS
(15) GET IMPLEMENTED AT MONSANTO?
(16) A I DON'T RECALL THE EXACT DATES, BUT IT
(17) WAS -
(18) Q MAYBE IF YOU TAKE A LOOK AT THE SECOND
(19) PARAGRAPH, THAT MIGHT REFRESH YOUR
RECOLLECTION A
(20) BIT.
(21) A WELL, IT WAS - YEAH, JUST PRIOR TO THE
(22) DATE OF THIS MEMO.
(23) IT REFERS TO NOVEMBER 9TH THERE.
(24) Q OKAY. AND THEN COULD YOU READ THE
(25) SENTENCE RIGHT AFTER THAT THAT SAYS, "PRIOR
TO THAT
(26) TIME."
(27) A "PRIOR TO THAT TIME AND SINCE THE EAST
(28) COAST TERMINAL EPISODE, WE HAVE BEEN
APPROVING ORDERS

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- (1) ON A CASE-BY-CASE BASIS, EACH ORDER REQUIRING THE
- (2) APPROVAL OF THE PRODUCT GROUP PLUS EITHER BILL
- (3) PAPAGEORGE OR ME."
- (4) **Q AND WHY WAS THIS PROCEDURE FOR APPROVING**
- (5) **ORDERS ADOPTED ON A CASE-BY-CASE BASIS?**
- (6) A THAT IS TO GIVE US THE CHANCE TO EVALUATE
- (7) ON A CASE-BY-CASE BASIS THE SPECIFIC CUSTOMER, THE
- (8) TYPE OF PRODUCT HE WAS GETTING, THE AMOUNT, WHAT HE
- (9) WAS DOING WITH IT AND HOW HE UNDERSTOOD AND CARRIED
- (10) OUT HIS PROGRAM FOR KEEPING THE PCB'S UNDER CONTROL.
- (11) **Q THERE IS A REFERENCE IN THAT SENTENCE**
- (12) **THAT YOU JUST READ TO THE "EAST COAST TERMINAL**
- (13) **EPISODE."**
- (14) **CAN YOU BRIEFLY TELL US THAT, WHAT THAT**
- (15) **WAS ALL ABOUT.**
- (16) A THIS WAS THE INCIDENT IN WHICH FISH MEAL
- (17) FROM PERU WAS BEING PASTEURIZED BY A HEAT TRANSFER
- (18) SYSTEM.
- (19) WE TALKED ABOUT IT THE OTHER DAY.
- (20) PCB'S GOT INTO THE FISH MEAL.
- (21) THE FISH MEAL GOT INTO THE POULTRY FOOD
- (22) AND INTO THE FLOCKS OF POULTRY.
- (23) **Q I SEE.**
- (24) **DID THE GOVERNMENT GET INVOLVED WITH THAT**
- (25) **EPISODE?**
- (26) A OH, YES, YES.
- (27) **Q HOW DID THEY GET INVOLVED, IF YOU KNOW?**
- (28) A MONSANTO CALLED THE FDA AND TOLD THEM.

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- (1) **Q ALL RIGHT. WAS ONE OF THE APPROVED**
- (2) **CUSTOMERS ON THE LIST TEXAS EASTERN TRANSMISSION**
- (3) **CORPORATION?**
- (4) A YES.
- (5) **Q AND THAT WAS WITH RESPECT TO**
- (6) **TURBINOL-153?**
- (7) A YES.
- (8) **Q NOW, SUBSEQUENT TO NOVEMBER OF 1961 DID**
- (9) **THE MANAGEMENT COMMITTEE OF MONSANTO TAKE FURTHER**
- (10) **ACTION TO CONTROL THE USE OF ITS PRODUCTS?**
- (11) A YES, IT DID.
- (12) **Q AND WHAT ACTION DID IT TAKE?**
- (13) A IT WAS DECIDED THAT IN SPITE OF ALL
- (14) MONSANTO'S ATTEMPTS TO CONDUCT A PROGRAM WHERE
- (15) CONTROL OF PCB'S WAS ASSURED AND PROPER USE AND
- (16) HANDLING WAS IN PLACE THIS EAST COAST TERMINAL
- (17) INCIDENT INDICATED THAT THERE ARE JUST TOO MANY
- (18) CUSTOMERS OUT THERE FOR MONSANTO TO REALLY BE IN
- (19) CONTROL, TOO MUCH GOING ON.
- (20) IT WAS DECIDED THAT MONSANTO WOULD STOP
- (21) ALL PCB SALES EXCEPT TO THE DIELECTRIC USE WHERE
- (22) THERE WAS NO SUBSTITUTE AVAILABLE.
- (23) AND MONSANTO DIDN'T WANT TO CREATE FIRES
- (24) AND EXPLOSIONS AND ELECTRIC BLACKOUTS AND BROWNOUTS.

- (25) **Q ALL RIGHT. AND WHEN DID THE MANAGEMENT**
- (26) **COMMITTEE OF MONSANTO TAKE THIS ACTION?**
- (27) A AS I REMEMBER, IT WAS ABOUT DECEMBER,
- (28) '71.

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- (1) **Q AND WERE THERE ANY EXCEPTIONS TO THE**
- (2) **ELECTRICAL INDUSTRY?**
- (3) A YEAH, THERE WAS ONE.
- (4) **Q AND WHAT WAS THAT EXCEPTION?**
- (5) A THAT EXCEPTION WAS TEXAS EASTERN.
- (6) **Q AND WHAT WAS THE REASON FOR THAT**
- (7) **EXCEPTION, SIR?**
- (8) A WELL, MONSANTO CAN'T GIVE - FIRST WE
- (9) RECOGNIZED, TOO, THAT THIS APPLICATION WAS IMPORTANT
- (10) REGARDING SAFETY AND ALL.
- (11) WE WANTED TO GIVE TEXAS EASTERN A CHANCE
- (12) TO SIGN ON UNDER THE TERMS THAT THE ELECTRICAL PEOPLE
- (13) WERE ASKED TO.
- (14) BUT AT THE SAME TIME, WHEN SIGNING ON
- (15) WITH THE UNDERSTANDING THAT THERE WERE ACCEPTABLE
- (16) SUBSTITUTES FOR THIS USE, THAT TEXAS EASTERN MIGHT
- (17) WANT TO USE A SIX-MONTH PERIOD TO CONDUCT A
- (18) TRANSITION.
- (19) SO THE AGREEMENT WAS TO BE IN EXISTENCE
- (20) FOR SIX MONTHS AFTER SIGNING, AS I - YES.
- (21) **Q ALL RIGHT. COULD YOU TAKE A LOOK AT**
- (22) **TRANSWESTERN 229, THESE.**
- (23) A I HAVE IT.
- (24) **Q ALL RIGHT. AND CAN YOU IDENTIFY THIS**
- (25) **DOCUMENT FOR US, PLEASE.**
- (26) A THIS IS A LETTER, MONSANTO LETTERHEAD,
- (27) DATED JANUARY 7TH, 1972, AUTHORED BY C. LARRY
- (28) BRADFORD, ADDRESSED TO MR. TED HARRISON AT TEXAS

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- (1) EASTERN TRANSMISSION CORPORATION.
- (2) **Q AND THIS IS THE SAME MR. BRADFORD WHOM**
- (3) **WE**
- (4) **DISCUSSED A MINUTE AGO?**
- (5) A YES.
- (6) **Q AND THIS LETTER INDICATES A COPY OF A**
- (7) **PROPOSED AGREEMENT.**
- (8) **IS THAT WHAT YOU HAD REFERENCE TO**
- (9) **EARLIER?**
- (10) A YES.
- (11) **Q AND WHAT WAS THE TITLE OF THIS PROPOSED**
- (12) **AGREEMENT?**
- (13) A SPECIAL UNDERSTANDING BY PURCHASERS OF
- (14) LUBRICANTS CONTAINING POLYCHLORINATED BIPHENYLS.
- (15) **Q ALL RIGHT. AND IF YOU WOULD, SIR, WOULD**
- (16) **YOU READ THE FIRST PARAGRAPH FOR US.**
- (17) A MONSANTO COMPANY, "MONSANTO,"
- (18) MANUFACTURERS A FIRE-RESISTANT TURBINE LUBRICANT,
- (19) TURBINOL-153 WHICH CONTAINS MAJOR AMOUNTS OF CERTAIN
- (20) POLYCHLORINATED BIPHENYL PRODUCTS (PCB'S) WHICH TEXAS
- (21) EASTERN TRANSMISSION CORPORATION (BUYER) DESIRES TO
- (22) PURCHASE.
- (23) WHILE BUYER DESIRES TO PURCHASE
- (24) TURBINOL-153 BECAUSE OF ITS OUTSTANDING
- (25) FIRE-RESISTANT PROPERTIES, BUYER ACKNOWLEDGES THAT IT
- (26) IS AWARE AND HAS BEEN ADVISED BY MONSANTO THAT

(26) TURBINOL-153 CONTAINS PCB'S AND THAT PCB'S TEND TO
 (27) PERSIST IN THE ENVIRONMENT, THAT CARE IS REQUIRED IN
 (28) THEIR HANDLING, POSSESSION, USE AND DISPOSITION, THAT

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(1) TOLERANCE LIMITS HAVE BEEN AND ARE BEING ESTABLISHED
 (2) FOR PCB'S IN VARIOUS FOOD PRODUCTS. "
 (3) **Q OKAY. THEN, IF YOU WOULD, SIR, WOULD YOU BE GOOD ENOUGH TO READ THE THIRD PARAGRAPH.**
 (5) **CONTINUE ON TO THE NEXT PAGE.**
 (6) A "ACCORDINGLY, BUYER HEREBY COVENANTS AND (7) AGREES THAT WITH RESPECT TO ANY AND ALL TURBINOL-153
 (8) SOLD OR DELIVERED BY OR ON BEHALF OF MONSANTO TO
 (9) BUYER ON OR AFTER JANUARY 15, 1972 AND IN (10) CONSIDERATION OF ANY SUCH SALE OR DELIVERY BUYER WILL
 (11) DEFEND, INDEMNIFY AND HOLD HARMLESS MONSANTO, ITS
 (12) PRESENT, PAST AND FUTURE DIRECTORS, OFFICERS, (13) EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL
 (14) LIABILITIES, CLAIMS, DAMAGES, PENALTIES, ACTIONS, (15) SUITS, LOSSES, COSTS AND EXPENSES ARISING OUT OF OR
 (16) IN CONNECTION WITH THE RECEIPT, PURCHASE, POSSESSION,
 (17) HANDLING, USE, SALE OR DISPOSITION OF TURBINOL-153
 (18) BY, THROUGH OR UNDER BUYER, WHETHER ALONE OR IN
 (19) COMBINATION WITH OTHER SUBSTANCES, INCLUDING, WITHOUT
 (20) IMPLIED LIMITATION, ANY CONTAMINATION OF OR ADVERSE
 (21) EFFECT ON HUMANS, MARINE AND WILDLIFE, FOOD, ANIMAL
 (22) FEED, OR THE ENVIRONMENT BY REASON OF SUCH
 (23) TURBINOL-153 OR THE PCB'S CONTAINED THEREIN."
 (24) **Q ALL RIGHT. AND THE FIRST SENTENCE OF THE NEXT PARAGRAPH, PLEASE.**
 (26) A "MONSANTO WILL NOT SUPPLY ANY
 (27) TURBINOL-153 AFTER JUNE 30, 1972."
 (28) **Q DID YOU HAVE AN UNDERSTANDING AS TO**

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(1) **WHETHER THIS WAS TO APPLY TO SALES THAT HAD BEEN MADE**
 (2) **PRIOR TO THIS TIME?**
 (3) A NO, NO.
 (4) THIS APPLIES TO SALES AFTER THE DATE
 (5) MENTIONED, JANUARY 15.
 (6) **Q AND DO YOU HAVE AN UNDERSTANDING AS TO**
 (7) **WHETHER TEXAS EASTERN SIGNED THIS AGREEMENT?**
 (8) A THEY DID NOT SIGN IT.
 (9) **Q MR. PAPAGEORGE, WHAT I WOULD LIKE TO DO**
 (10) **NOW IS TO SHOW YOU A TIMELINE AND MAKE SURE THAT YOU**
 (11) **AGREE WITH THE TIMES AND THE DATES INDICATED THERE,**
 (12) **EXHIBIT 781.**
 (13) **ALL RIGHT. WHAT I WOULD LIKE YOU TO**
 (14) **FOCUS ON, SIR, IF YOU WOULD, PLEASE, AND BRIEFLY TAKE**
 (15) **US THROUGH THAT AND CONFIRM FOR US, THE DATES THAT**
 (16) **HAVE THE GREEN ON THEM WHICH DEAL WITH**

MONSANTO

(17) **ACTIONS.**
 (18) **AND BEGINNING WITH 1966, IF YOU WOULD.**
 (19) **AND BASED ON YOUR UNDERSTANDING AND YOUR**
 (20) **INVESTIGATION AND YOUR DISCHARGE OF YOUR**
 (21) **RESPONSIBILITIES AS MANAGER OF ENVIRONMENTAL CONTROL,**
 (22) **CONFIRM THE DATES THAT ARE INDICATED IN THIS**
 (23) **CHRONOLOGY OF EVENTS, '58 TO '72.**
 (24) A I WILL TRY.
 (25) AS BEST AS MY RECOLLECTION WILL HELP ME,
 (26) THIS IS A GOOD DATE AS IT RELATES TO INFORMATION FROM
 (27) THE WORK OF DR. WIDMARK AND MR. JENSEN.
 (28) **Q OKAY.**

