

IN THE CIRCUIT COURT FOR ETOWAH COUNTY, ALABAMA
(Transferred from the Circuit Court of
Calhoun County, Alabama)
SABRINA ABERNATHY, et al.,
Plaintiffs,
versus CIVIL ACTION NUMBER
CV-2001-832
MONSANTO COMPANY, et al., (Consolidated)
Defendants.

DEPOSITION OF WILLIE FRANCIS BYRD, JR.

The deposition of Willie Francis Byrd, Jr., was taken before Misty Perry Sanders, as Commissioner, commencing at 11:00 a.m., on January 4th, 2002, by the Plaintiffs, at the law offices of Fite, Field & Miller, LLC, 1000 Quintard Avenue, Anniston, Alabama, pursuant to the stipulations set forth herein.

Regional Reporting Service, Inc.
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APPEARANCES

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No exhibits were marked for identification, offered, or attached as exhibits hereto.

STIPULATIONS

IT IS STIPULATED AND AGREED, by and between the parties, through their respective counsel, that the deposition of Willie Francis D., Jr., may be taken before Misty Perry D., as Commissioner and Notary Public, at Large, at Anniston, Alabama, on January 11, 2002, commencing at 11:00 a.m.

9 IT IS STIPULATED AND AGREED that the
10 signature to and reading of the deposition by
11 the witness is waived, the deposition to have
12 the same force and effect as if full compliance
13 were had with all laws and rules of Court
14 relating to the taking of depositions.

15 IT IS STIPULATED AND AGREED that it
16 shall not be necessary for any objections to be
17 made by counsel to any questions except as to
18 form or leading questions and that counsel may
19 make objections and assign grounds at the time
20 of trial or at the time said deposition is
21 offered in evidence or prior thereto.

22 IT IS STIPULATED AND AGREED that notice
23 of filing by the Commissioner is waived.

STATE OF ALABAMA, CITY OF ANNISTON
JANUARY 4, 2002

WILLIE FRANCIS BYRD, JR.,
having been first duly sworn, was
examined and testified as follows:

THE COURT REPORTER: Usual stipulations?

MR. CUNNINGHAM: Yes, ma'am.

MR. MYERS: Yes, ma'am.

EXAMINATION

BY MR. CUNNINGHAM:

Q. Mr. Byrd, my name is Charlie Cunningham, and I'm here today to ask you some questions about factual knowledge you may have that would be relevant to a lawsuit where I represent about thirty-five hundred folks who have sued Monsanto and Solutia.

Have you ever been deposed before?

A. Yes.

Page 5 1 Q. Okay. So you understand the lady to your 2 left needs to take down your answers, and 3 I need you to make a verbal response 4 rather than a shaking of the head? 5 A. Yes. 6 Q. Good. I'm going to tell you a couple of 7 odd things about me that you may not have 8 encountered in the previous testimony. 9 One bad habit of mine is you'll be giving 10 me an answer, and I'll either think that 11 you have finished and cut you off and go 12 on with another question, or I'll get this 13 thought in mind, and I'll throw another 14 question at you, and you won't have had a 15 chance to complete your answer. If I do 16 either of those things, just let us know 17 because we do want you to have a chance to 18 give a complete answer. 19 A. Certainly. 20 Q. The second bad habit I have is I'll ask 21 you a question, and it'll sound like I 22 know what I'm talking about and that I 23 know something, and that isn't necessarily	Page 7 1 Owens. 2 MR. CUNNINGHAM: Thank you. 3 Q. Let's start with some easy stuff. Would 4 you tell us your full name, please? 5 A. Willie, i-e, Francis, i-s, Byrd, B-y-r-d, 6 Jr. 7 Q. And your address? 8 A. Pelham, P-e-l-h-a-m, Road North, 9 Jacksonville, Alabama 36265. 10 Q. Okay. And how long have you resided there 11 on Pelham Road in Jacksonville? 12 A. Approximately twelve years. 13 Q. Before that, where did you reside? 14 A. On East 22nd Street in Anniston. 15 Q. Okay. I don't need a street address. 16 That's fine. East 22nd Street in 17 Anniston. Now, I don't profess to be an 18 expert in Anniston geography, but I'd put 19 that up by the -- not the Northeast 20 Regional Medical Center but the other 21 hospital? 22 A. Correct. It's north of Stringfellow. 23 Q. Yeah. And how long did you live there?
Page 6 1 so. I may not know what I'm talking 2 about. If I ask you a question and it 3 doesn't sound right, please don't presume 4 that I am correct, and tell me that 5 doesn't sound right or that doesn't make 6 sense based on what you know. Okay? 7 A. Okay. Sure. 8 Q. Great. Your previous deposition 9 testimonies, were they involved in 10 litigation involving Monsanto too, as far 11 as you know? 12 A. As far as I know, yes, sir. 13 Q. And was that once or twice that you were 14 deposed in the past? 15 A. Once, I think. 16 Q. And there's two different cases where I've 17 encountered some workers who were deposed; 18 one is the Owens' case, and one is what we 19 call the insurance case. And I'm betting 20 you probably don't have a clue as to which 21 it might have been? 22 A. Correct. I have no idea. 23 MR. MYERS: Yes, sir. It was	Page 8 1 A. Approximately two years. 2 Q. Okay. And before that, where did you 3 reside? 4 A. I moved around quite a bit, so it's going 5 to be difficult to -- 6 Q. Let me try to simplify it. What I'm 7 trying to -- if you ever resided in Etowah 8 County, that would be of interest to me 9 because we're going to poll a jury from 10 Etowah County. 11 A. I did reside in Glencoe, Alabama, in the 12 '80s. 13 Q. That's in the southern part of the county? 14 A. Correct. 15 Q. Any other places in Etowah County that you 16 resided in? 17 A. No, sir. 18 Q. Okay. And then, also, if you ever lived 19 close to the plant, that would be 20 something I need to know about. 21 A. Close, as to -- 22 Q. Well, let's take the East 22nd Street 23 address. That, I'm going to guess, if we

Page 9 1 looked at a map, is probably -- what do 2 you think -- three or four miles? 3 A. Probably. 4 Q. Okay. Ever lived closer than that to the 5 plant? 6 A. I lived in Saks, but I'm not certain as to 7 how far that was. 8 Q. But you never lived within a mile of the 9 plant -- 10 A. No. 11 Q. -- or two miles? 12 A. No. 13 Q. We're pretty safe on saying that? 14 A. Correct. 15 Q. Are you married, Mr. Byrd? 16 A. Yes. 17 Q. And what is your wife's name? 18 A. Constance, C-o-n-s-t-a-n-c-e, Sims, 19 S-i-m-s. 20 Q. Do you know if her PCB level has ever been 21 checked? 22 A. No, I don't. 23 Q. And do you have children?	Page 11 1 Q. Correct. 2 A. No one. 3 Q. Okay. It's very short. Okay. I want to 4 ask you for a moment about things you may 5 have done to get ready for today; such as, 6 have you spoken with someone about, hey, 7 I'm getting ready to be deposed again in 8 this Monsanto stuff; what do you remember 9 about such; how did it go with you, that 10 sort of thing? 11 A. No. 12 Q. Have you looked at anything, viewed any 13 documents, read something? 14 A. No. 15 Q. So do you have any idea why you might be 16 called as a witness in this case by 17 Monsanto? 18 A. Other than working there? 19 Q. Yeah. I mean, you haven't had a 20 conversation with somebody saying, you 21 know, we need to try and prove this; will 22 you be a witness for us and talk about 23 that?
Page 10 1 A. Yes. 2 Q. And what are their names? 3 A. Allen Clark -- and I don't recall his last 4 name -- and David Patrick. They were 5 adopted by my exwife's husband. 6 Q. Okay. I'm with you. I probably don't 7 have to worry about your exwife being 8 biased against my clients because of your 9 precedence in the case, but just in case, 10 what's her new married name? 11 A. I don't remember. 12 Q. Okay. That's fine. Then I don't think I 13 have to worry about bias there. And one 14 thing we will be looking for is folks who 15 might reside in Etowah County who might 16 show up on our jury panel; therefore, 17 adults, and who are related to you by 18 blood or marriage. Would that be a long 19 list of folks or a short list of folks? 20 A. Is that two parts or -- 21 Q. One. 22 A. Do they live in Etowah County, and are 23 they related to me?	Page 12 1 A. No. No one has told me we're trying to 2 prove anything. 3 Q. All right. I'm going to assume for the 4 sake of your answers today that everything 5 you tell me is your own independent 6 recollection since you haven't looked at 7 anything else or talked to anyone else. 8 And that's fine. That's what we want. 9 But if when I ask you something, it 10 triggers a recollection that at a 11 Christmas party, I was talking to 12 So-and-so, and he said this or something 13 like that, by all means, let us know. 14 We'd like to know that too. Just let us 15 know the source. 16 A. Okay. 17 Q. All right. Now, would you tell me, 18 please, what education you've obtained? 19 A. I have an associate degree. That would be 20 two years of college. Plus, I continue 21 going to Jacksonville State University. 22 Q. And what was your degree conferred in? 23 A. Fire science.

Page 13 1 Q. What department at the university was in 2 charge of overseeing that course work and 3 administering that degree? 4 A. That was at Gadsden State Community 5 College. 6 Q. Okay. And again, what department within 7 Gadsden State administered the fire 8 science? You're the first guy I've ever 9 met with a degree in fire science, so I'm 10 kind of clueless as to what one even 11 studies to do fire science. 12 A. I'm not certain that they have departments 13 at Gadsden State. 14 Q. Are you a volunteer firearm? 15 A. I have been. 16 Q. Was that the basis for your interest in 17 that? 18 A. No. 19 Q. Okay. I'm assuming you have a high school 20 diploma from somewhere? 21 A. Yes. 22 Q. When and where did you obtain that? 23 A. 1961, Fowler, F-o-w-l-e-r, Indiana.	Page 15 1 A. It was correspondence. They would send me 2 the course, and I'd study the course, and 3 there would be proctored exams here 4 locally. 5 Q. And you haven't been conferred a degree 6 yet at this point from them, I take it? 7 A. No. 8 Q. Is there a certificate of some sort, 9 perhaps, that you qualified for? 10 A. No. 11 Q. And when did you receive your associate 12 degree from Gadsden State? 13 A. 1984 or 1985, somewhere in that time 14 frame. 15 Q. Mid '80s? 16 A. Mid '80s. 17 Q. Were you working and going to school 18 part-time when you obtained that? 19 A. Right. 20 Q. And the subsequent work that you've taken 21 at Jacksonville State is in the same realm 22 of course work, fire science, emergency 23 management kind of stuff?
Page 14 1 Q. Now you're getting up my way. Have you 2 done any college course work other than at 3 Gadsden State and Jacksonville State? 4 A. Yes. 5 Q. Okay. 6 A. Thomas Edison State College. 7 Q. Okay. And where is that located? 8 A. In New Jersey. 9 Q. And what did you study there? 10 A. Emergency disaster management. 11 Q. And when did you do that? 12 A. Middle to late '90s, somewhere in that 13 time frame. 14 Q. Let me skip ahead for a moment. What 15 years have you worked for Monsanto? 16 A. 1965 through 1998. 17 Q. So were you still working with Monsanto 18 when you took this course work in New 19 Jersey? 20 A. Yes. 21 Q. Okay. Was this something where you would 22 go up and spend several weeks intensively, 23 or was it correspondence?	Page 16 1 A. Correct. 2 Q. Do you find that the faculty up there at 3 Jacksonville State is competent generally 4 when you take your courses there? 5 A. Yes. 6 Q. Been pleased with the education you've 7 been able to get there? 8 A. Yes, sir. 9 Q. They have a pretty good library, as I 10 recall? 11 A. Yes. 12 Q. Let me -- before we talk about what you 13 did for Monsanto, let me talk to you for a 14 moment, if we might, about other things 15 you've done for a living aside from your 16 work at Monsanto. When you got out of 17 high school -- and when was that? 1961? 18 A. Graduated in 1961. 19 Q. So we've got a four-year gap there. Tell 20 me what you did first when you got out of 21 high school. 22 A. Three years in the U.S. Army. 23 Q. Okay.

