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1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ALABAMA
3 EASTERN DIVISION

4

5 CASE NUMBER: CV-P-440-E

6 WALTER OWENS, et al.,

7 Plaintiffs,

8 vs.

9 MONSANTO COMPANY,

10 Defendant.

11

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

13 IT IS STIPULATED AND AGREED

14 by and between the parties through their

15 respective counsel, that the deposition

16 of JAMES NOLEN SIMS may be taken before

17 MICKEY TURNER, Commissioner, at the

18 offices of Fite & Miller at 4th Floor

19 SouthTrust Bank Building, Anniston,

20 Alabama, on the 14th day of October,

21 1999.

22 IT IS FURTHER STIPULATED AND

23 AGREED that the signature to and the

0002

1 reading of the deposition by the witness

2 is waived, the deposition to have the

3 same force and effect as if full
4 compliance had been had with all laws and
5 rules of Court relating to the taking of
6 depositions.

7 IT IS FURTHER STIPULATED AND
8 AGREED that it shall not be necessary for
9 any objections to be made by counsel to
10 any questions except as to form or
11 leading questions, and that counsel for
12 the parties may make objections and
13 assign grounds at the time of the trial,
14 or at the time said deposition is offered
15 in evidence, or prior thereto.

16 IT IS FURTHER STIPULATED AND
17 AGREED that the notice of filing of the
18 deposition by the Commissioner is waived.

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21
22
23

0003

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6 WALTER OWENS, et al.,

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9 MONSANTO COMPANY,

10 Defendant.

11

12 BEFORE:

13 MICKEY TURNER, Commissioner

14 APPEARANCES:

15 MITHOFF & JACKS, L.L.P., by

16 Mr. James L. Wright and Ms. Laura Ruth,

17 111 Congress Avenue, Suite 1010, Austin,

18 Texas 78701, appearing on behalf of the

19 Plaintiffs.

20 LIGHTFOOT, FRANKLIN & WHITE,

21 L.L.C., by Mr. William S. Cox, III, The

22 Clark Building, 400 20th Street North,

23 Birmingham, Alabama 35203, appearing on

0005

1 behalf of the Defendant.

2 SMITH, HELMS, MULLISS &

3 MOORE, by Mr. Michael E. Kelly, 300 North

4 Greene Street, Suite 1400, Greensboro,

5 North Carolina 27401, appearing on behalf

6 of the Defendant.

7 *****

8

9 I, MICKEY TURNER, a Court

10 Reporter of Birmingham, Alabama, acting

11 as Commissioner, certify that on this

12 date, as provided by the Federal Rules of
13 Civil Procedure and the foregoing
14 stipulation of counsel, there came before
15 me at the offices of Fite & Miller, 4th
16 Floor SouthTrust Bank Building,
17 Anniston, Alabama, beginning at 9:30
18 a.m., JAMES NOLEN SIMS, witness in the
19 above cause, for oral examination,
20 whereupon the following proceedings were
21 had:

22

23

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1 JAMES NOLEN SIMS,
2 being first duly sworn, was examined and
3 testified as follows:

4

5 COURT REPORTER: Usual
6 stipulations?

7 MR. COX: That's fine.

8 MR. WRIGHT: Well, what are
9 the usual stipulations around here?

10 MR. COX: Basically reserve
11 except as to form of the question and
12 waive signature and no notice of filing.

13 MR. WRIGHT: And y'all can't
14 coach, right?

15 MR. KELLY: No.

16 MR. WRIGHT: Oh, that's not
17 part of it?

18 MR. KELLY: That's not part
19 of it.

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

22

23 (Whereupon, a discussion was held

0007

1 off the record.)

2

3 MR. WRIGHT: Now we can
4 start.

5 MR. COX: You also are going
6 to talk about the fact that this is
7 noticed in a case in which Burr & Forman
8 is representing parties as well as the
9 Mithoff, Jacks & Shields firm and that
10 y'all gave them notice of the deposition
11 and they instructed you to proceed
12 without them?

13 MR. WRIGHT: Right, I will
14 let Laura make a little statement to that
15 effect.

16 MS. RUTH: Well, I don't want
17 to say they instructed us on this

18 specific one to "proceed without us."
19 What I can say is we told them about it
20 and told them to be in touch with us if
21 they wanted to be here and they chose not
22 to be here.

23 MR. COX: That's fine.

0008

1 EXAMINATION BY MR. WRIGHT:

2 Q. Now, Mr. Sims, thank you for
3 your patience. It's my understanding,
4 based on what we talked about just before
5 the deposition, that you have given a
6 deposition before?