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(1) A YES, THIS IS THE MONTH DURING WHICH
 (2) MR. DAVID WOOD DID VISIT WITH MR. JENSEN AND
 (3) DR. WIDMARK.
 (4) **Q PERHAPS, IF YOU COULD, BE KIND ENOUGH,**
 (5) **SIR, TO JUST SPELL OUT THE DATE OR WHATEVER THE DATE**
 (6) **IS AND EITHER CONFIRM IT SO WE HAVE THAT.**
 (7) **AT LEAST IT'S HARD WITH MY EYES TO SEE IT**
 (8) **FROM HERE.**
 (9) A VERY GOOD.
 (10) JANUARY, 1967. THAT IS WHEN DAVID WOOD
 (11) MADE HIS VISIT TO SWEDEN.
 (12) **Q OKAY.**
 (13) A IN 1967, ABOUT THE THIRD QUARTER OF THAT,
 (14) 1967 IS WHEN DR. SCOTT TUCKER JOINED MONSANTO AND
 (15) BECAME THE PRINCIPAL PERSON IN CHARGE OF ANALYTICAL
 (16) RESEARCH FOR PCB'S.
 (17) IN 1968, AS A RESULT OF DR. TUCKER'S WORK
 (18) AND ALL, MONSANTO ACQUIRED SOME NEW ANALYTICAL
 (19) EQUIPMENT, BETTER EQUIPMENT TO EVALUATE THE FINDINGS
 (20) THAT WE HAD LEARNED ABOUT FROM THE SWEDISH WORK.
 (21) IN MAY OF 1969, YEAH, MONSANTO'S
 (22) DR. RICHARD, MR. WHEELER AND DR. KELLER VISITED THE
 (23) PCB RESEARCHERS WE KNEW OF IN EUROPE AND THAT, OF
 (24) COURSE, INCLUDED A VISIT WITH PROFESSOR WIDMARK.
 (25) AND, OF COURSE, THE EMPHASIS AT THAT TIME
 (26) WAS STILL ON THE FIVE- AND SIX-TYPE CHLORINES.
 (27) IN AUGUST 25TH OF 1969 THE PCB AD HOC
 (28) COMMITTEE WAS FORMED. THAT IS THE ONE THAT WAS

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- (1) INITIALLY CALLED A PCB TASK FORCE. IT WAS FORMED.
- (2) ON NOVEMBER 17 MONSANTO MANAGEMENT MADE A
- (3) PRESENTATION TO ITS CORPORATE MANAGEMENT COMMITTEE
- (4) AND THE CORPORATE MANAGEMENT COMMITTEE ADOPTED THAT
- (5) 12-POINT PROGRAM AND THAT REPORT THAT WAS MADE WAS
- (6) BASED ON THE PREVIOUS REPORT PUT TOGETHER BY THE AD
- (7) HOC COMMITTEE.
- (8) ON JANUARY FIRST I SHOWED UP ON THE JOB
- (9) AS ONE OF THE APPROVED POINTS IN THAT 12-POINT
- (10) PROGRAM.
- (11) IN APRIL - NO - YES. IN APRIL I MADE A
- (12) PRESENTATION TO THE CMC TO RESTRICT SALES TO CERTAIN
- (13) PCB USES.
- (14) AND ON APRIL 3RD - THIS IS A LITTLE BIT
- (15) INCORRECT IN THAT WE DIDN'T ADD THE LABELS ON APRIL
- (16) 3RD. THE DECISION WAS MADE TO PREPARE LABELS FOR USE
- (17) LATER ON.
- (18) SO THAT -
- (19) **Q WHAT SHOULD THAT DATE BE, IN MAY?**
- (20) A I WOULD SUGGEST ABOUT MAY - I DON'T HAVE
- (21) AN EXACT DATE, ABOUT THE MIDDLE OF MAY.
- (22) **Q MAY 15?**
- (23) A THAT IS FAIRLY CLOSE.
- (24) **Q JUST A MINUTE, THEN. LET ME STICK THAT**
- (25) **ON.**
- (26) **OKAY. COULD YOU CONTINUE, THEN.**
- (27) A THIS ITEM I'M POINTING TO NOW, APRIL,
- (28) 1970, IF I READ THIS CORRECTLY, SEEMS TO ME IT ALSO

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- (1) COVERED THE APRIL 20.
- (2) **Q THAT WOULD BE -**
- (3) A THAT APRIL 20 DATE IS, AS I SEE IT NOW,
- (4) IS INCORRECT.
- (5) BECAUSE THE CMC DIDN'T RESTRICT PCB SALES
- (6) TO CLOSED SYSTEMS ON APRIL 20.
- (7) IT WAS IN A MAY MEETING THAT JOHN MASON
- (8) SPOKE TO THEM ON.
- (9) **Q SO THAT SHOULD BE MAY AS WELL?**
- (10) A THIS SHOULD BE MAY 11TH.
- (11) **Q ALL RIGHT. AND CONTINUING.**
- (12) A MAY 11TH UP HERE IS THE DATE WHEN
- (13) MR. MASON MADE HIS PRESENTATION TO THE CMC.
- (14) IT WAS APPROVED ON THAT DATE.
- (15) SO THIS MAY 19TH DATE, AS IT REFERS TO
- (16) APPROVAL, IS INCORRECT.
- (17) THAT SHOULD BE THE 11TH.
- (18) **Q IT IS ONE AND THE SAME?**
- (19) A THIS IS THE SAME.
- (20) MAY 19TH IS WHEN THE EUROPEAN OPERATION
- (21) IN MONSANTO WAS INFORMED OF THAT DECISION.
- (22) THAT IS WHERE THAT DATE COMES FROM.
- (23) **Q OKAY.**
- (24) A ON SEPTEMBER 14TH OF 1970 THE PROGRESS
- (25) REPORT WAS MADE BY MR. MASON TO THE CMC AND SO THIS
- (26) IS ACCURATE.
- (27) **Q OKAY.**
- (28) A THEN IN COMPLIANCE WITH CMC'S REQUEST TO

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- (1) REPORT AGAIN IN THE FIRST QUARTER OF THE FOLLOWING
- (2) YEAR ON MARCH 8TH - I'M SORRY - WELL, MARCH 8TH
- (3) ITEM HERE SHOWS THE AMOUNT OF PCB'S THAT WERE SOLD IN
- (4) '69 AND HOW IT WAS REDUCED TO ALMOST HALF, FROM 75
- (5) MILLION TO 45 MILLION BY 1971.
- (6) **Q OKAY.**
- (7) A IN MAY OF '71 IT DESCRIBES THE SALES
- (8) PROGRAM OF MONSANTO AS OF THAT DATE WHICH INCLUDED
- (9) TEXAS EASTERN.
- (10) THERE WERE SOME SELECTED CLOSED-HEAT
- (11) TRANSFER APPLICATIONS AND THE ELECTRICAL
- (12) APPLICATIONS.
- (13) **Q THOSE WERE STILL THE APPROVED CUSTOMERS, AS OF THAT TIME?**
- (14) A RIGHT.
- (15) **Q OKAY. DECEMBER 27TH, '71, THIS DECISION**
- (16) **WE DISCUSSED EARLIER THAT WE WOULD TERMINATE ALL PCB**
- (17) **SALES EXCEPT FOR THE ELECTRICAL APPLICATIONS AND THEN**
- (18) **PROVIDED AN OPPORTUNITY FOR TEXAS EASTERN, JANUARY**
- (19) **14, TO SIGN THIS SPECIAL ARRANGEMENT FOR A SIX-MONTH**
- (20) **PERIOD TO ALLOW THEM TO MAKE A CHANGEOVER TO A**
- (21) **DIFFERENT MATERIAL.**
- (22) **OKAY. AND THAT IS WHAT WE DISCUSSED WITH MR. BRADFORD'S COVER LETTER?**
- (23) A YES.
- (24) **Q THANK YOU.**
- (25) **DO YOU RECALL WE WERE TALKING ABOUT THE PRODUCTION FIGURES AND MR. CUNNINGHAM'S PRESS RELEASE**

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- (1) **OR MONSANTO'S IN WHICH MR. CUNNINGHAM'S NAME IS**
- (2) **MENTIONED?**
- (3) A YES.
- (4) **Q AND THERE WAS A REFERENCE TO THE INTERDEPARTMENTAL TASK FORCE ON PCB'S?**
- (5) A YES.
- (6) **Q WHAT WAS THAT?**
- (7) A THIS WAS A GROUP OF U.S. EMPLOYEES
- (8) REPRESENTING SOME KEY DEPARTMENTS AND AGENCIES IN THE
- (9) GOVERNMENT.
- (10) I RECALL THE DEPARTMENT OF COMMERCE WAS
- (11) REPRESENTED, THE DEPARTMENT OF AGRICULTURE, THE FOOD
- (12) AND DRUG ADMINISTRATION, THE COUNSEL FOR
- (13) ENVIRONMENTAL QUALITY, THE OFFICE OF SCIENCE AND
- (14) TECHNOLOGY OF THE EXECUTIVE OFFICE OF THE PRESIDENT.
- (15) THE NATIONAL INSTITUTE OF ENVIRONMENTAL
- (16) HEALTH SCIENCES, THE DEPARTMENT OF INTERIOR.
- (17) IT WAS A GOOD REPRESENTATION OF SOME KEY
- (18) GOVERNMENT DEPARTMENTS AND AGENCIES.
- (19) **Q AND WERE THEY GATHERED TOGETHER, THEN, TO**
- (20) **DISCUSS THE PCB ISSUE?**
- (21) A YES.
- (22) **Q AND WHEN WAS IT CREATED?**
- (23) A IT WAS CREATED ABOUT AUGUST OR SEPTEMBER
- (24) OF 1971.

(26) Q AND WAS MONSANTO INVOLVED IN ANY WAY WITH

(27) THIS GROUP?

(28) A YES.

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(1) WE WERE INVITED - MONSANTO WAS INVITED
(2) TO APPEAR BEFORE THIS GROUP IN ABOUT SEPTEMBER,

(3) OCTOBER OF '71.

(4) AND WE, AGAIN, APPEARED BEFORE THIS GROUP

(5) IN MAY OF 1972.

(6) WE MADE PRESENTATIONS TO THIS GROUP OF

(7) PEOPLE.

(8) Q SO MONSANTO MADE TWO PRESENTATIONS; IS

(9) THAT CORRECT?

(10) A YES.

(11) Q AND WERE YOU INVOLVED WITH BOTH OF THOSE?

(12) A YES.

(13) Q AND COULD YOU TAKE A LOOK AT 241,

(14) PLEASE.

(15) DO YOU RECALL WE DISCUSSED THIS THE OTHER

(16) DAY WITH RESPECT TO THE DIAGRAM THAT

SHOWED 1242 AND

(17) ITS BREAKDOWN OF ISOMERS?

(18) A I DO.

(19) Q CAN YOU IDENTIFY THIS DOCUMENT FOR US?

(20) A THIS DOCUMENT IS THE MATERIAL THAT WAS

(21) PRESENTED TO THE INTERDEPARTMENTAL TASK FORCE IN MAY

(22) OF 1972.

(23) Q AND DID THE INTERDEPARTMENTAL TASK FORCE

(24) ISSUE A REPORT AFTER TAKING INFORMATION FROM VARIOUS

(25) SOURCES, INCLUDING MONSANTO?

(26) A YES.

(27) Q AND THAT WAS WHEN?

(28) A I BELIEVE THE DATE OF THAT PUBLICATION IS

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(1) MAY 21ST OF 1972.

(2) Q AND WHAT WERE THE CONCLUSIONS, SIR, AS

(3) YOU UNDERSTOOD THEM?

(4) MR. TALLON: OBJECTION, HEARSAY.

(5) THE COURT: SUSTAINED.

(6) Q BY MR. PREUSS: MR. PAPAGEORGE, AS PART

(7) OF YOUR JOB RESPONSIBILITIES IN THE MID 70'S WAS IT

(8) IMPORTANT FOR YOU TO UNDERSTAND WHAT WAS GOING ON IN

(9) GOVERNMENTAL AGENCIES, BOTH HERE AND ABROAD, WITH

(10) RESPECT TO MAKING DECISIONS WITH YOUR JOB?

(11) A YES.

(12) Q AND WAS THE INTERDEPARTMENTAL TASK FORCE

(13) ON PCB'S A SIGNIFICANT EVENT IN TERMS OF THE

(14) DEVELOPING ISSUES ON PCB AND THE ENVIRONMENT?

(15) A A VERY SIGNIFICANT GROUP, YES.

(16) Q AND DID YOU CONSIDER THE FINDINGS OF THAT GROUP AS PUBLISHED IN 1972 IMPORTANT TO YOU IN ORDER

(18) TO CONTINUE IN YOUR JOB RESPONSIBILITIES AND MAKE

(19) DECISIONS THAT YOU FELT WERE APPROPRIATE FOR

(20) MONSANTO?

(21) A ABSOLUTELY.

(22) Q BASED ON THAT WHAT CONCLUSIONS WERE

(23) ISSUED BY THE INTERDEPARTMENTAL TASK FORCE, AS YOU

(24) UNDERSTOOD THEM TO BE, SIR?

(25) MR. TALLON: SAME OBJECTION.

(26) THE COURT: SUSTAINED.

(27) Q BY MR. PREUSS: FOLLOWING THE ISSUANCE OF

(28) THE REPORT OF THE INTERDEPARTMENTAL TASK FORCE, SIR,

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(1) WERE SALES OF PCB'S IN CONNECTION WITH THE ELECTRICAL

(2) INDUSTRY PERMITTED?

(3) A YES.

(4) Q OKAY. AND AS OF THAT TIME, SIR, WAS THAT

(5) THE ONLY INDUSTRY IN WHICH MONSANTO WAS SELLING ITS

(6) PRODUCTS, PCB PRODUCTS?

(7) A YES.

(8) Q WITH RESPECT TO THE TIMELINE AND THE

(9) EVENTS THAT WE JUST WENT THROUGH AND THE EVENTS THAT

(10) WE HAVE DISCUSSED WITH RESPECT TO THE ACTIONS OF THE

(11) CMC, WERE THOSE DONE ON A VOLUNTARY BASIS BY

(12) MONSANTO, SIR?

(13) A YES, EVERY ONE OF THEM.

(14) Q AND, MR. PAPAGEORGE, WERE YOU PROUD OF

(15) THE ROLE YOU PLAYED IN MONSANTO'S HANDLING OF THE PCB

(16) ENVIRONMENTAL ISSUE?