Page 17 1 A. And one year at Union Foundry. 2 Q. What did you do at Union Foundry? 3 A. Cleanup. 4 Q. Now, I'm guessing they could make a lot of 5 messes at a place like Union Foundry. So 6 tell me, if you can: Were there specific 7 things you were cleaning up or just all 8 over the place? 9 A. I was classified probably as a general 10 laborer. I worked third shift and cleaned 11 up what they call Union Number One 12 Foundry. 13 Q. Okay. Now, what were they making at this 14 particular foundry? 15 A. Soil pipe. 16 Q. And when you say "soil pipe," are you 17 talking about iron pipe? 18 A. Cast iron. 19 Q. Cast iron. Okay. And when you were doing 20 cleanup, were you -- I know they use sand 21 in the molds for that stuff. Were you 22 with a broom and shovel cleaning up sand? 23 A. A broom and a shovel cleaning up sand.	Page 19 1 being processed. And we'd just shovel it 2 up, and it would be black-looking sand. 3 That's all I can tell you. 4 Q. Okay. 5 A. It was used. 6 Q. And do you know if there was ever any -- 7 did you ever see any indication that that 8 sand was contaminated with PCBs or 9 Aroclors? 10 A. No. 11 Q. And you left Union Foundry to go to work 12 at Monsanto? 13 A. Correct. 14 Q. And I assume that was a better paying job; 15 in other words, you didn't get fired from 16 Union Foundry, you were happy to make that 17 switch? 18 A. Right. 19 Q. You mentioned that you worked -- or you've 20 served in the military for three years in 21 the U.S. Army? 22 A. Yes. 23 Q. What was your -- I forget the designation.
Page 18 1 Q. And what would you do with that sand when 2 you were done with it? 3 A. Most of the time, we put it on a conveyor 4 belt, and we shoveled it back to a 5 conveyor belt that took it someplace. 6 Q. Did this sand have a particular 7 appearance? 8 A. Dirty. 9 Q. Dirty. Okay. Color-wise, was it 10 light-colored sand, medium, dark, depend 11 from day to day? 12 A. Dark. 13 Q. Dark sand. And when you say "dirty," what 14 was dirty about it? 15 A. The color because it was dark. 16 Q. Dirty as in it's got dirt on it, which is 17 brown; dirty because it's got oil on it, 18 which is black; dirty because it's got 19 flecks of other material in it? I'm 20 trying to figure out what you mean 21 by dirty. 22 A. The sand that we shoveled up would be what 23 would come off the pipe, I guess, after	Page 20 1 A. MOS? 2 Q. Uh-huh, MOS. 3 A. Chemical biological radiological 4 laboratory specialist. 5 Q. And I'm going to bet that you served at 6 Fort McClellan? 7 A. Correct. 8 Q. Don't tell us anything that you'd have to 9 shoot us after you tell us, but tell us 10 what you did as a lab specialist in the 11 chemical biological radiological 12 department. 13 A. Primarily checked impregnated clothing for 14 completeness of coverage of the 15 impregnating materials. 16 Q. And when you say "impregnated," this was 17 textiles that had had an application to it 18 so that nerve gases couldn't penetrate 19 that textile; correct? 20 A. Essentially, yes. 21 Q. And if it was only ninety-nine percent 22 impregnated, just as good as not 23 impregnated at all?

Page 21 1 A. I'm not sure. 2 Q. But the bottom line is you were trying to 3 make sure it was completely sealed up? 4 A. Correct. 5 Q. And you did that for three years? 6 A. I did that for two years. And then, I 7 spent a year in Germany. 8 Q. What did you do in Germany? 9 A. I was a chemical staff specialist. 10 Q. And what sort of responsibility did you 11 have as a chemical staff specialist? 12 A. I was excess, so I covered a lot of jobs, 13 such as mail clerk, RNR, NCO, training 14 NCO. 15 Q. Got you. What rank did you achieve in the 16 Army? 17 A. Specialist, Fourth Class. 18 Q. Honorable discharge? 19 A. Yes. 20 Q. Did you get any -- you obviously went to 21 basic training. Where did you do your 22 basic? 23 A. Fort Knox, Kentucky.	Page 23 1 precursors to the VX nerve agent here at 2 the Anniston plant at least for a while. 3 Do you know anything about that? 4 A. I know no facts about that. 5 Q. Ever hear anything when you were at Fort 6 McClellan about them having done research 7 here in Anniston at one point in the '50s 8 when they were producing and developing 9 the processes for making a nerve agent? 10 A. Repeat that again, please. 11 Q. Yeah. Have you ever heard anything to 12 suggest that some of the research that was 13 done over here in the United States about 14 how to produce nerve agents was done at 15 the Anniston Monsanto facility? 16 A. No. 17 Q. Okay. How is your health, Mr. Byrd? 18 A. Good. 19 Q. Ever had any surgeries? 20 A. Yes. 21 Q. What have you had done surgically? 22 A. Internal hemorrhoids, vasectomy, hernia. 23 Q. That's good enough. Anything less than
Page 22 1 Q. Great place. And where did you go after 2 that? 3 A. Fort McClellan. 4 Q. And you took some training there, I 5 presume, before they actually put you 6 in -- 7 A. Correct. 8 Q. Tell me what kind of training you had 9 prior to actually taking on the task of 10 checking these -- 11 A. We had the MOS training. And I don't 12 recall how many weeks it was, but 13 essentially, it's classroom and literary 14 training. 15 Q. Was this something that you chose? 16 A. Yes. 17 Q. And what was it about this particular work 18 that intrigued you, made you want to 19 select that, as opposed to any other MOS 20 you might have tried to get into in the 21 Army? 22 A. I like chemistry. 23 Q. Okay. I understand they made one of the	Page 24 1 that -- and I apologize. I really didn't 2 need to know about those. 3 A. Okay. 4 Q. Ever have cancer? 5 A. No. 6 Q. Do you consume any alcoholic beverages? 7 A. Occasionally. 8 Q. Use any tobacco products? 9 A. Yes. 10 Q. What is your tobacco of choice? 11 A. Cigarettes. 12 Q. Okay. When did you start smoking? 13 A. I was around fourteen or fifteen years 14 old. 15 Q. And you're a native of Indiana? 16 A. I was born in Arkansas. 17 Q. Okay. Grew up in Indiana? Went to high 18 school in Indiana? 19 A. Went to high school in Indiana. 20 Q. What did your father do for a living? 21 A. I'm not sure. 22 Q. Okay. Ever tried to quit smoking? 23 A. Yes.

1 Q. Like Mark Twain said, it's easy; done it
2 lots of times?
3 A. Yeah.
4 Q. Do you currently receive any sort of
5 financial benefits from Monsanto?
6 A. Such as retirement?
7 Q. Uh-huh (indicating yes).
8 A. Yes.
9 Q. Pension and subsidized health insurance?
10 A. Yes.
11 Q. Were you ever a member of the
12 International Chemical Workers Local 125?
13 A. Yes.
14 Q. And did you ever hold any positions, such
15 as officer or committeeman?
16 A. Yes.
17 Q. Tell me about that.
18 A. I was trustee a few times. I'm not sure
19 how many times, probably three or four.
20 Q. An elected position?
21 A. Yes.
22 Q. And the trustee, if I understand it
23 correctly, basically monitors the

1 financial status of the organization?
2 A. Correct.
3 Q. Ever hold any positions with the national?
4 A. Yes.
5 Q. What did you -- what position did you hold
6 with the national NCW?
7 A. I was -- I don't know the correct
8 terminology, but I was the international
9 representative for, I guess, the southeast
10 region for health and safety -- I'm not
11 sure of the terminology for it.
12 Q. Let me see if I am understanding. The
13 international would have had a committee
14 for health and safety, and they would
15 bring in people from different regions to
16 sit on this committee?
17 A. Let me see if I can explain it. I was
18 trained by the international training
19 center in Cincinnati, Ohio. And my
20 function was to meet with unions, in
21 whatever region I was assigned to, to
22 assist them in training primarily for
23 hazardous materials.

1 Q. Okay. So this was an ICW training
2 facility in Cincinnati?
3 A. Yes.
4 Q. And their headquarters is in northern
5 Ohio, as I recall?
6 A. I think so. I'm not sure.
7 Q. And you went up there and took some course
8 work there?
9 A. Correct.
10 Q. And do you recall roughly when that
11 occurred?
12 A. In the '80s.
13 Q. And you, in turn, would come back to this
14 region and travel to various local and
15 help train entire workforces or just
16 representatives of the union?
17 A. Both.
18 Q. In health and safety, primarily hazardous
19 material procedures?
20 A. Correct.
21 Q. And how long did you serve in that
22 capacity?
23 A. To the best of my recollection, five or

1 six years.
2 Q. Okay. Did you ever move from being a
3 rank-and-file ICW member to a member of
4 management as a salary employee?
5 A. Yes.
6 Q. And when did that happen?
7 A. 1996, I think.
8 Q. Just a couple of years before you retired?
9 A. Correct.
10 Q. Okay. Let me talk to you for a moment, if
11 I might, about the medical monitoring,
12 medical surveillance program in place at
13 Monsanto. Tell me, if you can, what you
14 recall being involved in the annual
15 physicals that y'all got.
16 MR. MYERS: Object to the form. Go
17 ahead and answer.
18 A. Okay. Pulmonary function test.
19 Q. Would they actually have you breathe into
20 the --
21 A. Right, correct.
22 Q. Okay.
23 A. A fit test for your respirator and your --