7 A. Yes, sir.

8 Q. How many times?

9 A. Once.

10 Q. What kind of case was it
11 involved in?

12 A. A lawsuit, something about
13 Parathion, Nirran, whatever you want to
14 call it.

15 Q. Okay. When was that
16 deposition?

17 A. I don't remember. Sometime
18 between '85 and now. It's been five or
19 six years ago. I don't remember the date
20 or the year.

21 Q. Okay. Your best estimate is
22 five or six years ago?

23 A. Yes.

0009

1 Q. Do you remember any of the
2 lawyers involved?

3 A. No, sir.

4 Q. Was it a case in which
5 somebody was claiming to have been
6 injured by Parathion?

7 A. I don't remember.

8 Q. Was it a Parathion pollution
9 case?

10 A. To the best of my knowledge,
11 yes.

12 Q. How long did that deposition
13 last?

14 A. Probably from about nine to
15 two, nine a.m. to two p.m., my part of
16 it.

17 MR. WRIGHT: Let's go off the
18 record for a second.

19

20 (Whereupon, a discussion was held
21 off the record.)

22

23 MR. WRIGHT: Let's go back on

0010

1 the record.

2 Q. What was the basic claim, to
3 the best of your understanding, in that
4 lawsuit?

5 A. I don't really know. I had
6 already retired and they called me for
7 deposition in Delaware. And it was
8 concerning pollution. Past that, I don't
9 know.

10 Q. When you said in Delaware, is
11 that where the deposition was?

12 A. Yes, sir.

13 Q. You had to go to Delaware?

14 A. Yes, sir.

15 Q. Okay. And who called you?

16 Do you remember who called you and asked
17 you to go over there?

18 A. Somebody from the plant
19 here. But, I don't know.

20 Q. You don't remember who it
21 was?

22 A. I don't remember who it was,
23 no.

0011

1 Q. Do you remember what kind of
2 questions they asked you? Just generally

3 what the general subject was about?

4 A. As I say, it was basically
5 pollution, waste treatment, this kind of
6 thing.

7 Q. Okay. I know I asked you
8 this and I can't remember what your
9 answer was. About how long did the
10 deposition last?

11 A. I believe it was from about
12 nine a.m. to two p.m., because I had a
13 flight out of Pennsylvania at five, so I
14 would say nine to two.

15 Q. And the best of your
16 understanding is it was somebody that was
17 suing Monsanto over Parathion pollution?

18 A. To the best of my
19 recollection, yes.

20 Q. Could it possibly have been
21 Monsanto suing an insurance company?

22 A. Possibly.

23 Q. Thank you for telling me

0012

1 that. The point of my asking if you have
2 given a deposition, or one of the points
3 of my asking if you have given a
4 deposition is just to make sure that you
5 understand what this process is.

6 And basically you understand,
7 I assume, that a deposition is
8 out-of-court testimony given under oath
9 in a lawsuit. Do you understand that?

10 A. Yes.

11 Q. And you understand that your
12 testimony can have the same force and
13 effect as if you were sitting on a
14 witness stand in court testifying?

15 A. Yes.

16 Q. Tell me -- I want to go into
17 your background just a little bit -- when
18 did you start with Monsanto?

19 A. April 5, 1960.

20 Q. Had you done other work
21 before you started with Monsanto?

22 A. I worked for Gordon Dairies
23 in Anniston for approximately nine years.

0013

1 Q. How old were you when you
2 started with Monsanto?

3 A. Twenty-six.

4 Q. Did you grow up in the
5 Anniston area?

6 A. Not born here, but the
7 majority of the time, yes.

8 Q. Now, what was your first job

9 with Monsanto?

10 A. Classified as an operator.

11 Q. What specifically did you do?

12 A. Well, we had several

13 different jobs. Each one of them had an

14 operator and that was my classification

15 when I first started out. I started out

16 training on the chlorinators in the

17 Aroclor Department.

18 Q. What exactly did you do with

19 the chlorinators?

20 A. We charged them with biphenyl

21 and then chlorinated them a certain

22 length of time, depending on the product

23 we was running.

0014

1 Q. How did you charge them

2 specifically? You turned gauges and let

3 the chlorine flow into the --

4 A. We used a rotometer.

5 Q. A what?

6 A. A rotometer.

7 Q. What is that?

8 A. It's a glass tube with a

9 float in it that shows you the amount of

10 chlorine you are putting in.

11 Q. And how often a day would you

12 have to do that?

13 A. There again, depending on

14 which product you were running. We would

15 run anywhere from an hour to six hours,

16 depending on which gravity they wanted on

17 it.