(17) A YES, I AM.

(18) Q THANK YOU, SIR.

(19) A THE MORE I THINK ABOUT IT, THE MORE PROUD

(20) I AM.

(21) MR. PREUSS: NO FURTHER QUESTIONS, YOUR HONOR.

(22) THE COURT: MR. TALLON?

(23) MR. TALLON: THANK YOU, YOUR HONOR.

(24)

(25) REDIRECT EXAMINATION

(26) BY MR. TALLON:

(27) Q MR. PAPAGEORGE, I TAKE IT FROM YOUR

(28) DISCUSSION OF THE TIMELINE WITH MR. PREUSS THAT WHEN

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(1) YOU WERE WORKING IN YOUR JOB AS MANAGER ENVIRONMENTAL

(2) CONTROL, YOU GOT A LOT OF INFORMATION ABOUT HOW MUCH

(3) PCB MONSANTO SOLD?

(4) A YES.

(5) Q WHO IT WAS SOLD TO?

(6) A WELL, NOT SO MUCH WHO AS THE TYPES OF

(7) APPLICATIONS.

(8) Q SO ELECTRICAL WOULD BE ONE YOU JUST

(9) DISCUSSED?

(10) A YES.

(11) Q WOULD YOU SAY YOU WERE FAMILIAR WITH THE

(12) GROSS SALES ON AN ANNUAL BASIS TO TYPES OF

(13) APPLICATIONS, ROUGHLY FAMILIAR, NOT EXACT?

(14) A I HAD ACCESS TO THAT INFORMATION, YES.

(15) Q OKAY. LET'S LOOK AT TRANSWESTERN 355.

(16) CAN YOU SEE THAT OKAY FROM WHERE YOU ARE SITTING?

(18) A YES, I CAN.

(19) Q SO YOU WOULD AGREE THAT IN 1968 MONSANTO

(20) SOLD ABOUT 50 PERCENT OF ITS PCB'S TO GO INTO

(21) TRANSFORMER AND CAPACITOR FLUIDS, RIGHT?

(22) A SIR, I WOULD HAVE TO HAVE THE TABLES TO

(23) REFRESH MY MEMORY.

(24) IT'S A BIG AMOUNT, BUT I HAVE NO WAY OF

(25) KNOWING WHETHER IT'S 50 PERCENT, 60 PERCENT.

(26) Q YOU DON'T THINK THAT IS FAR OFF, THOUGH?

(27) A WELL, I DON'T KNOW WHAT YOU MEAN BY "FAR

(28) OFF."

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- (1) HOW CLOSE DO YOU WANT THESE NUMBERS?
- (2) Q WELL, I'M ASKING YOU BASED ON ALL THE INFORMATION YOU JUST SAID YOU HAD ABOUT SALES OF PCB
- (4) PRODUCTS, WHETHER YOU THINK THAT IS ROUGHLY
- (5) ACCURATE.
- (6) A "ROUGHLY" IS A GOOD DESCRIPTION, YES.
- (7) Q OKAY. PLASTICIZERS, IS THAT ROUGHLY
- (8) ACCURATE, 17 PERCENT OF SALES?
- (9) A I THOUGHT IT WAS MORE THAN THAT.
- (10) BUT UNLESS I SEE THOSE NUMBERS AGAIN, I
- (11) JUST -
- (12) ALL I KNOW IS WHEN WE TERMINATED IN
- (13) AUGUST OF '70 THESE SALES TO THE OPEN USES, AND THE
- (14) SALES IN '71 REFLECTED AN ALMOST 50-PERCENT TOTAL
- (15) REDUCTION.
- (16) MOST OF THAT REDUCTION WAS IN THE
- (17) PLASTICIZERS CATEGORY.
- (18) SO THE 17 PERCENT DOESN'T QUITE MATCH
- (19) WITH MY RECOLLECTION OF THE DEGREE OF LOSS IN SALES.
- (20) Q SO HOW ABOUT ALL OTHER PRODUCTS LIKE
- (21) PYDRAULS, MISCELLANEOUS USES NOT INCLUDED IN
- (22) PLASTICIZERS OR HEAT-TRANSFER FLUIDS? DO YOU THINK
- (23) THAT IS ABOUT 30 PERCENT OR SO?
- (24) A THAT IS REASONABLE, YES.
- (25) Q OKAY. HEAT-TRANSFER FLUIDS, THAT IS THE
- (26) STUFF YOU WERE TALKING ABOUT, LIKE TO FRY POTATO
- (27) CHIPS AND SUCH?
- (28) A ALL RIGHT.

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- (1) Q YOU THINK THAT IS ABOUT RIGHT?
- (2) A ABOUT RIGHT, YES.
- (3) Q HOW ABOUT TURBINOL-153, DO YOU THINK THAT
- (4) REPRESENTED A HALF-PERCENT OF MONSANTO'S SALES?
- (5) A WELL, AS I REMEMBER THE TOTAL POOL - I
- (6) WOULD HAVE TO DO SOME MENTAL ARITHMETIC HERE, IF I'VE
- (7) GIVEN SOME TIME.
- (8) THE TOTAL SALES WERE APPROACHING 80
- (9) MILLION POUNDS OR 75 MILLION POUNDS OF PCB'S IN '68.
- (10) THE SALES OF TURBINOL WERE, LET'S SAY, A
- (11) QUARTER MILLION POUNDS OR THEREABOUTS.
- (12) AND OF THAT, DON'T HOLD ME TO THIS
- (13) BECAUSE MY MEMORY IS NOT THAT GOOD, OF THAT AMOUNT
- (14) THAT WAS SOLD AS TURBINOL, AS I REMEMBER, ABOUT 90
- (15) PERCENT OF THAT AMOUNT IS A PCB COMPONENT.
- (16) Q 90 PERCENT OF TURBINOL?
- (17) A I BELIEVE SO.
- (18) Q OKAY.
- (19) A SO -
- (20) Q GE AND WESTINGHOUSE WERE VERY BIG
- (21) CUSTOMERS FOR PCB PRODUCTS, RIGHT?
- (22) A YES, THEY WERE, UH-HUH.
- (23) Q ALL RIGHT. LET'S HOLD THAT THOUGHT FOR A
- (24) SECOND.
- (25) LET ME SEE IF I CAN TAKE A LOOK AT YOUR
- (26) TIMELINE.
- (27) OKAY. THAT IS THE TIMELINE YOU WERE JUST
- (28) DISCUSSING WITH MR. PREUSS, THE EXHIBIT

NUMBER IS TOO

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- (1) FAR BACK. SO I CAN'T SEE IT.
- (2) THE COURT: 781.
- (3) MR. TALLON: 781. THANK YOU.
- (4) Q WHERE WOULD I PUT THE POST-IT FOR THE
- (5) DATE THAT MONSANTO GAVE A WRITTEN WARNING TO USERS OF
- (6) AROCLOR 1242?
- (7) CAN YOU HELP ME WITH THAT?
- (8) A A WRITTEN WARNING?
- (9) Q YES.
- (10) A OF WHAT KIND, SIR?
- (11) Q LIKE THE LETTER THAT WENT OUT TO USERS OF
- (12) 1254 AND 1260 IN FEBRUARY OF 1970.
- (13) WHERE WOULD I PUT THIS FOR THE DATE YOU
- (14) SENT A LETTER TO USERS OF 1242?
- (15) A I DON'T RECALL SUCH A LETTER.
- (16) Q BUT YOU THOUGHT 1242 WAS SUCH A PROBLEM
- (17) THAT YOU TOOK IT AWAY FROM NCR, RIGHT?
- (18) A CERTAINLY.
- (19) THAT IS AN OPEN SYSTEM, YES.
- (20) Q THEY WERE A PRETTY RESPONSIBLE COMPANY,
- (21) NCR, RIGHT?
- (22) A YES.
- (23) Q NOW, YOU TOOK AWAY PYDRAUL-AC FROM
- (24) USERS
- (24) OF HYDRAULIC PUMPS, RIGHT?
- (25) A YES.
- (26) Q THAT IS BECAUSE YOU UNDERSTOOD THAT WHEN
- (27) THEY WERE BEING USED, HOSES COULD BREAK OR SEALS
- (28) COULD LEAK AND YOU COULD WIND UP WITH SOME PYDRAUL-AC

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- (1) ON THE FLOOR, RIGHT?
- (2) A PYDRAUL-AC?
- (3) NO, IT'S MORE APT TO BE THE FIVE-CHLORINE
- (4) AND HIGHER PCB-TYPE THAT WAS IN THAT PARTICULAR
- (5) FLUID, ENDING UP IN THE COMPRESSED AIR THAT THE
- (6) COMPRESSOR WAS PUMPING.
- (7) Q AND THAT WAS UNACCEPTABLE TO MONSANTO?
- (8) A YES.
- (9) Q AND YOU DIDN'T WANT THE PCB'S OUT?
- (10) A THE 1254, YES.
- (11) Q YOU DIDN'T WANT THEM TO GO AROUND THE AIR
- (12) IN THE AIR COMPRESSOR?
- (13) A THAT'S RIGHT.
- (14) Q WELL, DID YOU CONSIDER, WHEN YOU PUT
- (15) TEXAS EASTERN OR ANY OTHER COMPANY ON THE APPROVED
- (16) CUSTOMER LIST WHAT YOU TOLD US ABOUT YESTERDAY, THAT
- (17) TURBINOL-153 WAS GETTING INTO THE GAS STREAM OF AN
- (18) INTERSTATE NATURAL GAS PIPELINE?
- (19) DID YOU THINK THAT WAS A PRETTY OPEN USE?
- (20) A YES, BUT THIS PRESENCE OF PCB'S IN THE
- (21) GAS STREAM WAS NOT CONTINUOUS, IN MY UNDERSTANDING.
- (22) IT OCCURRED ON OCCASION. AND IT
- (23) CONCENTRATED IN THE LIQUID THAT COLLECTED IN THE
- (24) SYSTEM AND THAT LIQUID WAS DRAINED AT STEPS ALONG THE
- (25) WAY AND PROPERLY HANDLED.
- (26) THERE IS NOTHING TO TELL ME THAT THE
- (27) PCB'S WERE STILL IN THE GAS STREAM.
- (28) I DON'T HAVE THAT INFORMATION.

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(1) Q YOU KNEW IT WAS GETTING INTO THE
 (2) PIPELINE?
 (3) A YES. BUT I ALSO KNOW IT'S VERY SOLUBLE
 (4) IN CONDENSATE, VERY SOLUBLE.
 (5) Q YOU KNEW IT WAS VERY STICKY SO IT COULD
 (6) STICK TO THE INSIDE OF THE PIPELINE WALLS,
 RIGHT?
 (7) A NOT WITH GOOD SOLVENT LIKE CONDENSATE.
 (8) IN FACT SOLVENTS HAVE BEEN USED IN THE
 (9) LABORATORY IN PREPARING THE INSTRUMENTS TO
 ANALYZE.
 (10) Q DID YOU THINK ABOUT ALL OF THESE ISSUES
 (11) WHEN YOU PUT TEXAS EASTERN ON THE
 APPROVED CUSTOMER
 (12) LIST?
 (13) A DID I PERSONALLY THINK ABOUT THEM?
 (14) Q YES. YOU PUT CUSTOMERS ON THE APPROVED
 (15) CUSTOMER LIST, RIGHT?
 (16) A NO, OTHERS DID, AND THEN I WAS ASKED ON A
 (17) CASE-BY-CASE BASIS TO ADD TO THAT LIST, YES.
 (18) Q DIDN'T THE LETTER WE JUST SAW SAY, FROM
 (19) MR. CUNNINGHAM - FROM MR. GOSSAGE TO MR.
 CUNNINGHAM,
 (20) SAY THAT PUTTING A CUSTOMER ON THE
 APPROVED CUSTOMER
 (21) LIST WAS SUBJECT TO YOUR APPROVAL?
 (22) A ADDITIONAL CUSTOMERS ON THAT LIST, YES.
 (23) Q YOU KNEW THAT TEXAS EASTERN WAS ON THE
 (24) LIST, RIGHT?
 (25) A YES, I DID.
 (26) Q AND ALSO COLUMBIA GULF?
 (27) A YES.
 (28) Q OKAY.

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(1) SO THAT DATE UP THERE WHERE IT SAYS,
 (2) "MAY, 1971, PCB CUSTOMERS REDUCED TO TE,"
 YOU WOULD
 (3) HAVE TO ADD TO THAT COLUMBIA GULF?
 (4) A COLUMBIA GULF WAS NOT AN ACTIVE CUSTOMER
 (5) IN MAY, 1971.
 (6) THEY WERE APPROVED.
 (7) THEY HAD BOUGHT IT AT ONE TIME, STOPPED
 (8) BUYING. BUT THEY WERE ON THE LIST IN CASE THEY
 (9) WANTED TO BUY AGAIN.
 (10) Q SO THAT IS WRONG?
 (11) THEY WERE ON THE APPROVED CUSTOMER LIST,
 (12) SO CUSTOMERS WEREN'T REDUCED TO TE. THERE
 WAS
 (13) ANOTHER CUSTOMER FOR TURBINOL?
 (14) A I DON'T KNOW HOW YOU CAN MENTION A
 (15) CUSTOMER WHO WAS NOT AN ACTIVE CUSTOMER IN
 SUCH A
 (16) TIMELINE.
 (17) Q WERE THEY ON THE APPROVED LIST OR NOT?
 (18) A YES, BUT THEY WOULD HAVE BEEN GIVEN THAT
 (19) SAME NOTICE WHEN THEY ASKED FOR A SHIPMENT.
 (20) Q OKAY. "THE SAME NOTICE," YOU MEAN THE
 (21) HOLD-HARMLESS LETTER?
 (22) A YES.
 (23) Q OKAY. AND THAT IS THE LETTER THAT SAYS,
 (24) "IF YOU CONTINUE TO BUY THIS STUFF FROM US
 YOU WON'T
 (25) SUE US FOR IT"?
 (26) A THAT'S PART OF IT.
 (27) Q LET'S LOOK AT THE TIMELINE, GOING BACK A
 (28) LITTLE TO '66.