Page 29 1 Q. I'm sorry. A which kind of test? 2 A. A fit test, F-i-t. 3 Q. Okay. Go ahead. 4 A. Hearing test, eye test, had several forms 5 to fill out. 6 Q. And those would have been designed to 7 elicit changes in your health history in 8 the preceding year that the doctors might 9 want to be aware of? 10 A. Correct. 11 Q. Okay. Ever take blood? 12 A. Blood tests. They kept up with our shots. 13 I don't recall which shots they were. And 14 then, the nurse would question us about 15 some things. And then, of course, we 16 would see the physician. 17 Q. Okay. This is a difficult question, but 18 you may be the one guy that might better 19 answer it. In the entire time that you 20 were there at Monsanto, do you recall that 21 changing much? Can you recall any 22 specific additions or deletions to the 23 protocol for the annual exam?	Page 31 1 was at regular intervals. 2 Q. More frequently than annual? 3 A. Yes. 4 Q. Any other kind of routine regular medical 5 monitoring of the surveillance that you 6 can recall that took place at the 7 facility? 8 MR. MYERS: Object to the form. 9 Go ahead. 10 A. None that I recall. 11 Q. And do you ever recall learning anything 12 about your particular health status as a 13 result of these annual physicals? 14 A. Yes. 15 Q. Tell me about what it revealed for you. 16 A. The EKG is another one they performed. 17 Q. Okay. 18 A. I had a -- I would have what they call 19 PVCs occasionally in the heartbeat. 20 Q. Were you referred to a cardiologist? 21 A. I was given the name of a cardiologist. 22 Q. Okay. Have you, in fact, spoken with a 23 cardiologist about this particular aspect
Page 30 1 A. The basic stayed pretty much as it was 2 when I first went there. They did add 3 some things. 4 Q. Is it fair to say that most of that was 5 stuff they were doing in the mid '60s? 6 A. Correct, although they would add things. 7 As I said, they did add the fit test for 8 the APRs. 9 Q. Were they doing pulmonary function back in 10 the mid '60s? 11 A. I don't recall. 12 Q. You're the first guy that's mentioned it. 13 That's the only reason I was wondering. 14 And plus, do you recall where you took 15 that test? Did they have pulmonary 16 function? 17 A. It was there at the plant. 18 Q. Okay. And one fellow mentioned them 19 taking blood every six weeks when you 20 worked in parathion to check the 21 cholinesterase levels. Did they ever do 22 that with you? 23 A. Yes. I don't recall the intervals. It	Page 32 1 with your heartbeat? 2 A. No. 3 Q. How long ago did that happen? 4 A. In the '80s. 5 Q. Any other revelations that came to light 6 through this medical monitoring? 7 A. My cholesterol was high. 8 Q. Okay. 9 A. And the ratio between the HDL and LDL was 10 out -- 11 Q. Not what they -- 12 A. -- too high. Yeah, it was too high. 13 Q. Okay. 14 A. And some of the other blood work was not 15 in the normal range. And I couldn't tell 16 you what those were. 17 Q. It sounds like none of this ever 18 particularly perturbed you or worried you? 19 A. No. The doctor made suggestions and gave 20 me guidance on how to straighten it out, 21 so -- 22 Q. And I assume you didn't have to pay 23 anything for this service?

Page 33 1 A. No. 2 Q. Do you still have friends and 3 acquaintances who work there at the 4 facility? 5 A. Yes. 6 Q. Would it be a handful, dozen, dozens? 7 A. Probably a dozen. 8 Q. Do you get the Bama Briefs? 9 A. Yes. 10 Q. Do you ever recall anything in the Bama 11 Briefs where the plant tried to advise the 12 workforce and the retirees what was going 13 on out there with respect to the PCB 14 contamination, kind of their side of the 15 story? 16 MR. MYERS: Object to the form. 17 A. I don't know if it was so much their side 18 of the story. They just did have an 19 article or two, I think, in there about 20 it. 21 Q. Okay. Let's talk about the stuff you did 22 there at Monsanto. And if I'm recalling 23 correctly, you started in '65. So tell me	Page 35 1 A. Correct. 2 Q. And your job, I guess, as much as 3 anything, was to make sure the electrical 4 balance was right, the right amount of 5 electricity flowing through? 6 A. Yes. 7 Q. And was there a waste stream generated in 8 that process? 9 A. Yes. 10 Q. What sort of waste streams did you have? 11 A. Water, some hydrogen, I think, and some 12 brine. 13 Q. Okay. What did you do with the hydrogen? 14 A. I don't really recall. 15 Q. What did you do with the water? 16 A. It went out of the department. 17 Q. You don't know to what extent, if any, it 18 received treatment for possible mercury 19 contamination, by way of example? 20 A. No. I know there was a specific place 21 that it had to flow and go out and all of 22 that. 23 Q. Okay. Do you know -- was there a way to
Page 34 1 what was the official job title you held 2 when you first got there. 3 A. I was a process operator or operator. 4 Q. Operator. And my sense is that you would 5 be an operator in a particular department? 6 A. Correct. 7 Q. And what department did you begin in? 8 A. Chlorine. 9 Q. And that would have been from '65 until 10 roughly when? 11 A. I couldn't tell you the dates. 12 Q. Any feel for whether you would measure 13 your service there in months versus years 14 versus decades? 15 A. The chlorine department was years. 16 Q. Okay. And tell me what you did as an 17 operator in the chlorine department. 18 A. I was the primary operator and the cell 19 room operator. Essentially, we took 20 brine, put it through an electrolysis 21 process, and made chlorine and caustics. 22 Q. One of the electrodes that that brine was 23 run over was mercury, was it not?	Page 36 1 make up brine? Obviously, you just put 2 more brine into the vat, I assume, if it 3 ran down? 4 A. It was a continuous process, so we had to 5 make sure our levels stayed the same. So 6 it was a makeup with water and salt. 7 Q. What about the mercury? Would it 8 eventually go somewhere, or was it just 9 steady stated, just always there, never 10 had to worry about the mercury? 11 A. No. There were times where we had to add 12 mercury. 13 Q. And what kind of a makeup rate did you 14 have on the mercury? 15 A. I'm not sure. I know we reclaimed 16 mercury -- 17 Q. That's what I'm trying to figure out. If 18 we draw a black box to represent the 19 plant, we know that there was mercury 20 coming in occasionally from some supplier. 21 I mean, y'all didn't make it there at the 22 plant, did you? 23 A. No. It was purchased, I'm sure.

Page 37 1 Q. Isn't it fair to say that whatever 2 quantity you had to purchase and bring in, 3 that would represent -- there had to be a 4 waste stream coming out of the box, so to 5 speak, with a comparable quantity of 6 mercury? 7 A. Yes. But how -- I don't know how much or 8 anything like that. 9 Q. If we went to the cost accounting sheets 10 that they maintained where they said, 11 here's how much NACL salt we use to make 12 chlorine; here's how much water; here's 13 how much electricity; here's how much 14 mercury per unit, might that give us a 15 fair idea of how much mercury consumption 16 there was in the plant? 17 A. I'd just have to make an assumption and 18 say yes. I don't know all of the 19 chemistry that all of that involved. 20 Q. But you did say, to be fair, that y'all 21 sometimes were able to recapture some of 22 this stuff and reuse it? 23 A. We tried to recapture. We had systems set	Page 39 1 did in the Therminol department. 2 A. Okay. Again, I was an operator. And I 3 processed the raw materials that come in 4 and make the heat transfer, the liquid 5 side. 6 Q. I haven't had anybody yet just tell me 7 they worked in the Therminol department. 8 It was always the Aroclor department. Was 9 Therminol a separate department; in other 10 words, you'd get Aroclor from the Aroclor 11 department and make Therminol, or were you 12 a subset of the Aroclor department? 13 A. I guess you can call it a subset. 14 Q. You were in the same building. But your 15 particular still, you were running out the 16 stuff that would be used for Therminol? 17 A. Heat transfer fluid. 18 Q. Yeah. As opposed to maybe running out the 19 stuff that they would make for 20 transformers, for instance, or hydraulic 21 fluids? 22 A. I thought it was all the same. 23 Q. Okay. You mentioned raw materials. And I
Page 38 1 up so that if we physically lost it, it's 2 supposed to recapture it. 3 Q. All right. What was the second thing you 4 did there at Monsanto? 5 A. From there, I went to the Therminol 6 department. 7 Q. Still as an operator? 8 A. Still as an operator. 9 Q. Any idea as to when that occurred? 10 A. Whenever chlorine shut down. 11 Q. Okay. That answered that. And how long 12 do you think you worked in Therminol? 13 A. Probably a couple of years. 14 Q. And I would have asked you why you 15 shifted, but you've answered that 16 question. There wasn't a chlorine 17 department anymore. 18 All right. Therminol, I understand 19 to be -- and I want you to correct me if 20 I'm wrong -- was the heat transfer product 21 made with Aroclor? 22 A. Correct. 23 Q. Okay. And tell me, if you will, what you	Page 40 1 think I know what the raw materials are 2 for Aroclor generically, and that would be 3 the biphenyl coming in and the chlorine? 4 A. Yes. 5 Q. And that's pretty much it? 6 A. Right. 7 Q. And you'd have cooling water, and you'd 8 have heat through steam. But basically, 9 it's those two things? 10 A. Correct. The biphenyl and the chlorine 11 was it. 12 Q. Okay. Now, if we're making Therminol, 13 when we pull off the particular specific 14 gravity Aroclor we want, do we add 15 anything else to it to make it Therminol, 16 or is that pretty much it? 17 A. My part, that was it. 18 Q. You said, "your part." Was there somebody 19 down the line who was adding something 20 else to this product to make it the 21 finished Therminol? 22 A. Some of it, I think, would go -- it was a 23 long time ago. I ran the chlorinators.

Page 41 1 And we passed the majority of it on to the 2 stillers. 3 Q. Okay. So if there's another thing to add, 4 that's even yet another step beyond what 5 you were doing -- 6 A. Correct. 7 Q. -- at the chlorinator? Now, you're 8 sitting there at the chlorinator, and 9 you've got a feed of biphenyl, and you get 10 a feed of chlorine. Was this a continuous 11 operation or batch feed when you were 12 doing it? 13 A. Yes. 14 Q. Good answer. They made the changeover 15 while you were there? 16 A. No. We -- depending on which chlorinators 17 I was running, we had some chlorinators 18 that were continuous and some that were 19 batch. 20 Q. All right. So you'd have this stuff 21 going, and then, out would come Aroclor -- 22 A. Yeah. 23 Q. -- chlorinated biphenyl?	Page 43 1 A. No. 2 Q. Was Therminol still in existence when you 3 did that? 4 A. I think so. 5 Q. Okay. So why did you make that change? 6 A. I have no idea. 7 Q. Okay. And how long did you work as an 8 operator in parathion? 9 A. Probably a couple of years. 10 Q. We're getting to the point where there 11 wasn't any PCB being made out there. It 12 seems like, if I'm following the timing 13 here. Does that sound consistent with 14 your recollection? 15 A. Yeah. At some time, the PCBs went away. 16 I don't know when. 17 Q. All right. Tell me what you did as an 18 operator in the parathion department. 19 A. I ran the washing columns. 20 Q. And was this a piece of equipment that 21 kind of cleaned up the finished product 22 after it came out of the reactor vessel? 23 A. It was not a -- yeah, I guess it was a
Page 42 1 A. Yes. 2 Q. And was there any waste stream coming out 3 of the chlorinator? 4 A. The vapors being given off. 5 Q. Which I understood to be a hydrogen 6 chloride gas -- 7 A. Correct. 8 Q. -- that you all were turning -- 9 A. Right. That was captured and sent up to 10 the acid plant. 11 Q. And that got passed on. Did you have a 12 still bottom coming out of the chlorinator 13 like they did out of the still? 14 A. No. 15 Q. So you didn't have any waste streams 16 really to fiddle with? Y'all liked 17 everything that came out of the 18 chlorinator? 19 A. We liked everything. 20 Q. Okay. What's the next thing that you did? 21 A. I think I went to parathion as an 22 operator. 23 Q. Again, any idea when that happened?	Page 44 1 finished product. There was a lot of 2 steps in making parathion, and I had just 3 a small part of the steps. But 4 essentially, yeah, I took probably the 5 impurities out. 6 Q. Was there a waste stream generated in the 7 step that you were involved with? 8 A. Yes. 9 Q. And tell me about that waste stream, if 10 you would, please. 11 A. It was the materials that I had washed out 12 of the parathion, and it went to the waste 13 treatment part. 14 Q. The biological waste treatment basins? 15 A. Correct. 16 Q. And what did this stuff look like that you 17 were washing out? 18 A. A -- I guess you would call it a 19 light-brownish liquid. 20 Q. Okay. What's the next job that you had? 21 A. I think I went to para-nitrophenol, PNP, 22 as a chief operator. 23 Q. And that would be a promotion, I presume?