18 Q. Were y'all on the continuous

19 batch process at that point?

20 A. Not at that time, no.

21 Q. So you would run separate

22 batches every day?

23 A. Individual batches, yes.

0015

1 Q. How many batches could you

2 run a day?

3 A. There again, it's how long

4 they run. A day or shift? What are you

5 asking?

6 Q. Let's break it down. Let's

7 start with shift.

8 A. 1221, maybe eight. That was

9 the quickest one we had. From there

10 maybe go to six, four, whatever.

11 Q. When you say eight, you mean,

12 eight hours?

13 A. Eight batches per eight-hour

14 shift.

15 Q. Oh, eight batches per
16 eight-hour shift. Okay. What were the
17 other products? You had 1221s. 1242 was
18 the next one?

19 A. 1242. 1268.

20 Q. 1268?

21 A. Yeah. 5460 and there might
22 have been another gravity or two in
23 there.

0016

1 Q. 1221, 1242, then it jumped to
2 1268?

3 A. There might have been a
4 1254. I'm not sure.

5 Q. No 1260?

6 A. I was thinking it was 1268.
7 We are talking thirty-five years ago.

8 Q. I know. Might have been 1260
9 instead of 1268?

10 A. Yeah, I was thinking 1268.
11 It might have been 1260.

12 Q. Did y'all do some 1268 in
13 Anniston?

14 A. I'm not saying we did a
15 1268. You said 1260, and I'm agreeing it
16 could have been 1260 rather than 1268.
17 Like I say, this is thirty-five years

18 ago.

19 Q. I understand. I'm just
20 asking if y'all made a 1268 in Anniston
21 any time?

22 A. That's what I am telling
23 you. I thought it was a 1268. You said

0017
1 1260, so whichever one we made there.

2 Q. Okay. And then 5460?

3 A. I believe that was the
4 number. That was short of the solid.

5 Q. All right. Those are the
6 ones you remember?

7 A. Yes.

8 Q. How many -- I am going to
9 call them lines. Y'all may have called
10 them something else. When you first
11 started, how many lines did they have in
12 operation at one time?

13 A. I don't understand what you
14 mean.

15 MR. COX: Object to the
16 form.

17 THE WITNESS: What? I
18 didn't hear you.

19 MR. COX: That's just a
20 technical objection. It's just made for

21 the record.

22 THE WITNESS: Oh.

23 Q. How many batches could you

0018

1 have make at once.

2 MR. COX: I'm sorry, Larry,

3 within the Aroclor Department?

4 MR. WRIGHT: Yes. Within the

5 Aroclor Department?

6 A. We had eight chlorinators.

7 Q. So you could make eight

8 different batches at once, or you could

9 have eight different batches going at one

10 time?

11 A. Correct.

12 Q. And I assume it could be any

13 mix of these, right?

14 A. The 1242 was the most

15 popular, but it could have been any of

16 those numbers we talked about.

17 Q. How many operators would be

18 on shift at any one time?

19 A. Just on the chlorinator or in

20 the department.

21 Q. Let's focus on the

22 chlorinators for right now?

23 A. Two.

0019

1 Q. So two operators would run
2 all eight chlorinators?

3 A. Yes.

4 Q. Eight-hour shifts, generally?

5 A. Yes.

6 Q. Did you run twenty-four hours
7 most of the time?

8 A. Yes.

9 Q. Were there ever down periods
10 for regular maintenance?

11 A. Oh, yes.

12 Q. Explain how that worked, if
13 you would.

14 A. Clarify that a little for
15 me.

16 Q. Well, I mean, what kind of
17 routine maintenance would you do in which
18 you would take the chlorinators out of
19 service to do it?

20 A. Packing the pumps.

21 Q. Packing the pumps?

22 A. Yes.

23 Q. What does that mean?

0020

1 A. There were -- the pumps had
2 packing in them, had a packing gland on

3 them that you could adjust to keep them
4 from leaking. They repacked them most
5 every day. They added packing if it
6 needed it, this kind of thing.

7 Q. Was that because the chlorine
8 was corrosive on the pumps?

9 A. That's out of my expertise.
10 I can't answer that.

11 Q. Okay. Did you pack them when
12 they started leaking?

13 A. You had a packing gland with
14 an adjustment on it and you could adjust
15 them, you know, until the packing got
16 down and then maintenance came in and
17 repacked them.