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(1) I GUESS WE HAVE PRETTY WELL ESTABLISHED
 (2) BY THIS POINT THAT MONSANTO FIRST LEARNED
 ABOUT WHAT
 (3) WIDMARK AND JENSEN WERE DOING AT THE END
 OF 1966.

(4) WOULD YOU AGREE?
 (5) A YES.
 (6) Q OKAY. AND DURING 1967 AT WHAT POINT DID
 (7) YOU CHANGE YOUR LABELS FOR 1254 AND 1260?
 (8) A THERE WAS NO LABEL CHANGE IN 1967.
 (9) Q YOU WERE CONCERNED, THEN, ABOUT THE 5/6
 (10) CHLORINES, THAT IS WHAT WAS BEING LOOKED
 AT?
 (11) A YES.
 (12) Q AT WHAT POINT IN 1968 DID YOU CHANGE THE
 (13) LABELS?
 (14) A STILL DIDN'T HAVE ENOUGH INFORMATION TO
 (15) WARRANT A CHANGE.
 (16) Q AT WHAT POINT IN 1969 DID YOU CHANGE THE
 (17) LABELS?
 (18) A WE DIDN'T.
 (19) Q SO YOU CHANGED THE LABELS STARTING IN,
 (20) WHAT IS THAT CORRECTED DATE, MAY OF '70?
 (21) A CORRECT.
 (22) Q '67, '68, '69, SO THREE AND A HALF YEARS
 (23) LATER?
 (24) A YES.
 (25) Q WHAT INFORMATION DIDN'T YOU HAVE?
 (26) A THE WIDESPREAD FINDINGS OF PCB'S AS
 (27) DISTINGUISHED FROM CALIFORNIA AND SWEDEN AND
 MONSANTO
 (28) PLANTS WHICH EXISTED UP THROUGH NEAR THE END
 OF '69.

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(1) THAT IS JUST ABOUT IT, WHEN YOU THINK
 (2) ABOUT IT, WHEN YOU SAW THAT LIST THAT DR.
 TUCKER PUT
 (3) TOGETHER AND REVIEWED IT.
 (4) Q YEAH.
 (5) A THAT DOESN'T GIVE YOU THE GOOD BROAD
 (6) PICTURE OF THE WHOLE WORLD, IF YOU WILL.
 (7) IT'S VERY SKETCHY.
 (8) IT'S NOT ENOUGH TO GIVE YOU A GOOD BASIS
 (9) FOR CHANGING A LABEL OF A PRODUCT THAT IS
 DISTRIBUTED
 (10) SO WIDELY.
 (11) Q WELL, ISN'T THE REAL REASON THAT YOU
 (12) DIDN'T CHANGE THE LABELS IN THOSE YEARS
 BECAUSE IF
 (13) YOU HAD DONE THAT YOU WOULD NOT HAVE BEEN
 ABLE TO
 (14) PROTECT THE CONTINUED SALES AND USES OF
 THOSE
 (15) PRODUCTS?
 (16) A I DON'T SEE HOW THAT WOULD HAVE AFFECTED
 (17) THE CONTINUED SALES.
 (18) ADDING A LABEL DIDN'T STOP THE SALES
 (19) LATER.
 (20) Q AT WHAT POINT DURING 1967 DID YOU WRITE
 (21) TO CUSTOMERS FOR 1254 AND 1260 AND SAY, "THIS
 STUFF
 (22) IS BEING FOUND IN THE ENVIRONMENT"?
 (23) A WE DIDN'T WRITE THEM THEN.
 (24) Q OR '68 OR '69?
 (25) A WELL, '69 THERE WAS SOME CORRESPONDENCE.
 (26) Q HAVE WE SEEN THAT?
 (27) A IN MARCH OF '69 THERE WAS SOME
 (28) CORRESPONDENCE STARTED.

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- (1) Q TO WHAT CUSTOMER?
(2) A I DON'T KNOW THE WHOLE LIST, BUT THERE
(3) WERE MANY.
(4) Q SO WE SHOULD LOOK FOR THAT PIECE OF
(5) CORRESPONDENCE IN THIS CASE?
(6) A OH, I DON'T KNOW.
(7) IT'S NOT FOR ME TO DECIDE, SIR.
(8) I DON'T KNOW IF YOU NEED IT OR NOT.
(9) Q OKAY. NOVEMBER OF 1966, WIDMARK AND
(10) JENSEN'S REPORT COMES OUT AND MONSANTO
FINDS OUT
(11) ABOUT IT, CORRECT?
(12) A YES.
(13) Q AND DAVID WOOD GOES OVER TO VISIT WITH
(14) THEM IN SWEDEN?
(15) A YES.
(16) Q AND YOU KNOW THAT HE SENT A PRESS
RELEASE
(17) FROM THE LKB COMPANY TO ST. LOUIS, RIGHT?
(18) A YES.
(19) Q AND THE PRESS RELEASE WAS ABOUT THEIR
(20) MACHINE, THE GC MASS MACHINE, THE LKB 9000?
(21) A YES.
(22) Q THE VERY ONE WIDMARK AND JENSEN HAD
USED?
(23) A YES.
(24) Q TO DETECT THE PRESENCE OF PCB'S IN THE
(25) ENVIRONMENT?
(26) A YES.
(27) Q SO THE FIRST THING THAT HAPPENED WAS THAT
(28) SOMEBODY WENT OVER TO THE LKB 9000 AND
PURCHASED ONE?

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- (1) A NO. THAT IS NOT A FACTUAL STATEMENT.
(2) Q AND THE NEXT THING THAT HAPPENED WAS YOU
(3) HIRED WIDMARK AND JENSEN TO HELP YOU LEARN
HOW TO RUN
(4) IT?
(5) A THAT'S NOT TRUE, NO.
(6) Q OKAY. IN FACT, YOU DIDN'T DO ANYTHING IN
(7) 1967?
(8) A WE DID A LOT OF THINGS.
(9) WE HIRED SCOTT TUCKER.
(10) WE MODIFIED THE EQUIPMENT WE HAD.
(11) WE PLACED ON ORDER A MORE SOPHISTICATED
(12) MACHINE THAN THE LKB 9000.
(13) Q IN 1968?
(14) A IT TOOK THAT LONG TO MANUFACTURE THIS
(15) SOPHISTICATED PIECE OF EQUIPMENT.
(16) Q WHEN WAS THAT ORDERED, MR. PAPAGEORGE?
(17) A I DON'T KNOW THE EXACT DATE. BUT IT WAS
(18) DELIVERED ABOUT '68, I REMEMBER.
(19) Q AND THE FIRST TEST RESULTS THAT WE SEE
(20) FROM SCOTT TUCKER IN EXHIBIT 110 ARE IN
FEBRUARY OF
(21) '69, AREN'T THEY?
(22) DID IT TAKE THAT LONG FOR THEM TO START
(23) RUNNING TESTS?
(24) A I DON'T KNOW ABOUT YOUR DATES, SIR.
(25) I WOULD TO HAVE SEE THAT LIST AGAIN.
(26) Q LET'S CHECK THE FIRST PAGE. I DON'T WANT
(27) TO GET THE CHRONOLOGY WRONG.
(28) I GUESS WE WILL HAVE TO LOOK AT JUST ONE

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- (1) MONITOR THERE BECAUSE I WANT TO KEEP THAT
ONE EXHIBIT
(2) UP, MR. PAPAGEORGE.
(3) A YES, SIR.
(4) Q I WILL JUST ZOOM OVER TO THE DATE COLUMN
(5) AS MUCH AS I CAN.
(6) IT'S HARD TO FIT THAT ALL ON THE SCREEN.
(7) A WHAT EXHIBIT IS THAT?
(8) Q THAT'S 110.
(9) CAN YOU REACH IT WITH THAT TIMELINE IN
(10) THE WAY?
(11) A I HAVE IT.
(12) Q ARE YOU BACK AT THE LANDSCAPE CHART, THE
(13) CHART THAT GOES ACROSS THE PAGE RATHER
THAN UP AND
(14) DOWN?
(15) A YES, I AM.
(16) Q OKAY. SO THAT WHOLE FIRST PAGE IS A
(17) SERIES OF TESTS SHOWING PCB'S PRESENT IN THE
(18) ENVIRONMENT BUT NONE BY TUCKER, RIGHT?
(19) A VERY TRUE, YES.
(20) Q OKAY. SO IF YOU FLIP THE PAGE TO THE
(21) SECOND PAGE, THE FIRST ONE THAT IS ON THERE
SHOWING
(22) WORK BY MONSANTO OR SCOTT TUCKER, THAT
WOULD BE
(23) FEBRUARY, '69?
(24) A CORRECT.
(25) Q OKAY. SO WHAT YOU ARE SAYING IS THAT
(26) DURING '67 YOU REALLY HAD TO PULL THE
INFORMATION
(27) TOGETHER AND GET ROLLING ON A PROGRAM,
RIGHT?
(28) A RIGHT.

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- (1) Q OKAY. BUT IN '68 YOU WERE PRETTY
(2) CONCERNED ABOUT THE PRESENCE OF 5/6
CHLORINES IN THE
(3) ENVIRONMENT?
(4) A JUST AS WE WERE IN '67.
(5) Q OKAY. AND YOU ALWAYS KNEW THAT 1242 HAD
(6) AT LEAST 10 PERCENT OF 5/6 CHLORINES IN IT,
RIGHT?
(7) A YES, SIR.
(8) Q THAT IS THE VERY REASON YOU TOOK IT AWAY
(9) FROM NCR?
(10) A COUPLED WITH THE EASY ENTRY INTO THE
(11) ENVIRONMENT THROUGH THE PAPER COATING.
(12) THAT IS WHAT REALLY MAKES IT DIFFERENT
(13) FROM OTHER 1242 USES.
(14) Q WHEN YOU FOUND OUT THAT IT WAS GETTING
(15) INTO THE NATURAL GAS PIPELINES, DID YOU THINK
THAT
(16) WAS A PROBLEM?
(17) A NO. BECAUSE I WAS ASSURED THAT THE
(18) CONDENSATE WAS COLLECTED AT STATIONS ALONG
THE ROUTE
(19) OF THE PIPELINE AND MANAGED PROPERLY.
(20) SO WHY WOULD I BE CONCERNED?
(21) HERE IS A CONDENSATE WHICH IS LIKE A
(22) MINERAL SPIRIT. IT'S A SOLVENT WHICH IS - IT
WORKS
(23) VERY WELL WITH PCB'S.
(24) IN FACT, SOLVENTS ARE USED IN THE
(25) LABORATORY TO EXTRACT PCB'S FROM SAMPLES.
(26) Q NOW, YOU WERE TAKING THE EFFLUENT, THE
(27) DISCHARGE FROM YOUR PLANT, DOWN TO 10
PARTS PER
(28) BILLION, RIGHT?

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- (1) A IN WATER, YES, SIR.
 (2) **Q DID YOU THINK THAT THE CONDENSATE WAS**
 (3) **CLEANING OUT THE PIPELINE TO THE LEVEL OF 10**
 (4) **PARTS**
 (5) **PER BILLION?**
 (6) A I DON'T KNOW HOW TO MEASURE CONDENSATE ON
 (7) A PIPELINE, SIR.
 (8) YOU MEAN WEIGH THE STEEL AND TRY TO -
 (9) **Q YOU TELL ME.**
 (10) A THAT IS NOT AN EXPRESSION USED WITH
 (11) COATINGS ON PIPELINES.
 (12) **Q YOU CAN'T GET INSIDE A PIPELINE, CAN YOU?**
 (13) **YOU CAN ONLY SEND MACHINERY IN THERE,**
 (14) **PIGS?**
 (15) A UNLESS IT'S A PRETTY BIG ONE AND SOMEBODY
 (16) WANTS TO CRAWL IN IT.
 (17) BUT I DON'T KNOW WHY YOU WOULD.
 (18) **Q YOU CAN'T PHYSICALLY ENTER A NATURAL GAS**
 (19) **PIPELINE?**
 (20) A I DON'T KNOW THAT MUCH ABOUT PIPELINES.
 (21) **Q OKAY. DID YOU THINK IT WAS POSSIBLE**
 (22) **BASED ON WHAT YOU KNEW ABOUT PIPELINES**
 (23) **WHEN YOU WERE**
 (24) **TALKING ABOUT PUTTING TURBINOL OR SELLING**
 (25) **TURBINOL,**
 (26) **THAT THE PCB'S WOULDN'T BE REMOVED TO THE**
 (27) **10 PARTS**
 (28) **PER BILLION OR 50 PARTS PER BILLION OR**
 (29) **HIGHER?**
 (30) A FROM THE SURFACE OF THE PIPELINE?
 (31) **Q YEAH.**
 (32) A IS THAT WHAT YOU MEAN?
 (33) **Q YES.**

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- (1) A WELL, THAT IS NOT THE WAY CONTAMINATION
 (2) IS PERCEIVED IN THE ENVIRONMENT.
 (3) WHAT IS CONTAINED INSIDE A STEEL MATERIAL
 (4) LIKE A PIPELINE CAN'T BE MEASURED. IT WOULD BE
 (5) PRESENT OUT IN THE ENVIRONMENT.
 (6) I DON'T UNDERSTAND YOUR QUESTION, I
 (7) SUPPOSE.
 (8) **Q LET'S TALK ABOUT "OPEN AND CLOSED," FOR A**
 (9) **SECOND.**
 (10) **THOSE ARE TERMS YOU HAVE USED IN YOUR**
 (11) **TESTIMONY.**
 (12) A YES.
 (13) **Q LET'S FOCUS PARTICULARLY ON ELECTRICAL**
 (14) **COMPANIES LIKE GE.**
 (15) **YOU HAVE MET WITH THEM. THEY ARE A BIG**
 (16) **CUSTOMER?**
 (17) A YES.
 (18) **Q OKAY. YOU NEVER MET WITH TEXAS EASTERN?**
 (19) A THAT IS TRUE.
 (20) **Q OR COLUMBIA GULF?**
 (21) A THAT'S TRUE.
 (22) **Q OR TRANSWESTERN?**
 (23) A THAT'S RIGHT.
 (24) **Q THE WAY THAT THE ELECTRICAL TRANSFORMER**
 (25) **MANUFACTURERS USED YOUR PRODUCT WAS**
 (26) **THEY HAD A STEEL**
 (27) **VESSEL, A CONTAINER, RIGHT?**
 (28) A YES.
 (29) **Q AND THEY FILLED THAT WITH PCB FLUID,**