1 A. Well, let's see. I was a chief operator
2 in parathion also.

3 Q. Okay. I don't know how long you were
4 there. You said just a couple of years.
5 I mean, parathion was actually done away
6 with, but it seems like that should have
7 been still around a couple of years after
8 you started. So I'm just curious why you
9 would have switched to PNP. Was it just
10 to learn more positions at the plant?

11 A. I like to learn. And as you said,
12 there's -- I wanted to know a little bit
13 about everything.

14 Q. And the guys said there was a concept they
15 had out there called cross-training where
16 they wanted people to know as much as
17 possible.

18 A. Right.

19 Q. It wasn't that you were necessarily afraid
20 of being around parathion?

21 A. No, no.

22 Q. And how long do you think you worked as a
23 chief operator in PNP?

1 A. Probably a couple of years there too.

2 Q. Okay. And did you have a particular role
3 to play there? I'm assuming you did all
4 the tasks that were in the PNP department?

5 A. I was trained in them.

6 Q. Is that the department where they said
7 there's really only two jobs; one was
8 running the reactor, and one was running
9 the waste stream?

10 A. Well, you run the reactors, and the other
11 one is you run the belt filter and the --
12 I can't remember who runs the acidifier.
13 But there's essentially only two or three
14 jobs over there.

15 Q. And you'd do all of those?

16 A. Well, I was trained in them. I wouldn't
17 do -- I was chief of the two guys that was
18 on my shift.

19 Q. Got you. And the waste stream that was
20 generated in PNP, if I understand
21 correctly, was a liquid stream that was
22 sent to the biological treatment?

23 A. Correct.

1 Q. What's the next job that you had?

2 A. It was -- at that time, I believe that's
3 when I went to maintenance as an
4 electrician.

5 Q. Is that plant-wide?

6 A. Plant-wide.

7 Q. And the reason for that was -- why would
8 you want to make that change?

9 A. I just wanted to be an electrician.

10 Q. Okay. Nothing wrong with that. And how
11 long do you think you were an electrician
12 in the maintenance department?

13 A. Three years.

14 Q. What sorts of things did you actually do
15 there?

16 A. Everything from run conduit to
17 troubleshoot instruments.

18 Q. Okay. I'm not sure if they would have
19 still been doing Aroclor at that point in
20 time. Do you have any recollection as to
21 whether or not it existed?

22 A. I don't think it did.

23 Q. You don't have any recollection of being

1 involved in either expanding the Aroclor
2 department, as we understand happened in
3 the late '60s, or tearing it down, as
4 happened in the early '70s, as an
5 electrician?

6 A. I don't think so.

7 Q. Okay. Did you ever have to fiddle with an
8 automatic sampler when you were an
9 electrician?

10 A. Explain what you mean by automatic
11 sampler.

12 Q. I've seen a document from the early '70s,
13 a Monsanto memo to the maintenance about
14 making sure that their samplers
15 cross-sampled every day, and like if it
16 got cold like today, you keep a light bulb
17 burning inside the little cabinet so it
18 would stay warm. That's about all I know
19 about it.

20 A. Okay. Yes, I have worked on automatic
21 samplers.

22 Q. Tell me where those were located.

23 A. I recall one I worked on was an automatic

Page 49 1 sampler at the outflow of our waste 2 treatment plant. 3 Q. What was it that you were doing on it, as 4 best you recall? 5 A. I had to change the tubing. 6 Q. Okay. That doesn't sound terribly 7 electrical, but I'm guessing that if it 8 didn't work, the electrician got to fix 9 it? 10 A. Normally. 11 Q. If I wanted to talk to you about what kind 12 of sample they drew and how often they 13 drew a sample and where that sample went, 14 do you have any knowledge about any of 15 that? 16 A. I can tell you it was continuous. It went 17 to a jug where the waste treatment 18 operator collected the sample and took it 19 to the lab. 20 Q. When you say "continuous;" in other words, 21 it's drawing a couple of drops a second? 22 A. I'm not sure what rate it is, but it would 23 continually sample the flow.	Page 51 1 was the new motor control center a 2 pollution control project to your way of 3 thinking? 4 A. They had added some new pollution control 5 equipment, new motors, those types of 6 things that would be associated with the 7 motor control center. I guess you can 8 call it an expansion. There was one 9 system we put in that had to do with the 10 vapors, and I don't recall exactly what 11 that was. It was over toward the -- 12 again, the parathion department. 13 Q. You said a system dealing with vapors. Is 14 this a -- if I mention Brink coaleser, 15 would that mean anything to you? Have you 16 ever heard of that? Do you know what that 17 is? 18 A. I've heard it, but I don't remember what 19 it was. 20 Q. So you don't know what it was; you just 21 remember you would help them install 22 something to control vapors coming off the 23 parathion process?
Page 50 1 Q. And you say a jug. How big a jug are you 2 talking about? 3 A. Five gallons, approximately. 4 Q. Are you aware of any other locations 5 within the facility where a sampler like 6 this might have been located? 7 MR. MYERS: At what point? 8 MR. CUNNINGHAM: At any time. 9 A. No. 10 Q. Do you have any knowledge as to when a 11 sampler such as this was first utilized at 12 the facility? 13 A. No. 14 Q. Okay. Any other projects that you recall 15 being involved with, when you were in 16 maintenance as an electrician, that dealt 17 with pollution control, as you perceived 18 it? 19 A. Yes, there were several. 20 Q. Okay. Tell me what those were, please. 21 A. One was putting in a new motor control 22 center for parathion. 23 Q. Okay. I'm sorry. Before you move on, how	Page 52 1 A. I can't remember if it was P2S5 or 2 parathion. 3 Q. Okay. 4 A. I know I've worked on several projects. 5 But to tell you exactly what they were for 6 or the specifics of them -- 7 Q. Okay. That's fine. You've remembered 8 some new stuff. You've been helpful. 9 What's the next job you had after you were 10 an electrician? 11 A. It was chief operator. 12 Q. Of -- 13 A. Plant-wide. 14 Q. Plant-wide. And how long did you do that? 15 A. Probably about six years or so. 16 Q. Is there anything that stands out in your 17 mind as a benchmark that we could use to 18 try to figure out what six years on the 19 calendar that was? 20 A. No. 21 Q. Okay. And why did you shift from being an 22 electrician to being a chief operator? 23 A. More money.

Page 53 1 Q. Okay. Tell me what you did as a chief 2 operator. And that -- I realize you'd 3 been a chief operator before. In that 4 particular point in time, what were you 5 doing? 6 A. As a plant-wide chief operator, we had 7 responsibility for the plant during off 8 shifts, holidays, weekends, and all of 9 that. We were pretty much the person in 10 charge out in the plant. 11 Q. Would there have been a chief operator in 12 the parathion department at the same time 13 you were on-site? 14 A. No. They had made the -- the plant-wide 15 chief operator came after the department 16 chief operators. 17 Q. They got rid of a lot of departmental 18 chief operators and made one plant-wide 19 chief operator? 20 A. They changed the work designation, I 21 guess. 22 Q. So you weren't the production foreman that 23 I've heard some people talk about?	Page 55 1 contamination? 2 MR. MYERS: Object to the form. 3 A. I've had to assign folks to work on jobs 4 that might have been. 5 Q. Give me an example of one that you think 6 might have been related to Aroclor. 7 A. There was a pit that we pumped out and had 8 some stuff in it, so we got a crew to go 9 in there and put it in waste drums and 10 take care of it that way. 11 Q. Was this a sump? 12 A. You could, I guess, consider it a sump. 13 Q. I'm more asking what you considered it. 14 Describe it for me. 15 A. I call it a collection pit. 16 Q. Collection pit. Okay. And where was it 17 in the plant geographically? 18 A. Across the street from the production 19 office building. 20 Q. Across the street to the north? 21 A. To the south of the production office 22 building. 23 Q. Okay. What was your understanding of what
Page 54 1 A. No. You can equate a chief operator to a 2 leadman. 3 Q. Okay. Are you pretty confident that this 4 would have been in the time frame when 5 Aroclor was no longer being made at the 6 facility? 7 A. Yes. 8 Q. And I take it if there was a problem with 9 Aroclor still on the site, in terms of 10 being in the sewers, in the soil, in the 11 dumps, that wouldn't have been anything 12 you, as a chief operator, would have been 13 responsible for dealing with? 14 A. Not directly. 15 Q. Okay. That answer suggests to me that you 16 were indirectly? 17 A. If we had to assign someone to work on 18 something out of the ordinary, that's how 19 we would be involved with it. 20 Q. Okay. And I take it -- well, I shouldn't 21 presume it. Do you ever recall having to 22 assign someone such an out of the ordinary 23 project to address some sort of Aroclor	Page 56 1 was collected in this collection pit 2 historically? 3 A. Storm water. 4 Q. Okay. Storm water at the facility, to my 5 way of thinking, classically drains south 6 to north? 7 A. Yeah. 8 Q. And was this open to the air? 9 A. Yes. 10 Q. Okay. And it was collecting storm water, 11 and it was made of concrete? 12 A. I think it was lined with brick. I'm not 13 sure. 14 Q. Okay. And what was inside of it that had 15 to be cleaned out? 16 A. Primarily water and then some other 17 material that was in there. 18 Q. Sediment? 19 A. Yeah, you can call it sediment. 20 Q. Mud? 21 A. Yeah, essentially. 22 Q. And what you're saying is, it's 23 conceivable that some of that mud might

Page 57 1 have had PCB in it? 2 A. Yeah, it's conceivable. 3 Q. The surface water -- storm water, I think 4 was the phrase used, would some of that 5 had been coming from the south landfill? 6 A. No. 7 Q. Where would that storm water have hit the 8 ground before it made its way to this 9 collection pit? 10 A. I would say in the east area of the plant. 11 Q. Okay. 12 A. And when I say "east," I'm talking about 13 the railroad track dividing east and west. 14 Q. And do you have any idea at all, in terms 15 of the year or decade, when you think that 16 happened? 17 MR. MYERS: When they cleaned it 18 out, or when the water -- 19 MR. CUNNINGHAM: When they cleaned 20 it out. 21 A. No. 22 Q. Was this a recurring situation? I mean, 23 did this thing need to be cleaned out	Page 59 1 Q. If it was just dirt and just sediment that 2 come in with the rain, do you think 3 there's any reason you wouldn't have just 4 put that off somewhere on the ground out 5 of the pit? 6 A. No. 7 Q. And again, I'm not trying to put words in 8 your mouth. I'm just trying to 9 understand. It would seem to me like if 10 that's all that was in there, you would 11 just get it out of the pit, as far as with 12 a shovel, and throw it, basically. It 13 makes me think somebody must have 14 suspected -- 15 A. No. We did not do anything like that at 16 the plant. I mean, if there was -- it 17 didn't matter what it was, we put it in 18 receptacles. I mean, they were very 19 stringent on housekeeping. 20 Q. Okay. But the receptacles of choice in 21 this case were sealed drums? 22 A. I'm not going to say always. But usually 23 anything that we put in a drum, we put a
Page 58 1 every so often? 2 A. No. 3 Q. Was there something unique about the time 4 you -- something that happened that caused 5 you to have to clean it out on the 6 occasion that you recall? 7 A. Yes, but I can't remember what. 8 Q. Okay. Any other projects that you can 9 recall, as you sit here today, you think 10 might have involved some Aroclor 11 situation? 12 A. No. 13 Q. Is it the fact that you remember that 14 stuff being put in drums and taken to the 15 landfill why you think maybe that was an 16 Aroclor situation? 17 A. It wasn't taken to the landfill. 18 Q. Oh, I'm sorry. Where did it go? 19 A. I don't know. But at that time -- well, I 20 don't know. 21 Q. How do you know they weren't taken to the 22 landfill? 23 A. I think our landfill was closed.	Page 60 1 lid on. 2 Q. And you just don't recall where these 3 drums got sent, but you had a recollection 4 that you didn't think it was at the 5 landfill? 6 A. Yeah. 7 Q. Okay. What's the next job you held after 8 being the chief operator, slash, leadman? 9 A. Training resource person. 10 Q. Now, you're the first training resource 11 person we've had. So we're going to have 12 to inquire a little bit about that. I'm 13 assuming that was a plant-wide kind of 14 thing also? 15 A. Correct. 16 Q. Do you recall how many years you served in 17 that capacity? 18 A. From the time I was chief operator until I 19 went to salary. 20 Q. Okay. So you were still a rank-and-file, 21 paid by the hour ICW guy -- 22 A. Yes. 23 Q. -- while you were a training resource