18 Q. But what I am asking is, did
19 you know they needed to be repacked
20 because they were leaking?

21 A. Oh, yeah. They were leaking
22 into the pan. They had drip pans on each
23 pump to catch them as they did leak.

0021

1 Q. At that time, the Aroclor
2 area was not concreted, right, in '60?

3 A. The Aroclor area?

4 Q. Yeah.

5 A. Yes, sir.

6 Q. It was concreted?

7 A. Yes, sir.

8 MR. WRIGHT: Let's go off the
9 record for a second.

10

11 (Whereupon, a discussion was held
12 off the record.)

13

14 THE WITNESS: Your last
15 question, you said the chlorinator area
16 or the Aroclor area?

17 MR. WRIGHT: I said the
18 Aroclor area.

19 THE WITNESS: The whole
20 thing wasn't.

21 MR. WRIGHT: Was not?

22 THE WITNESS: You know where
23 the storage tanks and all were? Some of

0022

1 that was not. I thought you said the
2 chlorinator area is the answer I gave
3 you.

4 MR. WRIGHT: We'll clear it
5 up.

6 Q. The chlorinator area itself
7 where the chlorinator sat, that was
8 concreted?

9 A. Right.

10 Q. But there were other parts of
11 the Aroclor Department that were not
12 concreted at that time?

13 A. Yes.

14 Q. Did there come a time when
15 the entire Aroclor Department got
16 concreted?

17 A. I can't answer that. I
18 wasn't there, in other words.

19 Q. So you moved to a different
20 job?

21 A. Oh, yeah.

22 Q. Okay. How long were you in
23 the Aroclor Department?

0023

1 A. The first time, approximately
2 six months.

3 Q. I am going -- we are going to
4 come back to that, but let me trace your
5 job history and then we'll come back to
6 the Aroclor Department.

7 A. Okay.

8 Q. So the first six months you
9 worked in the Aroclor Department. Then
10 where did you go?

11 A. Niran Department.

12 Q. What was your job there?

13 A. Operator.

14 Q. What was your specific job

15 duties?

16 A. When I first went over there,

17 we made slurries and that was my job when

18 I first went there for maybe the first

19 six months or so.

20 Q. What does that mean, making a

21 slurry?

22 A. You mix acetone, PNP and soda

23 ash into a slurry that's used in the

0024

1 condensation reactors.

2 Q. Used in the what?

3 A. Condensation reactors.

4 Q. Was that your only job?

5 A. No, that was about the first

6 six months.

7 Q. Okay. Then what did you do?

8 A. I went to -- there was two

9 people. Two made slurries. When we

10 weren't doing that, one drummed and the

11 other one looked after waste treatment.

12 Q. Tell me about each of those

13 jobs. What did the one that was drumming

14 do?

15 A. Drummed out Parathion in the
16 mostly 55-gallon drums.

17 Q. Does that mean load the
18 Parathion into the drums?

19 A. Yes.

20 Q. How did you do that? With a
21 hose?

22 A. No. There's a loading line.
23 Drums sitting on scales brought it up to

0025
1 weight.

2 Q. So you would roll it up to
3 the -- what would you roll it up to?

4 A. The weight or the drum? What
5 are you talking about rolling it up?

6 Q. Well, maybe I misunderstood
7 you. You said there was a loading line,
8 right?

9 A. Right.

10 Q. With rollers?

11 A. Drumming line.

12 Q. Drumming line.

13 A. Loading drums, whatever.

14 Q. Okay. And what was on
15 rollers?

16 A. The drums. You would roll
17 them up on the scales, fill them, roll

18 them off the scales on drums and carry

19 them to the warehouse.

20 Q. With a forklift, I assume?

21 A. (Witness nods head.)

22 Q. The other operator, you said,

23 was dealing with the waste?

0026

1 A. Waste treatment.

2 Q. Explain that, if you would.

3 A. We took readings off the air

4 compressors, caught samples out of the

5 basins, carried them to the lab for

6 analysis and made adjustments as

7 necessary.

8 Q. Caught samples of the

9 product, the Parathion?

10 A. Waste, waste treatment,

11 samples of the waste.

12 Q. Where did the waste come

13 from?

14 A. That's sort of broad. From

15 the Parathion Department, is that what

16 you are asking?

17 Q. Well, no. Right now, I'm

18 just focusing on what you did when you

19 were an operator doing that job. You

20 said you took samples of waste and took

21 them to the lab?

22 A. Yes.

23 Q. Where did you get the samples

0027

1 from?

2 A. Out of the basins.

3 Q. What basins?

4 A. The waste treatment basins.

5 Left -- go ahead.

6 Q. Can you draw a picture of the

7 Niran facility?

8 A. No, I'm not an artist, but I

9 will answer your questions if you will

10 make them a little clearer. We're talking

11 about a big area.