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- (1) **CORRECT?**
 (2) A WELL, NOT A HUNDRED PERCENT PCB, BUT SOME
 (3) PCB'S WERE PRESENT, YES.
 (4) **Q OKAY. AND THEN THE CONTAINER WAS WELDED**
 (5) **SHUT?**
 (6) A SOME WERE WELDED AND SOME WERE FLANGED.
 (7) **Q NO VALVES OR HOSES OR ANYTHING LIKE THAT?**
 (8) A NO.
 (9) BUT THERE ARE WIRES THAT COME OUT OF THE
 (10) SYSTEM.
 (11) **Q BUT THERE IS NO MEANS FOR FLUID TO**
 (12) **ESCAPE?**
 (13) A YES, THERE ARE.
 (14) THERE ARE SEALS AROUND THOSE WIRES AND IN
 (15) THE GASKET ON THE FLAP.
 (16) **Q SO FLUID COULD ESCAPE FROM A**
 (17) **TRANSFORMER?**
 (18) A OH, UNLESS THE GASKET IS PROPER AND
 (19) TIGHTENED AND THE SEAL AROUND THE WIRES IS
 (20) INTACT,
 (21) YES, IT COULD ESCAPE.
 (22) **Q SO THAT MEANS EVEN A CLOSED SYSTEM CAN**
 (23) **BE**
 (24) **AN OPEN SYSTEM?**
 (25) A WELL, THAT IS SORT OF CONTRADICTION IN
 (26) TERMS, SIR.
 (27) IT'S EITHER ONE OR THE OTHER.
 (28) A CLOSED SYSTEM IS ONE IN WHICH THE FLUID
 (29) UNDER THE CONDITIONS INTENDED STAYS IN THE
 (30) VESSEL,
 (31) THE TANK.
 (32) **Q OKAY. SO IF A FLUID COULD ESCAPE FROM A**

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- (1) **CLOSED TRANSFORMER, THAT WOULDN'T MEAN IT**
 (2) **HAS THE**
 (3) **POSSIBILITY OF BECOMING AN OPEN SYSTEM TO**
 (4) **YOU?**
 (5) A NO, NOT BY THE DEFINITION USED TO HELP US
 (6) MANAGE THIS SITUATION.
 (7) **Q OKAY. THEY WERE - GE AND WESTINGHOUSE**
 (8) **WERE BUYING 1254 AND 1260?**
 (9) A YES.
 (10) **Q AND THERE WAS NO AVAILABLE SUBSTITUTE FOR**
 (11) **WHAT THEY WERE USING YOUR PRODUCTS FOR?**
 (12) A THAT IS TRUE.
 (13) **Q THEY COULDN'T GO TO ANOTHER COMPANY AND**
 (14) **SAY, "MONSANTO WON'T SELL US THIS STUFF SO**
 (15) **WE NEED**
 (16) **YOUR STUFF," RIGHT?**
 (17) A WELL, YOU MEAN A DIFFERENT STUFF FOR THE
 (18) SECOND -
 (19) **Q YEAH, THAT IS WHAT I MEAN.**
 (20) A AT THAT TIME, NO, THEY COULD NOT.
 (21) **Q BUT YOU DID KNOW THAT THERE WERE OTHER**
 (22) **LUBRICATING FLUIDS THAT COULD BE USED IN GAS**
 (23) **TURBINES?**
 (24) A YES, WE DID.
 (25) **Q CELLULUBE WAS ONE, I THINK WE MENTIONED**
 (26) **IN THE TESTIMONY.**
 (27) A YOU MENTIONED IT. I HADN'T HEARD OF IT.
 (28) **Q FYRQUEL?**
 (29) A FYRQUEL I HAD HEARD OF.
 (30) **Q MINERAL OILS WERE USED?**
 (31) A YES.

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- (1) Q OKAY. WHAT IS A HYDRAULIC SYSTEM?
 (2) IS THAT CLOSED OR OPENED?
 (3) A BY DESIGN IT'S A CLOSED SYSTEM.
 (4) IF IT IS ABUSED OR UNDER MAINTAINED, OR
 (5) NEGLECTED, IF YOU WILL, IT CAN LEAD TO LOSS TO
 THE
 (6) ENVIRONMENT.
 (7) AT THAT POINT IT'S REALLY A POORLY
 (8) MAINTAINED, POORLY OPERATED CLOSED SYSTEM.
 (9) Q SO YOU TOLD YOUR HYDRAULIC CUSTOMERS,
 (10) "YOU WILL HAVE NOTHING TO WORRY ABOUT. YOU
 CAN
 (11) CONTINUE TO USE OUR PRODUCT BECAUSE YOU
 ARE
 (12) RESPONSIBLE COMPANIES?"
 (13) A EARLY ON THAT WAS THE SITUATION, AS LONG
 (14) AS THEY DID WHAT WAS RIGHT AND KEEP PCB'S
 AWAY FROM
 (15) THE ENVIRONMENT.
 (16) Q BUT YOU PULLED HYDRAULIC FLUIDS BECAUSE
 (17) YOU KNEW THAT EVEN WELL-MAINTAINED
 MACHINERY BREAKS
 (18) DOWN SOMETIMES, STUFF HAPPENS, RIGHT?
 (19) A THAT'S TRUE. WE ALSO KNEW THAT IN SOME
 (20) INSTANCES IT WAS DIFFICULT TO CONDUCT THE
 REPAIRS.
 (21) NECESSARY TO KEEP IT TIGHT.
 (22) THE COURT: MR. TALLON, WE WILL TAKE THE
 (23) AFTERNOON BREAK AT THIS POINT.
 (24) LADIES AND GENTLEMEN, WE WILL BE IN
 (25) RECESS UNTIL THREE O'CLOCK.
 (26) PLEASE RETURN AT THAT TIME.
 (27) (RECESS.)
 (28) THE COURT: AND RESUMING.

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- (1) COUNSEL, WE NEED TO COMPLETE THIS WITNESS
 (2) BY FIVE BEFORE 4:00.
 (3) MR. TALLON: THANK YOU.
 (4) THE COURT: GO AHEAD, MR. TALLON.
 (5) Q BY MR. TALLON: MR. PAPAGEORGE, WE WERE
 (6) TALKING ABOUT OPEN SYSTEMS AND CLOSED
 SYSTEMS.
 (7) WE WERE TALKING ABOUT TRANSFORMERS. THEY
 (8) ARE WELDED OR BOLTED SHUT, THEY CAN LEAK?
 (9) A THE POSSIBILITY IS THERE, YES.
 (10) Q OKAY. WE TALKED A COUPLE MINUTES AGO
 (11) ABOUT - WE STARTED TALKING A COUPLE
 MINUTES AGO
 (12) ABOUT HYDRAULIC SYSTEMS, THEY CAN LEAK,
 TOO?
 (13) A CERTAINLY.
 (14) Q THEY DON'T JUST LEAK BECAUSE OF BAD
 (15) MAINTENANCE?
 (16) A NOT NECESSARILY.
 (17) Q SOMETIMES A HOSE CAN JUST LET GO?
 (18) A YES.
 (19) Q AND THAT IS THE HOSE THAT IS CARRYING THE
 (20) HYDRAULIC FLUID AROUND IN CIRCULATIONS?
 (21) A YES.
 (22) Q IT JUST HAPPENS?
 (23) A YES.
 (24) Q SOMETIMES YOU MAINTAIN YOUR CAR, YOU TAKE
 (25) IT TO THE SHOP WHEN YOU ARE SUPPOSED TO
 AND YOU GO
 (26) OUT IN THE MORNING AND IT JUST DOESN'T
 START?
 (27) A THAT HAPPENS.
 (28) Q OKAY. AND YOU KNEW THAT SOMETIMES THAT

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- (1) SEALS WOULD FAIL ON GAS TURBINES?
 (2) A YES.
 (3) Q AND THAT THE TURBINOL WOULD GET IN THERE?
 (4) A IN WHERE, SIR?
 (5) Q IN THE PIPELINE?
 (6) A YES.
 (7) Q AND THAT THE PIPELINE WAS HEADED OUT
 (8) TOWARDS CALIFORNIA IN TRANSWESTERN'S
 CASE?
 (9) A YEAH.
 (10) Q OKAY. AND THE PIPELINE GOES SOMEWHERE?
 (11) A IT DOES, CERTAINLY.
 (12) Q SURE. OKAY.
 (13) LET ME JUST STOP YOU FOR A SECOND ON THAT
 (14) ISSUE OF TRANSWESTERN, MR. PAPAGEORGE.
 (15) LET ME ASK YOU TO TURN AROUND AND GET ONE
 (16) OF THE BLACK BINDERS, DEFENDANT'S EXHIBIT
 769.
 (17) IT'S A BIG, THICK EXHIBIT.
 (18) WHAT YOU NEED TO DO IS GO TO THE VERY
 (19) BACK OF THE BOOK, ALL THE WAY AT THE END.
 (20) A THE VERY LAST OF THAT EXHIBIT?
 (21) Q THE VERY LAST OF THE EXHIBIT.
 (22) A ALL RIGHT.
 (23) Q AND THERE IS A SERIES OF SALES SUMMARIES
 (24) IN ALPHABETICAL ORDER.
 (25) YOU SHOULD FIND THE ONE THAT SAYS
 (26) "TRANSWESTERN PIPELINE."
 (27) MAYBE I COULD BE A LITTLE HELP THERE,
 (28) MR. PAPAGEORGE.

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- (1) A I WOULD APPRECIATE THAT.
 (2) THANK YOU.
 (3) Q I'M REFERRING YOU TO THE PAGE THAT SAYS,
 (4) "SALES SUMMARY, ALL PCB PRODUCTS,
 TRANSWESTERN
 (5) PIPELINE, CORONA NEW MEXICO, 1954 TO 1977."
 (6) ARE YOU WITH ME?
 (7) A I SEE THAT, YES.
 (8) Q OKAY. DID YOU KNOW THAT THAT DOCUMENT
 (9) WAS PREPARED BY MONSANTO?
 (10) MR. PREUSS: OBJECTION, NO FOUNDATION.
 (11) THE COURT: SUSTAINED.
 (12) Q BY MR. TALLON: HAD YOU EVER SEEN THAT
 (13) BEFORE?
 (14) A NO, SIR.
 (15) Q HAD YOU EVER SEEN COMPILATIONS OF
 (16) CUSTOMERS BEFORE?
 (17) A WILL YOU HELP ME WITH "COMPILATION OF
 (18) CUSTOMERS"?
 (19) I HAVE SEEN SO MANY CUSTOMER LISTS.
 (20) Q A COMPILATION THAT CONTAINS ALL THE NAMES
 (21) OF THE CUSTOMERS?
 (22) A I HAVE SEEN A LIST OF SOME CUSTOMERS.
 (23) I DON'T KNOW IF I HAVE EVER SEEN A LIST
 (24) OF ALL CUSTOMERS.
 (25) Q EVER SEEN ONE LIKE THIS?
 (26) A SIMILAR IN FORMAT.
 (27) Q EVER SEE ONE FOR TRANSWESTERN LIKE THIS?
 (28) A NO, SIR.

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- (1) Q OKAY. LET ME ASK YOU TO LOOK AT
(2) TRANSWESTERN 18.
(3) A I HAVE IT.
(4) Q AND JUST FOR THE RECORD, WHAT IS THAT,
(5) AGAIN?
(6) A THIS IS A MONSANTO TECHNICAL BULLETIN
(7) ENTITLED "FIRE-RESISTANT TURBINE LUBRICANT."
(8) IT'S ON OS-81.
(9) Q AND THE DATE OF THAT IS, RIGHT AT THE
(10) TOP, NOVEMBER 11, 1958?
(11) A CORRECT.
(12) Q DID YOU KNOW THAT IN 1958 TRANSWESTERN
(13) DIDN'T EXIST?
(14) A I DON'T KNOW ANYTHING ABOUT
(15) TRANSWESTERN.
(16) Q YOU DON'T KNOW WHETHER ANYBODY AT
(17) TRANSWESTERN EVER SAW THIS?
(18) A I DON'T KNOW.
(19) Q SO WHETHER THEY GOT THIS INFORMATION IS
(20) SOMETHING YOU WOULDN'T KNOW ANYTHING
ABOUT?
(21) A THAT IS CORRECT.
(22) Q ALL RIGHT. HOW ABOUT TURNING TO
(23) TRANSWESTERN 14.
(24) A I HAVE IT.
(25) Q THAT IS THE LETTER FROM DR. KELLY THAT
(26) YOU WERE TESTIFYING ABOUT YESTERDAY?
(27) A YES, SIR.
(28) Q THAT IS ALSO DATED, WHAT, 1958, RIGHT?

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- (1) A YES, SIR.
(2) Q AND YOU WOULDN'T KNOW WHETHER
(3) TRANSWESTERN EXISTED THEN?
(4) A LIKE I SAID, I KNOW NOTHING ABOUT
(5) TRANSWESTERN.
(6) Q OKAY. AND YOU WOULDN'T KNOW IF ANYBODY
(7) WHO EVER WORKED FOR THE TRANSWESTERN
PIPELINE COMPANY
(8) EVER SAW THIS?
(9) A I DON'T KNOW.
(10) Q OKAY. AND THAT, I SUPPOSE, WOULD BE THE
(11) CASE FOR THE OTHER DOCUMENTS THAT MR.
PREUSS SHOWED
(12) YOU ADDRESSED TO TEXAS EASTERN?
(13) A AS IT RELATES TO TRANSWESTERN?
(14) Q YEAH.
(15) A YES, SIR, UH-HUH.
(16) Q LET ME SHOW YOU - WHY DON'T YOU TURN TO
(17) EXHIBIT 90.
(18) A I HAVE IT.
(19) Q THOSE ARE DR. KELLER'S TYPED NOTES OF
(20) SOME MEETINGS HE ATTENDED IN NEW YORK,
RIGHT?
(21) A THEY ARE.
(22) Q IN FACT, THOSE ARE NOTES FROM THE
(23) MEETINGS WHICH ARE REFERENCED ON THIS
TIMELINE IN MAY
(24) OF '69?
(25) A YES.
(26) Q OKAY. TURN, IF YOU WOULD,
(27) MR. PAPAGEORGE, TO THE PAGE THAT IS
NUMBERED AT THE
(28) BOTTOM 22099.