Page 61 1 person? What was the motivation for going 2 from chief operator to that new position? 3 A. It was something I've always been involved 4 in, and I had the opportunity to go into 5 that field. 6 Q. And was this the stuff that we've kind of 7 picked up on what you did in the Army, 8 what you studied at school, what the union 9 kind of trained you for? 10 A. Correct. 11 Q. The training that you were a resource for 12 was helping people understand how to work 13 around hazard chemicals? 14 A. Health, safety, OSHA regulations. 15 Q. Response? 16 A. Correct. 17 Q. Okay. And tell me what a typical day 18 would consist of for you in that capacity. 19 A. Developing training, presenting training. 20 Q. Did you do that pretty much exclusively 21 with and for the workforce in Anniston for 22 Monsanto, or did you do any travel to 23 other Monsanto plants?	Page 63 1 were you taught, and then what, in turn, 2 did you pass on -- and I'm guessing those 3 are the two -- 4 A. Right. Because the plant was so involved 5 in safety and health, I had the 6 opportunity to, as you said, go to several 7 school seminars such as that. And that 8 was my primary responsibility at that time 9 when I was the training resource person, 10 was to pass that information on to the 11 workforce at the plant. 12 Q. In other words, you didn't go there, learn 13 stuff, decide I don't believe that stuff, 14 I think I'll teach them the Fran Byrd way 15 of doing things? 16 A. No. There's regulations that you have to 17 follow. 18 Q. All right. And what would you have taught 19 people to do if they had found out that 20 there were hazardous materials -- and by 21 "hazardous," I mean stuff that by federal 22 regulations list as hazardous, emanating 23 from the plant --
Page 62 1 A. A little traveling. 2 Q. It strikes me that you might have been a 3 rather uniquely qualified person to do 4 that? 5 A. Monsanto has a lot of them. 6 Q. Okay. 7 A. I don't think I'm any better than anyone 8 else. 9 Q. Well, you had worked with the Army in this 10 kind of field. You've had college 11 education in this field. Did it have a 12 fire brigade out there at the plant? 13 A. Yes. 14 Q. Were you on the fire brigade? 15 A. Yes. 16 Q. I'll bet Monsanto sent you to some 17 seminars? 18 A. Yes, they did. 19 Q. So you had about all the training somebody 20 could have for this, didn't you? 21 A. No, there's a lot more training. I'll 22 admit, I had a lot of training. 23 Q. Okay. What did you train people -- what	Page 64 1 MR. MYERS: At what point in time? 2 Q. At the point that you were a training 3 resource person -- that if they found out 4 through a sample, through observation, 5 through someone coming and telling them 6 that, hey, there's PCB in this wastewater, 7 what would you tell them they should do 8 about that? 9 MR. MYERS: Object to the form. 10 A. Well, you threw the PCB in there -- as 11 with anything that didn't belong, they 12 would have to treat it according to the 13 guideline that we have. I mean, we have 14 -- they have procedures, a book of 15 procedures that have to be followed for 16 health and safety and also for 17 department-wise. And so that's -- that's 18 what they're strained -- we go through the 19 procedures. 20 Q. Were you familiar with the NPDES system, 21 National Pollutant Discharge Elimination 22 System? 23 A. I am familiar with it.

Page 65 1 Q. And that that sets numerical limits for 2 the release of various types of 3 pollutants? 4 A. Correct. 5 Q. And did the facility have such a permit? 6 A. Yes. 7 Q. And was it your understanding that if 8 chemicals other than allowed by that 9 permit were discharged, they had to be 10 reported? 11 A. Correct. 12 Q. And who were you all reporting to there in 13 Anniston? If you became aware of a 14 release, who did you understand and who 15 did you teach people should be contacted 16 about that? 17 A. We taught the people to notify the 18 environmental department. 19 Q. Okay. And who was running the 20 environmental department in your tenure 21 there as a training resource person? 22 A. At that time, it was Jerry Brown. 23 Q. And basically, Jerry had the training and	Page 67 1 MR. MYERS: When he was in the 2 training resource job? 3 MR. CUNNINGHAM: Yes. 4 A. Okay. In the training resource job, I 5 would not have been a part of that. That 6 would have been strictly health, safety, 7 and environmental. 8 Q. So you're just sort of like, here's how 9 we're going to deal with things inside of 10 the fence line? 11 MR. MYERS: Object to the form. 12 A. Training. 13 Q. You're training people how to operate as 14 workers inside the fence? 15 A. Correct. 16 Q. Your job was not to really deal with what 17 happens if stuff gets outside of the 18 fence? 19 A. Not as a trainer resource person, no. 20 Q. If I'm correct in understanding when you 21 studied in New Jersey or did the 22 correspondence work out of New Jersey, 23 that was hazardous response?
Page 66 1 the expertise to know who to call, what to 2 do, was it even an issue? 3 A. I'm going to assume so. 4 Q. Yeah. That the rank-and-file guys working 5 as operators and laborers in the plant 6 really wouldn't know this kind of 7 information? 8 A. Right. They were taught if they had any 9 question whatsoever, to notify their 10 supervisor. 11 Q. And you didn't try to train them to know 12 all of these limits and such; you trained 13 them that if you're in doubt, you report 14 this up the line? 15 A. Correct. 16 Q. Okay. What did your training tell you and 17 your education tell you needed to be done 18 if you learned of a release that was 19 off-site that had gotten away from the 20 facility itself? What sort of training 21 had you gotten about what to do for folks 22 who might come into contact with a release 23 such as that?	Page 68 1 A. Emergency disaster management. 2 Q. Emergency disaster management. And that, 3 I'm assuming, dealt with if things really 4 went to heck in a handbasket, how do you 5 stay on top of it and have an orderly, 6 effective response? 7 A. Correct. 8 Q. Was any of that training or education 9 involved with a scenario involving a 10 release of a hazardous toxic substance 11 away from the manufacturing facility? 12 A. The courses that I took from Thomas 13 Edison? 14 Q. Uh-huh (indicating yes), or anywhere. 15 That one because of the name of it would 16 lead me to conclude it might have, but 17 anywhere that -- Monsanto seminars, stuff 18 a JSU, anywhere that you've been trained? 19 A. Yes. 20 Q. Okay. So you do know something about what 21 should be done if you think there's been a 22 release outside the fence line? 23 A. Yes, sir.

Page 69 1 Q. Tell me what that is. 2 MR. MYERS: Object to the form. 3 That's overly broad. 4 A. Call all available resources to mitigate. 5 Q. Those resources, I assume, would include 6 municipal authority, such as fire 7 departments? 8 A. Correct. 9 Q. Environmental authorities? 10 A. Correct. 11 Q. What about trying to communicate to 12 potentially impacted residents in the area 13 of the release? What did your training 14 tell you was the appropriate way to deal 15 with that? 16 MR. MYERS: Object to the form. 17 A. To deal with residents around the plant 18 site? 19 Q. Yeah, uh-huh. 20 A. As a training resource person, I didn't 21 get into that. 22 Q. Okay. What's the last job that -- I'm 23 guessing there was one more?	Page 71 1 A. Yes. 2 Q. But there were no in-plant personnel 3 involved in that? Was it all people from 4 St. Louis? 5 A. I was not involved in it. 6 Q. Okay. Was your department involved in it? 7 A. No, I was not involved in it. 8 Q. But was your department involved with it? 9 The department that -- to use your phrase, 10 was designed to keep the workers safe and 11 healthy? 12 A. Probably. 13 Q. You said there were a lot of headaches 14 with the job. What sort of things created 15 the headaches for that particular 16 position? 17 A. Paperwork. 18 Q. Okay. 19 A. Making certain that everything was the way 20 it was supposed to be. Monsanto was very 21 safety conscious, health conscious, and I 22 had a lot of forms and a lot of 23 information to keep up with to make sure
Page 70 1 A. That was safety and health technician. 2 Q. That would have been plant-wide, I assume? 3 A. Correct. 4 Q. And that was when? 5 A. '96 through '98. 6 Q. And that was a salaried position? 7 A. Correct. 8 Q. Promotion then, I presume? 9 A. I considered it so. 10 Q. Why wouldn't everybody consider it a 11 promotion? 12 A. A lot of headache. 13 Q. Oh, okay. What did you do as a safety and 14 health technician? 15 A. Made sure everybody in the plant stayed 16 safe and healthy. 17 Q. Okay. Do you know when in '96 you became 18 a safety and health technician? 19 A. Not the exact date. 20 Q. Were you involved in the sampling of a lot 21 of the workforce's blood for PCB? 22 A. No. 23 Q. Are you aware that happened?	Page 72 1 everything was done correctly. 2 Q. Were you at all involved in the community 3 right to know compliance work there at the 4 plant? 5 A. Part of it. 6 Q. What part did you have to play in that? 7 A. Tier two reports. 8 Q. Okay. Do you ever remember preparing 9 reports that would have put someone on 10 notice of PCBs emanating from the plant? 11 A. No. 12 Q. So even as late as 1998, that wasn't in 13 y'all's community right to know paperwork? 14 A. No. That wasn't my part. 15 Q. Oh, okay. So you finished as a safety and 16 health technician? 17 A. Correct. 18 Q. All right. And what was the health 19 component of that job? 20 A. Taking air monitoring samples -- 21 Q. Okay. 22 A. -- for the personnel. 23 Q. Now, how was that done? Tell me what kind