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- (1) A I HAVE IT.
(2) Q OKAY. ARE YOU ON THAT PAGE?
(3) A YES, I HAVE IT.
(4) Q DID YOU KNOW WHEN DR. KELLER, MR. WHEELER
(5) AND DR. RICHARD VISITED WITH VARIOUS
SCIENTISTS IN
(6) EUROPE, ONE OF THE THINGS THEY WERE TOLD
WAS THAT
(7) GOVERNMENT LABORATORIES IN THE UK HAVE
FOUND AS HIGH
(8) AS 900 PARTS PER MILLION PCB'S IN CERTAIN
PRODUCTS
(9) AND THAT THEY COMMENTED THAT THE USE OF
ONE MILLION
(10) GALLONS OF HIGH PRESSURE OIL AS A LUBRICANT
IS USED
(11) IN THE UK PER YEAR AND THAT THAT COULD
EXPLAIN THOSE
(12) CONCENTRATIONS?
(13) A I WAS AWARE OF THAT IN EARLY 1970, YES,
(14) SIR.
(15) Q NOW, TURBINOL IS A HIGH PRESSURE OIL USED
(16) AS A LUBRICANT?
(17) A YES.
(18) Q OKAY. AND YOU WOULDN'T ASSUME THAT
WHERE
(19) PCB'S THAT WERE BEING FOUND IN EUROPE WERE
FROM HIGH
(20) PRESSURE OIL AS A LUBRICANT WERE BECAUSE
THE USERS OF
(21) MACHINES THERE WERE NOT MAINTAINING THEM
PROPERLY,
(22) WOULD YOU?
(23) A I DON'T KNOW THAT.
(24) I DON'T EVEN KNOW WHAT KIND OF MACHINES
(25) ARE USED.
(26) Q WEREN'T THESE, THE MACHINES USED IN THIS
(27) DOCUMENT, THE MACHINES USED IN THE COAL
MINES THAT
(28) YOU DECIDED NOT TO PUT THE PYDRAUL LABELS
ON OR THE

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- (1) ENVIRONMENTAL STICKER ON?
(2) A I DON'T KNOW THAT.
(3) Q LET ME ASK YOU TO LOOK, MR. PAPAGEORGE,
(4) AT - WHICH ONE IS IT? 109.
(5) EXCUSE ME, 112.
(6) THOSE ARE THE NOTES FOR THE NOVEMBER, '69
(7) CMC MEETING?
(8) A THIS REPRESENTS THE MATERIAL THAT WAS
(9) PRESENTED TO THE CMC THEN, YES.
(10) Q OKAY. AND WE LOOKED AT THE ALTERNATIVE
(11) COURSES OF ACTION, RIGHT?
(12) A YES, SIR.
(13) Q OKAY. WHAT SPECIFIC ACTION PLAN WAS
(14) TAILORED TO THE USE OF TURBINOL?
(15) A WELL, THE PURCHASER, TEXAS EASTERN, WAS
(16) EVALUATED AS BEING A SOPHISTICATED, MODERN,
(17) UP-TO-DATE COMPANY.
(18) THE SYSTEM WAS DEEMED, FROM OUR
(19) UNDERSTANDING OF IT, THAT IT WAS A CLOSED
SYSTEM.
(20) IT WAS ALSO CONSIDERED TO BE A SYSTEM
(21) THAT CAN BE OPERATED IN SUCH A WAY THAT ANY
RELEASE
(22) OF PCB'S COULD BE CONTROLLED SO IT DIDN'T GET
AWAY
(23) FROM THEM.
(24) SO THE PLAN, REALLY, IS ONE OF
(25) COMMUNICATING TO THE CUSTOMER BUT CONTINUE
TO USE

(26) THIS MATERIAL BECAUSE IT'S SO SUCCESSFUL IN THAT
(27) OPERATION AND PROVIDES THE SAFETY THAT THEY ARE
(28) LOOKING FOR.

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(1) SO THAT IS THE PLAN.
(2) Q SO YOU ARE SAYING AT THAT TIME YOU
(3) WERE - MONSANTO WAS AWARE THAT TURBINOL WAS GETTING
(4) INTO THE PIPELINE?
(5) A NO.
(6) WE WERE AWARE THAT THE PIPELINE IS
(7) MANAGEABLE. SO THAT IF IT WERE GETTING IN THE
(8) PIPELINE, IT HAS TO BE REMOVED SOMEWHERE AND
WHEN IT
(9) IS REMOVED, IT'S CONTROLLED.
(10) IT IS NOT A CASE OF, LIKE, SPRAYING OUT
(11) INTO THE ATMOSPHERE. IT'S CONTAINED.
(12) Q IT'S CONTAINED WHERE?
(13) A IN THE PIPE.
(14) Q SO INSIDE THE PIPELINE WITH THE GAS THAT
(15) IS HEADED TOWARDS CALIFORNIA?
(16) A YOU ARE IMPLYING THAT THIS PCB IS IN THE
(17) GAS STREAM.
(18) IT'S REALLY WITH THE CONDENSATE.
(19) Q SO ARE YOU -
(20) A IT HAS GOT TO BE IN THE LIQUID.
(21) Q ARE YOU TESTIFYING THAT YOU DIDN'T THINK
(22) IT WAS IN THE GAS STREAM?
(23) A I'M LED TO BELIEVE THAT IT IS COLLECTED
(24) IN THE CONDENSATE.
(25) IF THERE IS CONDENSATE IN THE GAS STREAM,
(26) SURE, THE PCB'S ARE WITH IT.
(27) ONCE THE CONDENSATE DROPS OUT, THE PCB
(28) GOES WITH IT.

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(1) Q HOW DO YOU KNOW THAT?
(2) A JUST FROM MY KNOWLEDGE OF CHEMISTRY AND
(3) SOLVENT ACTION OF HYDROCARBON CONDENSATE
AND PCB'S.
(4) Q I WOULD LIKE TO READ FROM
(5) MR. PAPAGEORGE'S DEPOSITION DATED
NOVEMBER 5, 1992.
(6) FROM PAGE 486.
(7) THE COURT: LINE CITATION, PLEASE?
(8) MR. TALLON: STARTING AT LINE SEVEN THROUGH
(9) LINE 14.
(10) "Q. DID MR. JOHNSON
(11) INDICATE TO YOU THAT THE TURBINOL
(12) HAD LEAKED INTO THE GAS PIPELINES
(13) OPERATED BY TEXAS EASTERN?
(14) "A. WELL, THERE WAS
(15) TURBINOL IN THE CONDENSATE OR THE
(16) LIQUID THAT WAS REMOVED FROM THE
(17) SYSTEM ALONG THE ROUTE OF THE
(18) SYSTEM. SO, YES, HE INDICATED
(19) THAT TURBINOL WAS GETTING INTO
(20) THE GAS STREAM."
(21) Q NOW, LET'S TALK FOR A SECOND ABOUT THAT
(22) PLAN.
(23) DID YOU CONCLUDE THAT THERE WAS NO WAY
(24) THAT TURBINOL COULD GET OUT OF ONE OF THESE
GAS
(25) TURBINES IF A LINE BROKE OR SOMETHING?
(26) A I DIDN'T CONCENTRATE ON THAT AS MUCH AS I
(27) DID ON THE ABILITY OF THE CUSTOMER TO MANAGE
THAT
(28) SITUATION.

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(1) Q HOW DID THAT DIFFER FROM THE SITUATION OF
(2) THE CUSTOMER USING THE HYDRAULIC FLUIDS TO
MANAGE
(3) THEIR SITUATIONS?
(4) A IT'S IDENTICAL.
(5) Q SO IN THE CASE OF THE HYDRAULIC FLUIDS
(6) YOU DECIDED TO PULL THOSE PRODUCTS. BUT
TURBINOL,
(7) ALONG WITH SANTOVAC, WERE THE ONLY TWO
THINGS NOT
(8) COVERED BY THE SIX-POINT PLAN?
(9) A BECAUSE THERE WAS NO ALTERNATIVE
(10) AVAILABLE. AND AS LONG AS THE CUSTOMER WAS
(11) RESPONSIBLE AND SOPHISTICATED AND THE SYSTEM
WAS
(12) PROPERLY MANAGED THE CONTINUED USE IN THOSE
LIMITED
(13) FEW APPLICATIONS YOU MENTIONED WERE STILL
PERCEIVED
(14) TO BE ACCEPTABLE.
(15) Q JUST CLARIFY ONE POINT FOR ME,
(16) MR. PAPAGEORGE.
(17) YOU DID KNOW THAT THERE WERE ALTERNATIVES
(18) AVAILABLE FOR TURBINOL TO BE USED IN GAS
TURBINES?
(19) YOU SAID THAT A FEW MOMENTS AGO, RIGHT?
(20) A WELL, THERE WAS THIS FYRQUEL WE TALKED
(21) ABOUT AND ALL.
(22) THEY COULD HAVE GONE THAT ROUTE.
(23) BUT ADDRESSING PCB-TYPE FLUIDS SUCH AS
(24) TURBINOL, WE PERCEIVED THIS AS A SYSTEM WHERE
IT
(25) PROVIDED THE SAFETY REQUIRED.
(26) IT HAD ALL THE GOOD PROPERTIES OF FLUID
(27) IN THAT PIECE OF MACHINERY AND WE SAW
NOTHING THAT
(28) WOULD TELL US THAT IT COULDN'T CONTINUE TO BE
USED,

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(1) NOT CAUSE ANY PROBLEMS BY SOPHISTICATED
TEXAS
(2) EASTERN.
(3) THAT IS THE PICTURE WE HAD.
(4) Q WELL, HOW DID YOU THINK THAT THEY WERE
(5) GOING TO GET IT OUT OF THE PIPELINE?
(6) A IN THE CONDENSATE.
(7) WHERE ELSE WOULD IT GO?
(8) Q IF YOU WERE CONTROLLING THE EFFLUENT
FROM
(9) YOUR PLANTS DOWN TO THE LEVEL OF 10 PARTS
PER
(10) BILLION, HOW DID YOU THINK THEY WERE GOING
TO GET IT
(11) OUT OF THE PIPELINE?
(12) A THERE IS NO RELATIONSHIP, SIR.
(13) YOU ARE CONFUSING WATER WITH MATERIAL
(14) INSIDE A STEEL CONTAINER.
(15) Q EXACTLY.
(16) A THEY ARE TWO DIFFERENT THINGS.
(17) WATER IS FLOWING, CARRYING WITH IT THESE
(18) WASTES.
(19) IT'S DIFFERENT.
(20) Q IT IS.
(21) AND YOU CAN DIVERT THE FLOW OF THE WATER
(22) WITH PIPING OR YOU CAN DIG UP CONTAMINATED
DIRT,
(23) RIGHT?
(24) A YEAH, YOU CAN.
(25) BUT I DON'T UNDERSTAND THE IMPLICATION
(26) HERE.
(27) Q AND YOU CAN'T GET INSIDE A PIPELINE?

(28) A YOU CAN'T GET INSIDE OF A SEWER LINE,

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- (1) EITHER.
- (2) Q IS THERE ANY NATURAL GAS INSIDE A SEWER
- (3) LINE?
- (4) A I DIDN'T SAY THAT.
- (5) WE ARE TALKING ABOUT PCB'S.
- (6) Q OKAY. LET ME TURN YOU FOR A SECOND THERE
- (7) TO 109.
- (8) YOU HAVE TESTIFIED BEFORE YOU ARE
- (9) FAMILIAR WITH THAT DOCUMENT?
- (10) A YES, I AM.
- (11) Q EXCUSE ME.
- (12) AND THAT THAT WAS PART OF THE
- (13) PRESENTATION MADE TO THE CMC IN NOVEMBER,
- (14) 1969,
- (15) RIGHT?
- (16) A THIS IS AT LEAST A DRAFT FOR THAT
- (17) PARTICULAR PRESENTATION, YES.
- (18) Q OKAY. AND AT THE CMC MEETING THE
- (19) ALTERNATIVES PRESENTED WERE "DO NOTHING,"
- (20) THAT WAS
- (21) ONE?
- (22) A YES.
- (23) Q AND ANOTHER ALTERNATIVE PRESENTED,
- (24) "DISCONTINUE MANUFACTURE OF PCB'S
- (25) ALTOGETHER," THAT
- (26) WAS ANOTHER?
- (27) A YES.
- (28) Q AND THE THIRD WAS "TAILOR SPECIFIC PLANS
- (29) FOR EACH CUSTOMER AND EACH USE"?
- (30) A I THOUGHT THAT WAS THE FOURTH ONE.
- (31) THERE IS A THIRD IN THERE.

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- (1) ANYWAY.
- (2) Q OKAY.
- (3) A THAT WAS ONE OF THEM.
- (4) Q LOOK AT THESE GRAPHS, MR. PAPAGEORGE.
- (5) NOW, ISN'T IT A FACT THAT WHAT THE
- (6) CORPORATE MANAGEMENT COMMITTEE HEARD
- (7) WAS THAT IF THE
- (8) PLAN WAS TO DO NOTHING, PROFITS WOULD
- (9) EVENTUALLY
- (10) TRAIL OFF BUT LIABILITY WOULD CONTINUE AND
- (11) GROW?
- (12) A SIR, I DON'T BELIEVE THE CORPORATE
- (13) MANAGEMENT COMMITTEE SAW THESE CHARTS.
- (14) THIS WAS A ROUGH DRAFT OF THE PROPOSED
- (15) PRESENTATION.
- (16) IT'S NOT THE FINAL DRAFT.
- (17) Q YOU HAVE SEEN THESE CHARTS BEFORE,
- (18) MR. PAPAGEORGE?
- (19) A YES, I HAVE, JUST EXACTLY THIS SET.
- (20) Q OKAY.
- (21) CAN YOU PUSH THAT UP A LITTLE BIT?
- (22) ISN'T IT A FACT, MR. PAPAGEORGE, THAT THE
- (23) CONCEPT WAS IF YOU DISCONTINUED THE
- (24) MANUFACTURE OF
- (25) PCB'S, PROFITS WOULD DROP LIKE A STONE BUT
- (26) LIABILITY
- (27) WOULD CONTINUE TO RISE?
- (28) A THAT IS ONE MAN'S CONCEPT, YES.
- (29) I CAN SEE WHERE YOU COULD COME TO THAT
- (30) CONCEPT, YES, SIR.
- (31) Q AND THE APPROACH OF DEVELOPING SPECIFIC
- (32) PLANS OR THE RESPONSIBLE APPROACH WOULD
- (33) BE PROFITS
- (34) WOULD DROP A LITTLE BIT BUT THEN RISE,
- (35) LIABILITY

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- (1) WOULD RISE BUT THEN DROP?
- (2) A RIGHT AGAIN, ONE MAN'S OPINION OF WHAT
- (3) COULD HAPPEN, YES, SIR.
- (4) Q SO THE BEST POSSIBLE OUTCOME IS TO
- (5) CONTINUE TO SELL AND THEN EVENTUALLY THE
- (6) PROBLEM
- (7) WOULD GO AWAY?
- (8) A HOW DID YOU ARRIVE AT THAT?
- (9) THAT DOES NOT INCLUDE ALTERNATIVE
- (10) MATERIALS THAT ARE DEVELOPED AND INTRODUCED
- (11) TO SALES
- (12) TO CONTINUE THAT PROFIT LINE.
- (13) YOU ARE ASSUMING ALL OF THAT IS JUST
- (14) PCB'S. IT ISN'T.
- (15) Q NO, I WAS ASKING YOU.
- (16) IS THAT WHAT IT REPRESENTS?
- (17) A NO. IT REPRESENTS A ONE-PERSON OPINION
- (18) ON WHAT HE WAS GUESSING AS TO THE FUTURE IN
- (19) TERMS OF
- (20) DOLLARS AND LIABILITIES FOR THESE THREE
- (21) DIFFERENT
- (22) APPROACHES.
- (23) AND THE APPROACH OF CONTINUED RESPONSIBLE
- (24) APPROACH INCLUDED ALTERNATIVE MATERIALS. SO
- (25) YOU
- (26) STILL HAD THE CUSTOMER. YOU WERE SELLING HIM
- (27) A
- (28) DIFFERENT PRODUCT.
- (29) AND YOUR PROFITS WOULD CONTINUE.
- (30) AND THE DIP IN THERE WOULD REPRESENT THE
- (31) COST IT WOULD TAKE TO DO THE RESEARCH, FIND A
- (32) NEW
- (33) PRODUCT AND SO ON.
- (34) Q YOU WOULD AGREE WITH ME, MR. PAPAGEORGE,
- (35) THAT THE GOAL AT THE BEGINNING WAS TO
- (36) PROTECT THE

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- (1) CONTINUED SALES AND USES OF THE PCB
- (2) PRODUCTS, RIGHT?
- (3) A THAT'S ONE OF THEM.
- (4) Q THAT IN 1967 AND 1968 IT WAS ALL QUIET?
- (5) THERE WAS NOTHING GOING ON IN THE WORLD
- (6) AND MONSANTO
- (7) WASN'T SAYING ANYTHING?
- (8) A THERE WAS NOTHING TO SAY AT THE TIME,
- (9) YES, SIR.
- (10) Q YOU KNEW THERE WERE 5/6 CHLORINES BEING
- (11) FOUND IN THE ENVIRONMENT?
- (12) A YES, BUT WE DIDN'T KNOW HOW AND WHERE AND
- (13) UNDER WHAT CONDITIONS.
- (14) Q YOU KNEW THEY WERE BEING FOUND IN THE
- (15) ENVIRONMENT.
- (16) YOU BELIEVED JENSEN AND WIDMARK?
- (17) A YES, SIR.
- (18) Q AND YOU KNEW THERE WERE 5/6 CHLORINE
- (19) ATOMS IN 1242?
- (20) A TRUE.
- (21) Q AND YOU KNEW THAT WAS BEING USED TO MAKE
- (22) TURBINOL?
- (23) A TRUE.
- (24) Q BUT THERE WAS NO PUBLIC ANNOUNCEMENT OF
- (25) ANY KIND, NO LABEL CHANGE, UNTIL 1970?
- (26) A THERE WAS NOTHING TO ANNOUNCE.
- (27) I COULD NOT TELL THEM THAT USE OF
- (28) TURBINOL RESULTED IN THE PCB PROFESSOR
- (29) WIDMARK FOUND
- (30) IN THE EAGLE IN STOCKHOLM.
- (31) I DIDN'T HAVE ENOUGH INFORMATION TO MAKE

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- (1) A DECENT, RESPONSIBLE DECISION.
 (2) **Q WHAT WAS THE DOWNSIDE TO GIVING MORE INFORMATION?**
 (3) **INFORMATION?**
 (4) A IN WHAT WAY?
 (5) **Q I MEAN, WHEN, AT THE END OF 1968, YOU ACCEPTED WHAT WIDMARK AND JENSEN HAD DONE, WHAT WAS WRONG WITH JUST GIVING MORE INFORMATION?**
 (6) A I DON'T KNOW HOW IT WOULD HELP A CUSTOMER
 (7) WHO IS USING A FLUID TO TELL THEM THAT RESEARCHERS IN
 (8) STOCKHOLM FOUND A MATERIAL OF THIS TYPE.
 (9) YOU HAVE TO TAKE ANOTHER STEP.
 (10) WHAT DOES THAT MEAN TO HIS BUSINESS?
 (11) WHAT DOES HE DO AT THIS POINT?
 (12) WE WEREN'T IN A POSITION TO HELP ANYBODY,
 (13) THEN.
 (14) WE JUST DIDN'T HAVE ENOUGH GOOD SOLID SCIENCE, WHICH IS REALLY WHAT DECISIONS SHOULD BE
 (15) BASED ON.
 (16) **Q HOW MUCH DID YOU NEED?**
 (17) A WELL, WE NEEDED TO KNOW THAT THE ANALYTICAL METHODS TO BE USED IN ADDITION TO
 (18) DR. WIDMARK AND JENSEN'S WERE THE TYPE THAT WOULD
 (19) ALWAYS GIVE A NUMBER OR A RESULT THAT EVERYBODY WHO
 (20) KNEW EVERYTHING ABOUT THIS ANALYTICAL PROCEDURE WOULD
 (21) ACCEPT AS BEING A GOOD NUMBER.
 (22) WE DIDN'T HAVE THAT.
 (23) **Q MR. PAPAGEORGE, YOU DIDN'T KNOW WHAT THE LONG-TERM EFFECTS OF SEEING PCB'S IN THE ENVIRONMENT**

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- (1) **WERE, THE LONG-TERM TOXICOLOGICAL CHRONIC EFFECTS,**
 (2) **DID YOU?**
 (3) A THAT IS TRUE.
 (4) **Q BUT YOU KNEW THEY WERE OUT THERE?**
 (5) A YES.
 (6) **Q WOULD IT HAVE HURT YOUR CUSTOMERS' BUSINESS TO GIVE THEM THE INFORMATION?**
 (7) A I HAVE NO REAL EXPERTISE TO EVALUATE
 (8) THAT, AT ALL.
 (9) **Q DO YOU THINK IT MIGHT HAVE HURT MONSANTO'S BUSINESS TO GIVE OUT THAT INFORMATION?**
 (10) A I DON'T KNOW.
 (11) THERE IS NO WAY TO KNOW.
 (12) BUT WHEN YOU GIVE OUT INFORMATION, YOU
 (13) HAVE RESPONSIBILITY TO ALSO GIVE OUT SOME ADVICE.
 (14) AND THAT ADVICE HAS GOT TO BE BASED ON
 (15) GOOD SOLID INFORMATION, NOT JUST A SKETCHY REPORT
 (16) FROM SOME DISTANT SOURCE.
 (17) **Q WHAT CHANGED BETWEEN THE END OF 1967 AND,**
 (18) **LET'S SEE, WHAT DID WE SAY, MAY OF 1970 TO MAKE YOU START PUTTING ENVIRONMENTAL LABELS ON SOME PRODUCTS?**
 (19) A MORE LABORATORIES BECAME INVOLVED.
 (20) SOME ADDITIONAL WILDLIFE WORK WAS DONE,
 (21) FISH-AND-BIRD KIND OF WORK.
 (22) WHEN I INCLUDE MORE LABORATORIES, I'M
 (23) INCLUDING THE SCIENTISTS IN THE GOVERNMENT AGENCIES.
 (24) THEY BEGAN SOME SERIOUS STUDIES. I

(25) MENTIONED THE DULUTH, MINNESOTA LABORATORY PEOPLE AND

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- (1) SO ON.
 (2) SO IT'S JUST THAT BY THAT TIME WE HAD
 (3) MORE INFORMATION TO THE POINT WE FELT THAT WE
 (4) UNDERSTOOD IT BETTER.
 (5) **Q ARE YOU SAYING IT WAS JUST FOGGY FOR THREE AND A HALF YEARS?**
 (6) A IT WAS, YES, FOR THOSE OF US THAT WERE
 (7) CLOSE TO IT.
 (8) **Q WHEN YOU SENT OUT - WHEN YOU STARTED PUTTING ENVIRONMENTAL STICK-ON LABELS ON SOME PRODUCTS, DID YOU SEND ANY WARNING TO CUSTOMERS OR A LETTER SAYING, "WE HAVE CHANGED OUR LABELING. YOU SHOULD LOOK FOR THIS"?**
 (9) A I DON'T REMEMBER ANY SPECIFIC MEMORANDUM.
 (10) I DO RECALL A STAMP ON THEIR INVOICES,
 (11) BILLS OF LADING, WITH THAT SAME KIND OF WORDING.
 (12) SO SOMEBODY BACK AT THE CUSTOMER'S OFFICE
 (13) SAW SOMETHING IN PRINT.
 (14) **Q HAVE YOU EVER SEEN AN INVOICE LIKE THAT IN THIS CASE, MR. PAPAGEORGE?**
 (15) A I HAVEN'T BEEN SHOWN ANY, NO.
 (16) **Q SO WE SHOULD LOOK IN EVIDENCE FOR AN INVOICE WITH THAT MESSAGE ON IT?**
 (17) A IT WOULD CERTAINLY HELP, YES, SIR.
 (18) **Q OKAY. YOU DON'T KNOW WHAT BARRELS WENT TO CORONA, NEW MEXICO, RIGHT?**
 (19) A I HAVE NO WAY OF KNOWING THAT, NO, SIR.
 (20) **Q AND YOU DON'T KNOW WHAT WAS ON THEM?**

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- (1) A WELL, THERE IS NO WAY THAT I CAN BELIEVE
 (2) THAT A LABEL WASN'T ON THEM.
 (3) NO MATERIAL CAN BE SHIPPED UNLESS IT'S
 (4) LABELED.
 (5) **Q SO YOU WOULD EXPECT THAT PEOPLE AT THE STATION WOULD BE ABLE TO TESTIFY THAT THERE WERE LABELS ON THERE?**
 (6) A CERTAINLY.
 (7) MR. TALLON: NOTHING FURTHER, YOUR HONOR.
 (8) THE COURT: ALL RIGHT.
 (9) ANYTHING FURTHER, MR. PREUSS?
 (10)
 (11) RECROSS EXAMINATION
 (12) BY MR. PREUSS:
 (13) **Q MR. PAPAGEORGE, YOU INDICATED THAT THE ENVIRONMENTAL LABELING WAS AFFIXED TO THE INVOICE THAT WENT FROM MONSANTO TO THE CUSTOMER?**
 (14) A YES, SIR.
 (15) **Q SO IN THE CASE OF TEXAS EASTERN, THEN, THE INVOICE WOULD BE AN INVOICE SENT FROM MONSANTO TO TEXAS EASTERN?**
 (16) A YES, SIR.
 (17) **Q AND IF IT WERE AVAILABLE, IT WOULD HAVE TO COME FROM TEXAS EASTERN?**
 (18) A AVAILABLE -
 (19) MR. TALLON: OBJECTION, FOUNDATION.
 (20) THE COURT: SUSTAINED.
 (21) **Q BY MR. PREUSS: IS IT YOUR UNDERSTANDING**

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- (1) **THAT MONSANTO IN SENDING THE INVOICE TO THE CUSTOMER**
 (2) **FOR A PRODUCT WOULD AFFIX THE**

ENVIRONMENTAL LABEL?

- (3) A YES, SIR, IT WOULD BE AFFIXED TO THE
 (4) INVOICE. IT WOULD BE THE "BILL TO ADDRESSEE."
 (5) **Q THAT IS WHAT IS PUT IN THE ENVELOPE AND**
 (6) **MAILED TO THE CUSTOMER?**
 (7) A YES, SIR.
 (8) MR. PREUSS: THANK YOU, SIR.
 (9) NO FURTHER QUESTIONS.
 (10) THE COURT: FURTHER REDIRECT?
 (11)
 (12) FURTHER REDIRECT EXAMINATION
 (13) BY MR. TALLON:
 (14) **Q SO THE CUSTOMER IS SHOWN BY THE AREA THAT**
 (15) **SAYS "BILL TO"?**
 (16) A YES, THE ONE RECEIVING THE INVOICE.
 (17) MR. TALLON: NO FURTHER QUESTIONS.
 (18) THE COURT: MAY THIS WITNESS NOW BE EXCUSED,
 (19) MR. TALLON?
 (20) MR. TALLON: YES, SIR.
 (21) THE COURT: MR. PREUSS?
 (22) MR. PREUSS: YES, SUBJECT TO RECALL IN PART OF
 (23) OUR CASE AS INDICATED EARLIER.
 (24) THE COURT: LET ME SEE COUNSEL, PLEASE.
 (25) MR. PAPAGEORGE, I TRIED TO GET YOU OUT OF
 (26) HERE BUT IT DIDN'T WORK.
 (27) THE WITNESS: I APPRECIATE THE EFFORT, YOUR
 (28) HONOR.