Page 73 1 of equipment, where you set up, how long 2 you were doing it, that sort of thing. 3 A. Of course, I had guidelines I had to 4 follow from corporate. Corporate would 5 come down, and we'd go over what we had, 6 what type of samples. And then, I'd go 7 out and do those samples. 8 Q. And was this a high-volume air sampler, 9 suck a lot of air through a filter? 10 A. Right. We had -- whatever type tube was 11 necessary to use, we had that. We put the 12 sampler on the person. Most of ours were 13 the TWA/TOB-type samplers. And so I'd 14 calibrate the sampler, put it on the 15 person, come back and calibrate it, do the 16 paperwork, send the sample off, and then 17 come back, and I'd enter the information 18 into the database. 19 Q. Do you know what parameters y'all were 20 checking for when you did that sample? 21 A. At that time I did. I had a guide to go 22 by. 23 Q. Okay. What were you looking for?	Page 75 1 Q. Tell me what personal exposure you would 2 have had to PCBs or Aroclor to Montars. 3 A. During the time I was operating in the 4 Therminol department. 5 Q. And just again, how would you get PCB into 6 your body working as an operator in the 7 Therminol department? 8 A. When I'd catch a sample, if I happened to 9 spill it. 10 Q. Okay. 11 A. If I happened to breathe the fumes maybe 12 of the sample. 13 Q. And there would be some fumes coming off 14 of it when it's hot like that 15 particularly, as I understand it? 16 A. On some of them, yes. 17 Q. What about steps that were taken to 18 minimize that kind of exposure? First 19 off, I assume you tried to be careful, 20 tried not to spill stuff? 21 A. Correct, uh-huh. 22 Q. And that you had personal protective 23 equipment?
Page 74 1 A. Levels of -- if it was a welder, I'd be 2 looking for levels of cadmium, maybe when 3 he was welding. At PNP, I'd be looking 4 for the amount of PNCB. 5 Q. Do you ever remember setting up an air 6 monitor in an effort to take a sample for 7 ambient PCB levels around the plant? 8 A. No. 9 Q. Were you aware in this time frame, from 10 '96 to '98, that there was a problem, or 11 at least allegations of a problem with 12 PCBs in the community? 13 MR. MYERS: Object to the form. 14 A. Yes. 15 Q. Did you ever see the air samplers that 16 were put in several locations around the 17 plant, such as over by the detention pond 18 and up on the south landfill? 19 A. I was aware of them. I never looked at 20 them. 21 Q. You weren't involved in any way in that 22 kind of sampling? 23 A. No.	Page 76 1 A. We had personal protective equipment. The 2 company furnished us what we call muzzles, 3 which were air respirators, gloves, 4 overshoes. 5 Q. Kind of coveralls? 6 A. We were supposed to wear our sleeves 7 rolled down. 8 Q. Okay. Face shields? 9 A. Face shields. 10 Q. So in a sense, you were covered from head 11 to toe as an operator? 12 A. We were supposed to be, yeah. 13 Q. And I'm assuming -- as you say, Monsanto 14 was a diligent company concerned about 15 health and safety, and even yourself, 16 during certain periods of time as a 17 diligent health and safety technician, you 18 would do everything you could to make sure 19 people complied with those rules? 20 A. Yes. 21 Q. And if somebody wasn't wearing what they 22 were supposed to wear, was spilling stuff 23 needlessly, they would be talked to about

Page 77 1 that -- 2 A. Correct. 3 Q. -- in however stern of terms were 4 necessary? 5 A. Right. 6 Q. And I assume y'all had ventilation there 7 in the area where you'd be working around 8 this stuff? 9 A. Yes. 10 Q. And as I understand it, there were 11 facilities for changing clothes. If you 12 got some on your clothes, you didn't have 13 to wear that home -- 14 A. Right. And -- yeah. If you got something 15 on you, you were supposed to go take a 16 shower and change clothes -- 17 Q. You didn't even wait for the end of the 18 day? 19 A. No. 20 Q. Okay. Did y'all go to bottled water in 21 the plant at some point? Did they start 22 providing bottled water there at the plant 23 at some point?	Page 79 1 "Experimental work in animals shows that 2 prolonged exposure to Aroclor vapors 3 evolved at high temperatures or by 4 repeated oral ingestion would lead to 5 systemic toxic effects. Repeated bodily 6 contact with the liquid Aroclors may lead 7 to an acne-form skin eruption," close 8 quote. 9 Was that something that you ever 10 recall being told when you were working in 11 Therminol? 12 MR. MYERS: Object to the form. 13 A. I remember reading that, but I don't 14 recall when. 15 Q. Okay. Do you think you can pick a decade 16 when you might have known that? 17 A. It would have been in the '60s. But the 18 company was always good about telling you 19 what you were working with. I mean, that 20 was part of our indoctrination in our 21 safety meetings. 22 Q. Okay. Let me read you this next 23 paragraph. It says, "Suitable draft
Page 78 1 A. In a couple of places. But, no -- 2 Q. No? 3 A. No. 4 Q. So they didn't provide it in -- 5 A. Now, they brought some in, but that was in 6 a training trailer while I was there 7 because it didn't have a water fountain in 8 it. 9 Q. Okay. What were you told about the 10 toxicity of PCBs when you went to work as 11 a Therminol operator a couple of years 12 after 1965? 13 MR. MYERS: Object to the form. 14 A. I don't recall. 15 Q. Do you think you were told something about 16 their particular toxicity as opposed to 17 any other compound? 18 MR. MYERS: Same objection. 19 A. I don't know if it was singled out. We 20 were just -- I remember being told about 21 safety procedures. 22 Q. Okay. Let me read you something from an 23 older document about Aroclor. Quote,	Page 80 1 ventilation to control the vapors evolved 2 at elevated temperatures, as well as 3 protection by suitable garments from 4 extensive bodily contact with the liquid 5 Aroclors, should prevent any untoward 6 effects." 7 Now, am I correct in understanding 8 from your testimony that, in fact, you all 9 had draft ventilation in there, and you 10 had suitable garments? 11 A. Yes. 12 Q. When do you think you first learned that 13 PCBs could cause -- or there were 14 allegations that PCBs might cause or 15 contribute to skin problems for people? 16 MR. MYERS: Object to the form. 17 A. I have no idea. 18 Q. As you sit here today, have you heard that 19 before? I mean, I just read it just now. 20 But before that, had you ever heard that? 21 MR. MYERS: Heard what? 22 Q. That PCBs, in the mind of some scientists, 23 have the ability to cause skin problems

Page 81 1 for people? 2 MR. MYERS: Object to the form. 3 A. I have no idea when nor where. 4 Q. What about the liver problems? Have you 5 ever been informed that -- again, at least 6 some scientists believe that in some ways, 7 PCBs may have the ability to cause liver 8 problems for people? 9 MR. MYERS: Object to the form. 10 A. I have read that. 11 Q. And again, do you have any idea when or 12 where? 13 A. The '70s. 14 Q. Okay. Kidney problems? 15 MR. MYERS: Same objection. 16 A. I read that. 17 Q. In the '70s? 18 A. Correct. 19 Q. Cancer? 20 MR. MYERS: Same objection. 21 A. And same answer. I've read that in the 22 '70s. 23 Q. Thyroid problems?	Page 83 1 head for biography, you head for science? 2 A. Pretty much. 3 Q. Okay. Did you just happen to come across 4 these articles that talked about PCB, you 5 think, or was it maybe you thought, I 6 think I'll try to find out something about 7 these? 8 A. It was the same interest that I went and 9 looked up polyphenyl, parathion, jet fuel, 10 gasoline. 11 Q. I'm sorry. Maybe I've missed something 12 about your background. What caused you to 13 be particularly interested in the toxicity 14 of jet fuel? 15 A. I've always been interested in it, in 16 chemistry. I think I told you that when I 17 started out. 18 Q. Okay. Did you ever have any occasion to 19 personally observe the condition of the 20 drainage ditches leading off from the 21 plant? 22 A. Yes. 23 Q. When would you have done that?
Page 82 1 MR. MYERS: Same objection. 2 A. I don't recall thyroid problems. 3 Q. Okay. And neurodevelopmental problems? 4 MR. MYERS: Same objection. 5 A. Same answer. I read that in the '70s. 6 Q. And do you have any recollection of what 7 you might have read it in? 8 A. Several different articles. 9 Q. And where do you think you would have come 10 across these articles? 11 A. In the library, the plant. Yeah, the 12 library and the plant. 13 Q. In which library? 14 A. At Jacksonville State and Anniston or -- I 15 guess -- what's the name of our library? 16 The public library. 17 Q. Was it your habit to go to these libraries 18 and read, or did you make a special trip, 19 as you recall, to look into PCBs? 20 A. It was not special. It's something I do. 21 Q. You told me earlier you have an interest 22 in chemistry. Are you one of these guys 23 when you walk in the library, you don't	Page 84 1 A. As chief operator, operator. 2 Q. And let me be sure you're clear about what 3 I'm asking. I'm talking beyond the fence 4 line. 5 A. Oh, beyond the fence line? 6 Q. Yes. 7 A. No. 8 Q. Did you ever have occasion to examine or 9 see Snow Creek? 10 A. Yes. 11 Q. Tell me when that would have been, please. 12 A. A couple of times after extremely heavy 13 rainfalls. 14 Q. And can you give me decades or a decade 15 when you would have been doing this? 16 A. '80s and '90s. 17 Q. And what was it that -- were you 18 deliberately going out to observe Snow 19 Creek after a heavy rainfall, or was it 20 just coincidental? 21 A. No. I was going out to look at it. 22 Q. And was this as part of being a Monsanto 23 employee?

1 A. Yes.
 2 Q. And what is it that you were trying to
 3 observe?
 4 A. To see if it would turn yellow.
 5 Q. And that would have been an indication to
 6 you that some of the PNP waste had gotten
 7 out?
 8 A. Right, uh-huh.
 9 Q. And what was it about a heavy rainfall
 10 that would make it more likely on that day
 11 than any other day that that might have
 12 occurred?
 13 MR. MYERS: Object to the form.
 14 A. The hydraulic load being more than what
 15 the land would handle.
 16 Q. Okay. And as with many municipal sewage
 17 treatment plants, you all had to bypass
 18 when the storm water caused you to get
 19 over faster?
 20 A. No. It would just run off and run down to
 21 Snow Creek. Instead of running into our
 22 sewers -- our sewer would be so full, it
 23 would just run past the sewer.

1 Q. Where would it pick up the yellow PNP
 2 waste, if it was just running along the
 3 ground?
 4 MR. MYERS: Object to the form.
 5 A. If there was any on the ground, then it
 6 could pick it up.
 7 Q. But you wouldn't have left any laying on
 8 the ground, would you?
 9 A. Hopefully not.
 10 Q. Well, what made you think there was a
 11 chance it was going to get out in the
 12 creek and turn the creek yellow?
 13 A. That's what we were doing, making sure it
 14 didn't.
 15 Q. Okay. But what would ever give you the
 16 idea that it would?
 17 MR. MYERS: Object to the form.
 18 A. Potential.
 19 Q. Had you seen it yellow before?
 20 A. Yeah.
 21 Q. Okay.
 22 A. Yes. Sorry about the yeah.
 23 Q. That's all right. What about Choccolocco

1 Creek?
 2 A. No.
 3 Q. Have you ever fished in Choccolocco Creek?
 4 A. No.
 5 Q. Do you fish? Let's start with an easy
 6 one.
 7 A. Oh, yes.
 8 Q. Have you ever fished in Choccolocco?
 9 A. Yes, as a matter of fact.
 10 Q. When do you think you did that?
 11 A. Late '60s, early '70s.
 12 Q. Now, were you out there sport fishing, or
 13 were you picking up samples for Monsanto?
 14 A. Sport fishing.
 15 Q. Would you eat what you catch?
 16 A. Sure.
 17 Q. Would you eat fish caught out of
 18 Choccolocco Creek today?
 19 A. Sure.
 20 Q. But you haven't caught fish down there in
 21 about thirty years?
 22 A. No. I haven't been fishing down there
 23 since my boys got old.