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- (1) THE COURT: AND IF EITHER SIDE CALLS YOU TO
 (2) RETURN, YOU SHOULD THEN RETURN.
 (3) OTHERWISE, YOU ARE EXCUSED AT THIS TIME.
 (4) THE WITNESS: THANK YOU, SIR.
 (5) MR. PREUSS: AS PART OF OUR CASE.
 (6) THE COURT: HE REMAINS SUBJECT TO CALL.
 (7) THE COURT: MR. TALLON, DO WE GO TO A
 (8) DEPOSITION READING FOR OUR NEXT WITNESS?
 (9) MR. TALLON: WE DO.
 (10) THE COURT: AND YOU WANT TO DO THAT AT 3:30 IN
 (11) THE AFTERNOON?
 (12) MR. TALLON: DO I WANT TO?
 (13) THE COURT: GO AHEAD.
 (14) MR. TALLON: DO I HAVE A CHOICE?
 (15) THE COURT: GO AHEAD, MR. TALLON.
 (16) MR. TALLON: OKAY.
 (17) YOUR HONOR, THIS IS THE DEPOSITION OF
 (18) CLINT SULTEMEIER TAKEN ON AUGUST 12, 1992.
 (19) THE COURT: SPELL THAT NAME, PLEASE.
 (20) MR. TALLON: S-U-L-T-E-M-E-I-E-R.
 (21) (READING):
 (22) **Q MR. SULTEMEIER, HAVE YOU EVER HAD**
 (23) **YOUR DEPOSITION TAKEN BEFORE?**
 (24) A NO, SIR.
 (25) **Q MAY I HAVE YOUR DATE OF BIRTH,**
 (26) **PLEASE, SIR?**
 (27) A THE 12TH AND 30TH OF '44.
 (28) **Q AND YOUR CURRENT ADDRESS, PLEASE?**

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- (1) A BOX 147, CORONA, NEW MEXICO,
 (2) 88381.
 (3) **Q CAN YOU GIVE ME A BRIEF SUMMARY**
 (4) **OF YOUR EDUCATION, YOUR FORMAL**
 (5) **EDUCATION.**
 (6) A WELL, I STARTED IN CORONA, NEW
 (7) MEXICO AND I FINISHED IN CORONA,
 (8) NEW MEXICO.
 (9) **Q WHAT LEVEL DID YOU FINISH AT?**
 (10) A 12TH.
 (11) AND THEN I WENT TO COLLEGE AT
 (12) EASTERN NEW MEXICO UNIVERSITY IN
 (13) LAS CRUCES, NEW MEXICO FOR TWO
 (14) YEARS.
 (15) **Q WHAT DID YOU STUDY AT EASTERN NEW**

- (16) **MEXICO UNIVERSITY?**
 (17) A NEW MEXICO STATE.
 (18) **Q I'M SORRY. WHAT DID YOU STUDY?**
 (19) A I -
 (20) **Q OH, IT'S NEW MEXICO STATE?**
 (21) A NEW MEXICO STATE, NOT EASTERN.
 (22) **Q I'M SORRY.**
 (23) A I STUDIED RANGE MANAGEMENT AND
 (24) AGRICULTURE.
 (25) **Q OKAY. YOU WERE EMPLOYED AT SOME**
 (26) **POINT BY TRANSWESTERN, IS THAT**
 (27) **CORRECT?**
 (28) A YES, SIR.

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- (1) **Q WHEN DID YOU START AT**
 (2) **TRANSWESTERN?**
 (3) A 1966.
 (4) **Q DO YOU REMEMBER WHAT MONTH?**
 (5) A MARCH.
 (6) **Q OKAY. I WANT YOU TO GIVE ME A**
 (7) **BRIEF SUMMARY OF YOUR FULL-TIME**
 (8) **EMPLOYMENT BEFORE YOU STARTED**
 (9) **WITH TRANSWESTERN.**
 (10) **SO IT'S BEFORE MARCH, 1966.**
 (11) **IF IT'S EASIER TO START WITH THE**
 (12) **BEGINNING AND GO UP TO MARCH,**
 (13) **1966, THAT'S FINE OR DO IT THE**
 (14) **OTHER WAY, THAT'S FINE TOO.**
 (15) A WELL, I STARTED OUT AS A MATERIAL
 (16) CLERK AT STATION EIGHT, WHICH IS
 (17) AT CORONA, NEW MEXICO.
 (18) **Q OKAY. LET ME - MY QUESTION MUST**
 (19) **NOT HAVE BEEN CLEAR.**
 (20) **I WOULD LIKE TO KNOW ABOUT YOUR**
 (21) **EMPLOYMENT BEFORE YOU WERE**
 (22) **EMPLOYED AT TRANSWESTERN, OKAY?**
 (23) A OH.
 (24) **Q JUST BRIEFLY, A BRIEF DESCRIPTION**
 (25) **OF IT FROM THE TIME YOU LEFT**
 (26) **COLLEGE AT LAS CRUCES?**
 (27) A I JUST WORKED ON SOME RANCHES.
 (28) **Q WHAT SORT OF WORK DID YOU DO ON**

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- (1) **THE RANCHES?**
 (2) A WELL, BUILDING FENCES, CHECKING
 (3) WATER AND FEEDING AND TAKING CARE
 (4) OF THE LIVESTOCK.
 (5) **Q ANY MECHANICAL WORK THAT YOU DID**
 (6) **ON THOSE RANCHES?**
 (7) A YEAH.
 (8) WE WORKED ON THE VEHICLES.
 (9) **Q WHAT KIND OF VEHICLES DID YOU**
 (10) **WORK ON?**
 (11) A PICKUPS AND TRACTORS, I SUPPOSE.
 (12) **Q AND THEN IN MARCH, 1966 YOU**
 (13) **STARTED AT TRANSWESTERN.**
 (14) **DID YOU TELL ME YOU STARTED AT**
 (15) **CORONA?**
 (16) A YES, SIR.
 (17) **Q AND YOU WERE A MATERIALS CLERK?**
 (18) A YES, SIR.
 (19) **Q WHAT DID YOU DO AS A MATERIALS**
 (20) **CLERK?**
 (21) A OH, WE JUST WROTE PO'S AND THEN
 (22) HUSTLED PARTS.
 (23) MOSTLY IT WAS DRIVING A PICKUP,
 (24) GOING TO DIFFERENT TOWNS, PICKING
 (25) UP SUPPLIES THAT THEY NEEDED
 (26) WHILE THEY WERE BUILDING THE
 (27) STATION.
 (28) **Q SO YOU WORKED AS A MATERIALS**

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- (1) CLERK BEGINNING IN MARCH, 1966.
(2) HOW LONG DID YOU SERVE IN THIS
(3) CAPACITY?
(4) A ABOUT A YEAR AND A HALF.
(5) Q SO DO YOU REMEMBER ABOUT WHAT
(6) MONTH YOU CHANGED POSITIONS?
(7) A UH, NO.
(8) Q WOULD IT HAVE BEEN IN 1967, DO
(9) YOU THINK?
(10) A YEAH, YEAH, IT WOULD HAVE BEEN IN
(11) 1967.
(12) BUT I DON'T KNOW WHAT MONTH.
(13) Q WHAT JOB DID YOU MOVE TO FROM
(14) MATERIALS CLERK?
(15) A I COME TO ROSWELL HERE.
(16) Q OKAY. AND WHAT POSITION?
(17) A I WAS IN MAINTENANCE CREW.
(18) Q WHAT WAS YOUR TITLE, DO YOU
(19) REMEMBER?
(20) A UTILITY MAN.
(21) Q I BELIEVE YOU TOLD ME THAT YOU
(22) WERE ON A MAINTENANCE CREW; IS
(23) THAT RIGHT?
(24) A YES, SIR.
(25) Q AND WHAT I'M INTERESTED IN IS HOW
(26) MANY PEOPLE WERE ON THE
(27) MAINTENANCE CREW.
(28) A I DON'T REMEMBER.

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- (1) PROBABLY 10 OR - 10 OR 12 OF
(2) US.
(3) Q OKAY. HOW MANY UTILITY MEN ON
(4) THE CREW?
(5) A OH, THERE WAS PROBABLY HALF OF
(6) US.
(7) Q ABOUT FIVE OR SIX UTILITY MEN?
(8) MR. TALLON: AND THE TRANSCRIPT
(9) INDICATES THAT THE WITNESS NODS
(10) HIS HEAD AFFIRMATIVELY.
(11) Q WHAT DID YOU DO WHEN YOU SERVED
(12) AS A UTILITY MAN?
(13) A YOU NAME IT, WE DID IT.
(14) I MEAN, PLUMB DOWN FROM YARDWORK
(15) TO WORKING ON ENGINES, JUST
(16) TAKING CARE OF THE PIPELINE IN
(17) THE STATIONS.
(18) Q WHEN YOU STAY "YARDWORK," GIVE ME
(19) A ROUGH IDEA OF WHAT IS INVOLVED
(20) WITH YARDWORK?
(21) A PULLING WEEDS.
(22) Q THAT KIND OF YARDWORK?
(23) A MOWING THE GRASS, JUST KEEPING
(24) THINGS CLEAN.
(25) Q OKAY. THAT IS THE KIND OF
(26) YARDWORK I UNDERSTAND VERY WELL.
(27) YOU SAY YOU WORKED ON SOME
(28) ENGINES.

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- (1) DID YOU EVER WORK ON THE
(2) CENTRIFUGAL COMPRESSOR AT
(3) CORONA?
(4) A YES, SIR.
(5) Q EVER WORK ON THE TURBINE AT
(6) CORONA?
(7) A YES, SIR.
(8) Q CAN YOU GIVE ME A ROUGH IDEA HOW
(9) MANY TIMES YOU DID WORK ON THE
(10) COMPRESSOR AT CORONA?
(11) A NO, SIR.
(12) Q DO YOU THINK IT WAS MORE THAN 10
(13) TIMES?
(14) A OH, I WOULD IMAGINE IT WAS

- (15) SOMETIME AROUND 10.
(16) Q AROUND 10.
(17) AND THE SAME FOR THE TURBINE?
(18) A OH, I DOUBT THAT ON THE TURBINE.
(19) Q FEWER TIMES ON THE TURBINE?
(20) A TURBINE, YES, SIR.
(21) Q AROUND FIVE, WOULD THAT BE A FAIR
(22) ESTIMATE?
(23) A POSSIBLY.
(24) Q WHAT KIND OF WORK DID YOU DO ON
(25) THE CENTRIFUGAL COMPRESSOR AT
(26) CORONA?
(27) A JUST OVERHAULED THEM.
(28) Q DID THAT INVOLVE SHUTTING THE

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- (1) COMPRESSOR DOWN?
(2) A OH, THEY HAD IT SHUTDOWN AND ALL
(3) OF THAT BEFORE WE WOULD GET
(4) THERE.
(5) Q EACH TIME YOU WORKED ON THE
(6) COMPRESSOR IT WAS SHUTDOWN, IS
(7) THAT RIGHT?
(8) A YES, SIR.
(9) Q AND HOW ABOUT THE TURBINE, THE
(10) TIMES YOU WORKED ON THE TURBINE,
(11) WAS IT ALSO SHUTDOWN?
(12) A YES, SIR.
(13) Q DO YOU REMEMBER WHETHER YOU EVER
(14) WENT OUT AND DID MAINTENANCE ON
(15) THE COMPRESSOR IN RESPONSE TO AN
(16) EMERGENCY?
(17) A NO, SIR.
(18) Q WHAT KIND OF MAINTENANCE DID YOU
(19) DO ON THAT COMPRESSOR?
(20) A WELL, MOSTLY I WAS JUST A UTILITY
(21) MAN.
(22) MOSTLY I DID JUST A LOT OF THE
(23) CLEANING UP, JUST HELPING THE
(24) REPAIRMAN.
(25) Q THE REPAIRMAN DID MORE THAN
(26) MECHANICAL WORK; IS THAT FAIR TO
(27) SAY?
(28) A YES, SIR.

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- (1) Q NOW, YOU HAVE GOT A BROTHER NAMED
(2) MELVIN SULTEMEIER, RIGHT?
(3) A COUSIN.
(4) Q HOW LONG DID YOU REMAIN WORKING
(5) FOR TRANSWESTERN AS A UTILITY MAN
(6) ON THE MAINTENANCE CREW FROM
(7) ROSWELL?
(8) A I IMAGINE UNTIL, PROBABLY ABOUT
(9) UNTIL '72.
(10) Q DID YOU CONTINUE WORKING FOR
(11) TRANSWESTERN WHEN YOU STOPPED
(12) WORKING AS A UTILITY MAN?
(13) A YES, SIR.
(14) Q WHAT JOB DID YOU MOVE TO THEN?
(15) A I WAS AN OPERATOR IN THE ARTESIA
(16) FIELD.
(17) Q WHAT DID YOU DO AS AN OPERATOR?
(18) A JUST CHECKED THE ENGINES.
(19) Q HOW LONG DID YOU REMAIN IN THAT
(20) JOB?
(21) A ABOUT A YEAR AND A HALF OR ALMOST
(22) TWO YEARS, I GUESS.
(23) Q SO WHAT - ABOUT 1974 YOU LEFT
(24) THAT JOB?
(25) A YES.
(26) Q AND WHAT JOB DID YOU TAKE THEN?
(27) A OH, I LEFT AND WENT INTO BUSINESS
(28) FOR MYSELF.