1 Q. Are you aware of the fish advisory that's
 2 been posted down there?
 3 A. Yes.
 4 Q. So you just basically don't -- that
 5 wouldn't dissuade you from eating the
 6 fish?
 7 A. No.
 8 Q. Is that the sort of approach that you'd
 9 used when you'd try to train people out
 10 there at the plant about how to comply
 11 with rules and regulations and health and
 12 safety guidelines?
 13 MR. MYERS: Object to the form.
 14 A. No.
 15 Q. You would agree with me, would you not,
 16 that that kind of recommendation from the
 17 state agency should be complied with by
 18 workforce in a plant like Monsanto's?
 19 A. Yes.
 20 Q. Do you know if you ever participated in a
 21 study of the mortality of workers at the
 22 Anniston plant in an effort to determine
 23 the death rates out there?

Page 89 1 MR. MYERS: Object to the form. 2 A. Would you repeat that one? 3 Q. Yes, sir. To your knowledge, did you ever 4 participate in -- either as a statistic or 5 maybe even gathering information, an 6 effort to assess the death rates, the 7 mortality rates of the Anniston Monsanto 8 workers? 9 MR. MYERS: Same objection. 10 A. Okay. I'm just not sure. 11 Q. That's fair. Did you ever hear about the 12 results of such a mortality study on 13 workers who worked in the Aroclor 14 departments at the Krummrich plant in 15 Sauget, Illinois? 16 MR. MYERS: Object to the form. 17 A. I remember the study, but I don't recall 18 what was in it, the points they brought 19 out. 20 Q. Okay. Have you ever been to the Sauget 21 plant? 22 A. Yes. 23 Q. Was it in a time frame where if I wanted	Page 91 1 double digits, triple digits? 2 A. I think it was less than a hundred. 3 Q. Less than a hundred. Okay. And why did 4 you have that tested? 5 A. Curiosity. 6 Q. Okay. And what sort of follow-up 7 occurred; in other words, after the blood 8 was drawn, what's the next thing that 9 happened with respect to that sample? I 10 mean, how did you find out the number? 11 A. They gave me a sheet that had the number 12 on it. 13 Q. Okay. And was that it? They just handed 14 you the sheet, and that was the last time 15 it was ever discussed? 16 A. I can't recall what was on the sheet. 17 There was some discussion that occurred 18 when they -- I don't remember who gave me 19 the sheet. But when I was handed the 20 sheet with my results on it, there was 21 some discussion about it, and that's the 22 last thing that happened. You know, I 23 don't think I did anything with it.
Page 90 1 to talk to you about how they made PCBs 2 versus how you all did and how they 3 disposed of waste versus how you all did, 4 are you going to know anything about that? 5 A. No. I was there at a seminar, so it was 6 not a plant visit or anything like that. 7 Q. And was it in the '90s? 8 A. Yeah, late '80s, early '90s. 9 Q. Have you ever had your body tested for 10 PCBs? 11 A. Yes. 12 Q. When was that? 13 A. Mid '90s, I guess. 14 Q. Okay. When a lot of other guys out there 15 at the plant did, as well? 16 A. Right, correct. 17 Q. What was your serum level? 18 A. I don't recall. 19 Q. And was that the only time, to your 20 knowledge, you've ever had your body 21 tested for PCB? 22 A. Yes. 23 Q. Do you recall if it was single digits,	Page 92 1 Q. Were you present when there was a question 2 and answer session with a group of the 3 workers? 4 A. Yes. 5 Q. Okay. I'd seen the transcript of that. I 6 didn't see your name listed as one of the 7 people who asked questions. Do you 8 remember asking a question at that 9 particular -- 10 A. No, I didn't ask a question. 11 Q. And what did your doctor -- your personal 12 doctor tell you about your PCB level when 13 you talked to him or her about it? 14 A. I don't think I talked to them about it. 15 Q. Okay. I'm assuming you have seen a doctor 16 since the mid '90s? 17 A. Oh, yeah. 18 Q. I'm going to try and figure out, if we 19 can, what your blood level was. I've got 20 a set of that data -- 21 A. Okay. 22 Q. -- but they didn't give us everybody's 23 names to protect their privacy. You also

Page 93 1 did a questionnaire. Do you recall maybe 2 being asked questions or maybe even 3 filling it out yourself, a little one-page 4 sheet? 5 A. No, I don't recall. 6 Q. Okay. How old would you have been in June 7 of 1996? 8 A. Okay. I'm fifty-eight now. September is 9 my birth month. Fifty-two. 10 Q. Okay. Let's see what we find in here. 11 How tall are you? 12 A. Six one, six two. 13 Q. Maybe six one and a half? 14 A. Yeah. 15 Q. Weigh about two fifty-eight? 16 A. I did then. And I'm fast approaching that 17 again. 18 Q. See if that looks like it might be you. 19 And I will tell you that the concentration 20 reported for that worker, one oh oh two, 21 was a hundred and five. Now, that is 22 inconsistent with your recollection that 23 you thought it was under a hundred. But	Page 95 1 found that intriguing because of my sense 2 that that was something that -- as you 3 said, if your clothes got soaked, you were 4 supposed to change right away. Let's 5 start with something simple. Do you think 6 that person is still alive today? 7 A. Uh-huh (indicating yes). 8 MR. MYERS: Is that a yes? 9 A. Yes. I'm sorry. 10 Q. Does he still work at the plant? 11 A. I don't think so. 12 Q. Do you think he lives within a hundred 13 miles of Gadsden, Alabama? 14 A. Yes. 15 Q. Well, let's not worry about it right now. 16 I may call Larry and ask him to ask you to 17 tell me who that person is. 18 A. Okay. 19 Q. Let's see if we can find another one. 20 I've got lots to choose from. We'll find 21 another one. 22 A. Okay. My weight in '96 was around two 23 hundred pounds.
Page 94 1 that's the first one I came to that kind 2 of fits you in terms of the size and the 3 weight and the years that you were doing 4 it. And it says you were an operator. 5 You're a smoker. 6 A. If that's our employee numbers, I don't 7 think that's mine. 8 Q. No. It's a special number just for this 9 data set. 10 A. The only thing that throws me off is that 11 I worked in the Aroclor department from 12 '65 to '72, seven years -- 13 Q. And it was really less than that, wasn't 14 it? 15 A. Yeah. I know who this sounds like. 16 Q. Who does that sound like? 17 A. I'd prefer not to say. 18 Q. Okay. 19 A. Can I do that? 20 Q. Well, here's the only reason I say -- now, 21 he says he had his clothes soaked in it. 22 And that was one of my -- there weren't 23 many where I made a special comment, but I	Page 96 1 Q. This is somebody six oh height; weighed a 2 hundred and eighty-five; doesn't smoke, 3 so -- 4 A. Uh-uh (indicating no). 5 Q. -- and I have a lot where we just didn't 6 get a questionnaire. So height, 7 seventy-three and a half inches? 8 A. About six one. 9 Q. About six one and a half; weight, two ten. 10 Quit smoking approximately two weeks ago. 11 How long have you worked at Monsanto? 12 Thirty-one years. I don't know. This 13 says operator from '77 -- that doesn't 14 look like you to me. But you look at it, 15 and you tell me. 16 MR. MYERS: Do we have any idea what 17 time the chlorine department 18 shut down? 19 MR. CUNNINGHAM: I want to say '67, 20 but I don't profess to be sure 21 about that. 22 A. A lot of that fits, except for the years 23 in Aroclor.

Page 97 1 Q. Yeah. That one, ten forty, had a serum 2 level of eight. 3 A. (Witness shakes head negatively.) 4 Q. That's too low? 5 A. I'm pretty sure. 6 Q. Well, let me just do this: Let me go 7 through -- there's a couple of these where 8 I'm kind of interested, this number one oh 9 oh six, this individual wrote under other 10 information, his chloracne breaks out 11 quite frequently. Could you take a look 12 at that person in terms of that 13 information there and see if you have a 14 feel for who that might be? 15 MR. MYERS: Let me caution you here, 16 Mr. Byrd. The -- I don't think 17 you're required to disclose the 18 identity of any specific 19 individual; on the other hand, 20 you were asking questions earlier 21 of other witnesses, Charlie, were 22 you aware of anybody who had 23 chloracne at about that period of	Page 99 1 A. Maybe two. And without a doctor's report, 2 I'm not -- what I call chloracne -- 3 Q. Believe me, I understand. And I'm writing 4 it down, maybe had chloracne. Do you know 5 if either of those individuals who you 6 think maybe had that still work at the 7 facility? 8 A. No. 9 Q. Do you know if either of them are still 10 alive? 11 A. Yes. 12 Q. You think they both are? 13 A. Yes, I think they're both still alive. 14 Q. Okay. I'm going to ask the question, and 15 then your lawyer can instruct you not to 16 answer. But I will ask you to tell me the 17 names of those two individuals, please? 18 MR. MYERS: Yeah, you can tell him 19 that. Let me just make clear 20 what the instruction is. He is 21 not to identify in the current 22 instance who patient ten zero six 23 is.
Page 98 1 time? And I think that's fair 2 game. But I don't think you're 3 required to identify the 4 individuals whose privacy has 5 been protected by giving a 6 numeric identifier. So you may 7 want to ask him a different 8 question. 9 MR. CUNNINGHAM: You've instructed 10 him, I take it, not to answer 11 the question? 12 MR. MYERS: I'm instructing him that 13 he is not -- if he knows who ten 14 zero six is, he's not to disclose 15 that to you. 16 MR. CUNNINGHAM: Okay. Then I will 17 ask another question. 18 Q. Do you know of anyone at the plant who had 19 chloracne? 20 A. Yes. 21 Q. Okay. Was it a single individual, or did 22 you know more than one individual who had 23 chloracne?	Page 100 1 MR. CUNNINGHAM: Fair enough. 2 MR. MYERS: But he can tell you who 3 he believes those two people to 4 be. 5 A. Bill Hughes. 6 Q. Okay. 7 A. And I'm trying to think of his name. Can 8 I come back, if I think of his name, and 9 tell you? 10 Q. Sure, absolutely. What makes you think 11 that Bill Hughes had chloracne at some 12 point in history? Did you see it? 13 A. Just observation. 14 Q. Okay. Do you know if Mr. Hughes ever 15 worked in the Aroclor or Therminol 16 departments there at the plant? 17 A. Yes. 18 Q. What job did he have that would have 19 exposed him to Aroclor, as best you know? 20 A. He was an operator. 21 Q. Okay. And he's retired but still alive, 22 as far as you know? 23 A. As far as I know.

Page 101 1 Q. And there may be a second person, but that 2 name's not coming to you right now? 3 A. Right. 4 Q. There's another person identified on here, 5 and again, we won't try to figure out 6 who -- do you know how old Mr. Hughes is? 7 A. Approximation, fifty-eight. 8 Q. How big a person is he? 9 MR. MYERS: You can tell him that. 10 A. Well, that's going to match up to what's 11 on the paper. 12 Q. It might not. 13 A. Okay. He's -- 14 Q. I found one that matched you real well. 15 And I can't say it's you, so it really 16 doesn't lock it in. 17 A. Okay. I don't want one of these guys 18 coming and beating me up. 19 Q. I don't want that either. 20 A. Bill is about six two to six three. 21 Q. The next one that I was curious about was 22 a fellow who had an abnormal liver test 23 about five years ago, which, at this point	Page 103 1 Q. Okay. And you say "the opportunity." Did 2 somebody say, hey, get this stuff out of 3 here, and you said, I'll take it? Or you 4 just didn't have a task; you just wandered 5 up to look? 6 A. No. I'm going up to the dump; do you want 7 to ride with me? 8 Q. Okay. And what were you taking up there? 9 A. A half-track. 10 Q. Okay. And was this a routine thing? Was 11 this half-track used routinely to haul 12 stuff up there? 13 A. No. 14 Q. Why were you using the half-track on that 15 particular occasion? 16 A. We were hiding it. 17 Q. You were hiding a half-track? 18 A. We had a corporate inspection coming in, 19 so we were hiding it from the inspection 20 team. 21 Q. Now, when I think of a half-track, I'm 22 thinking of a three-and-a-half-ton 23 military vehicle of World War II with
Page 102 1 in time, would have been about 1991. Do 2 you know of a worker at the plant who had 3 an abnormal liver test in the early '90s? 4 A. Not that I recall. 5 Q. There's another person here who put down 6 that he carried melted PCB to the dump. 7 Do you know who at the plant carried 8 melted PCB to the dump? 9 A. Anyone in the shipping department, I 10 guess. 11 Q. Okay. Did you ever have an occasion to go 12 up and look at the dumps, the landfills? 13 A. Twice. 14 Q. What was the reason for that? 15 A. Curiosity. 16 Q. Okay. When was that? 17 A. Probably '68 and late '70s. 18 Q. All right. Let me take those one at a 19 time. The one in '68, was there any 20 particular event that sparked your 21 curiosity, or was it just a general 22 curiosity -- 23 A. I had the opportunity to go up there.	Page 104 1 regular tires on the front axle and treads 2 on the back. And you had one of those 3 sitting around there? 4 A. Yes. 5 Q. Was it just something somebody was working 6 on in their spare time at the plant, or 7 did you use it at the plant? 8 A. We used it at the plant. 9 Q. And what did you use it for? 10 A. To move railcars. 11 Q. Okay. It was like your -- what they call 12 a yard engine? 13 A. Correct. 14 Q. And why would you care if corporate saw 15 that? 16 A. It wasn't very pretty looking. 17 Q. What color was it? 18 A. I don't know if I can describe the green 19 color that it was. 20 Q. Okay. So you were just getting it out of 21 sight because it was unsightly? 22 A. Right. 23 Q. And you hid it somewhere up on the hill?

Page 105 1 A. Yeah. We took it up to the dump. 2 Q. May I safely assume from that that when 3 the folks came down from St. Louis, they 4 didn't bother to go up on the hill? 5 A. I don't know. 6 Q. Okay. And what did you see? What do you 7 remember when you went up there on the 8 hill? What did you see of the dump? 9 A. A big pit. 10 Q. A single large pit? 11 A. Where we went, yeah, that was all. 12 Q. Okay. Did you see anything in the bottom 13 of the pit? 14 A. I'm not sure if I looked in the pit. 15 Q. Do you recall if this was night or day? 16 A. It was daytime. 17 Q. Daytime. Do you remember ponded water 18 maybe? 19 A. No. Like I said, I don't think I looked 20 in the pit. 21 Q. Okay. The second occasion in the late 22 '70s, why were you up on the landfill? 23 A. Again, I had asked the question of where	Page 107 1 Q. What I have read suggests they just kind 2 of backed up to the edge and pushed it 3 off? 4 A. Correct. 5 Q. Did you have an opportunity to see -- 6 again, was there just a large hole up 7 there? 8 A. This particular place we stopped at, it 9 was, again, a pit, and that was it, just a 10 pit. 11 Q. What did you see inside the pit? 12 A. Drums. 13 Q. Drums? Okay. 14 A. Fiber drums. 15 Q. Fiber drums. Okay. Several deep? 16 A. Yes. It was more than one layer. 17 Q. Okay. And you could -- I presume you 18 could put those things in there like 19 artillery shells in nice, neat rows 20 stacked on top of each other, or you could 21 just kind of push them off the back or -- 22 A. The just pushed them off the back. 23 Q. And let nature sort it out from there?
Page 106 1 they took the drums and what they did with 2 them, and one of the employees was taking 3 a truckload of drums up. And when I say 4 "drums," I'm talking about the fiber 5 drums, cardboard drums. 6 Q. And, if you would, when you say you had 7 asked, what were you doing? What was your 8 job at that particular point in time? 9 A. I'm trying to remember if I was the chief 10 of PNP or an operator -- chief of PNP 11 or -- I was somewhere in the west plant. 12 Q. So it sounds like this, again, was 13 curiosity? 14 A. It was. It was curiosity. 15 Q. It was not like you had to know the answer 16 to that because you had been able to do 17 your job for years without knowing that? 18 A. Oh, yeah. 19 Q. Okay. What, if anything, do you remember 20 about observing that operation on that 21 occasion? 22 A. We needed a better way of getting drums 23 off the truck.	Page 108 1 A. Yes. 2 Q. What about that water? On that occasion, 3 do you have any recollection of seeing any 4 ponded water? 5 A. No, no water. 6 Q. Okay. Other than the time that you worked 7 on the sampler that we talked about 8 earlier, do you recall any involvement or 9 any role that you had in collecting, 10 analyzing, or interpreting PCB samples, 11 whether it be of soil, water, air, or 12 animals? 13 A. Other than just routine sampling that I 14 would do to test to see? 15 Q. Product or -- it's clear to me that as an 16 operator, you daily, on multiple occasions 17 during the day, would draw a sample of PCB 18 product, Aroclor, for the lab to analyze? 19 A. Correct. 20 Q. And I don't need to bother you with 21 knowing about all of that. I'm talking 22 about samples that were taken to look for 23 the presence of PCB, again, in water,

Page 109 1 soil, air, or animals in -- 2 A. No. 3 Q. Okay. And I may have inferred that the 4 sampler you worked on was -- that they 5 would look for PCB, but you don't know 6 what that was necessarily analyzed for, 7 right? 8 A. Right. The sampler in waste treatment? 9 No. 10 Q. Okay. Let me ask you if you know about 11 samples that you picked up and maybe just 12 don't know what they were looking for? 13 A. The samples -- no, I'm not sure what they 14 were looking for. 15 Q. And you told us about the air samples that 16 you collected in-house? 17 A. Right. 18 Q. And you mentioned a few of the parameters 19 that you think that was checked for. As 20 far as you know, you never picked up 21 samples like that to be analyzed for PCB? 22 A. No. 23 Q. This is the last area of questioning, and	Page 111 1 it? 2 A. Correct. 3 Q. Same source of information, the media? 4 A. Yes. 5 Q. Have you heard about the EPA Superfund 6 department coming to town? 7 A. Yes. 8 Q. And how did you learn about that? 9 A. The media. 10 Q. Did any of these four events surprise you 11 when you heard about it? 12 A. Yes. 13 Q. Let me take them one at a time. The fact 14 it was found in a lot of yards, did that 15 surprise you? 16 MR. MYERS: Object to the form. 17 A. Let me ask you what you mean by 18 "surprise." There's a lot of surprises. 19 Q. Yeah. I don't know in what format you 20 first heard it. I assume you were reading 21 a newspaper, let's say, the Anniston Star, 22 and you see an article, and it says: 23 "Neighbors sue Monsanto, allege that
Page 110 1 we're done. 2 Have you heard about allegations 3 that PCBs have been found in a lot of 4 yards in the neighborhoods around the 5 plant? 6 MR. MYERS: Object to the form. 7 A. Yes. 8 Q. Okay. And how did you hear about that? 9 A. The media. 10 Q. Have you heard allegations that PCBs have 11 been found in the bodies of a number of 12 people who live out there around the 13 plant? 14 A. Yes. 15 Q. Is that also through media reports? 16 A. Media and also -- when I say "media," I'm 17 talking about not only outside media; I'm 18 talking about through Monsanto media. 19 Q. Right. The Bama Briefs that you 20 mentioned? 21 A. Right. 22 Q. And I think I asked you about the fish 23 advisory, and you told me you knew about	Page 112 1 there's PCB in their yards." Did that 2 happen someday? Did you read something 3 like that someday? 4 A. I did read something like that. 5 Q. And all I'm wondering is: When you heard 6 that, did you say, I could have saved them 7 the trouble; I could have told them it was 8 there? 9 A. No. I didn't expect anything like that. 10 Q. Didn't expect it? Okay. That's fair. 11 Have you heard that when Monsanto's gone 12 out and looked and when the EPA has gone 13 out to look, they have found it in 14 residential areas around the plant? 15 MR. MYERS: Object to the form. 16 A. Again, I didn't expect it. 17 Q. Let me move to it being found in people, 18 blood work like you -- same lab, as a 19 matter of fact, for that matter. Did that 20 surprise you? 21 MR. MYERS: Object to the form. 22 A. Yes. 23 Q. When you heard about the fish advisory,

Page 113 1 that the State had concluded that the fish 2 had PCBs in them and people shouldn't eat 3 them, did that come as a surprise to you? 4 MR. MYERS: Object to the form. 5 A. No, because that occurred after the other. 6 The thing that surprised me or was 7 unexpected was because of -- I didn't 8 know. You know, it amazed me that it had 9 gotten out -- and I don't guess amazed is 10 the right word, but it was just 11 unexpected. 12 Q. Unexpected. Okay. And when the EPA 13 showed up with the Superfund people -- 14 now, a guy earlier said, what's Superfund, 15 but I'm guessing you know what Superfund 16 is? 17 A. Right. 18 Q. Did that surprise you when they came to 19 town? 20 A. Personally, yes. 21 Q. Because I assume while you were there 22 working, you felt that y'all had things 23 under good control?	Page 115 1 A. Concerned. 2 Q. And lastly, when the Superfund came to 3 town? 4 A. Yeah, I was very much concerned about 5 that. 6 Q. For who? 7 A. The people and the company. 8 MR. CUNNINGHAM: That's all I have. 9 Thank you. 10 11 (AND FURTHER DEPONENT SAITH NOT.) 12 13 14 15 16 17 18 19 20 21 22 23
Page 114 1 A. Yes, very much so. 2 Q. Last set of questions. 3 With respect to these four different 4 events, I want to know if they caused you 5 any concern, if you're worried about it. 6 And I don't mean in the sense that somehow 7 you personally had something to worry 8 about, but worried for the company, 9 worried for the people. Okay? You tell 10 me if any or all apply. 11 When you heard that it was in 12 residential neighborhoods in the soil, did 13 that cause any concern in your mind? 14 MR. MYERS: Object to the form. 15 A. Yes. 16 Q. For who? 17 A. The people and the company. 18 Q. Fair enough. What about when you heard 19 that it was in people's bodies? Same 20 answer? 21 MR. MYERS: Object to the form. 22 A. Yes. 23 Q. The fish advisory? Less so?	Page 116 1 I do hereby certify that the witness whose 2 attached deposition was taken before me was by me 3 first duly cautioned and sworn to tell nothing but 4 the truth in the cause aforesaid; that the 5 testimony contained herein was by me reduced to 6 writing in the presence of said witnesses by means 7 of stenography and afterwards transcribed by means 8 of computer aided transcription. The foregoing is 9 a true and accurate transcript of the whole of the 10 testimony given by said witness, as aforesaid. 11 I do further certify that I am not 12 connected by blood or marriage with any of the 13 parties or their attorneys or agents and that 14 I am not an employee of any of them, nor 15 interested in the matter of controversy. 16 IN WITNESS WHEREOF, I have hereunto 17 set my hand and affixed my notarial seal at 18 Gadsden, Alabama, County of Etowah, this 12th 19 day of January, 2002. 20 21 22 ----- 23 Misty Perry Sanders Notary Public, Alabama-at-Large My Commission Expires: 11-01-2003

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