12 MR. COX: He's talking about

13 the large concrete lagoon, biological

14 treatment for the waste water that was

15 generated out of the Parathion unit, if

16 that helps.

17 MR. WRIGHT: Okay. That

18 helps.

19 A. Where the waste come from?

20 Q. Right.

21 A. Is that what you are asking?

22 Q. That's what I'm asking.

23 A. It came out of the

0028

1 department, went down through some
2 limestone pits to a holding tank. It was
3 pumped from there into the basins and
4 that's where we sampled it, checking the
5 PH, air, and it went from the basins into
6 a clarifier, sludge settled out and the
7 overflow went to the city after it was
8 sampled.

9 Q. Okay.

10 A. Now --

11 Q. Go ahead.

12 A. Just, go back to where we was
13 now, since we've got an idea of how the
14 waste run.

15 Q. And you would take samples
16 out of the concrete pits?

17 A. Yes.

18 Q. Would you take --

19 A. We called them basins, yes.

20 Q. The basins. Would you take
21 samples out of the limestone pits as
22 well?

23 A. No.

0029

1 Q. So the only place you took
2 samples was from the basins?

3 A. And the overflow going to the
4 city.

5 Q. You took them two places?

6 A. Yes.

7 Q. And you said that, depending
8 on what the lab said, you would adjust
9 something?

10 A. We had huge blowers feeding
11 air in there to keep the bacteria alive.

12 We checked the PH to keep it neutral.

13 Depending on what the lab called back, we
14 adjusted the air flow or the PH.

15 Q. How long were you in that
16 job?

17 A. Probably six months.

18 Q. Then where did you go?

19 A. In the Parathion Department?

20 We are still in the Parathion Department?

21 Q. I am just asking what your
22 next job was after the one you just
23 described.

0030

1 A. Running the thio acid.

2 Q. And what did that entail.

3 A. We used alcohol and P2 S5 to
4 make thio acid, which is -- we put a heel
5 in the tank, we put the P2 S5 in it and

6 put the alcohol into it and that come out

7 as thio acid.

8 Q. How long did it take for it

9 to turn into good thio acid?

10 A. There again, we are talking

11 thirty-five years ago. With two

12 reactors, we would usually get two or

13 three batches per shift, I think.

14 Q. And that was your sole job,

15 was to make that thio acid?

16 A. In that position, yes.

17 Q. How long did you stay in that

18 position?

19 A. Maybe a couple of years.

20 Q. Then what was your next job?

21 A. Condensation reactors.

22 Q. Still in the Parathion

23 Department?

0031

1 A. Yes.

2 Q. What exactly did you do in

3 that job?

4 A. We took the slurries we

5 referred to earlier. They were pumped to

6 condensation reactors and we added an

7 intermediate to that to make the finished

8 produce, the Parathion.

9 Q. What was the intermediate
10 that you added?

11 A. Pardon?

12 Q. You said you added an
13 intermediate? What was the intermediate
14 that you added? Do you remember?

15 A. No. We called it
16 intermediate.

17 Q. All right. I think I have a
18 diagram here. If I do, it will help me
19 understand it better and it might refresh
20 your recollection.

21 Okay. Just for the record,
22 this has two numbers, Bates numbers,
23 M17434 and DSW 050882. It's a page from

0032

1 the document entitled, "Standard
2 Manufacturing Process for Methyl
3 Intermediate and Methyl Parathion,
4 January, 1963." So that would be about
5 the time you were there, right?

6 A. Yes.

7 Q. I think this is the waste
8 system you were just explaining?

9 A. Yes.

10 Q. Up here at the top left, it
11 says, "Waste H2O Organics." And where,

12 again, is this waste coming from?

13 A. From the department.

14 Q. It's just all of the waste

15 from the Parathion Department?

16 A. This is located north of the

17 department.

18 Q. Okay. And it goes into

19 limestone neutralization pits, then goes

20 into these concrete hold basins and

21 that's what you would sample, right?

22 A. No.

23 Q. Okay.

0033

1 A. We were sampling up here

2 (indicating).

3 Q. The aeration basins?

4 A. Yes.

5 Q. Now, what's this coming in

6 here through the air filter and the air

7 blowers?

8 A. Just pulling air in through

9 the filters into the basins.

10 Q. I've got you.

11 A. Furnishing air for the --

12 Q. All right. I think this is

13 intended to be a schematic diagram of the

14 whole process. I will ask you about that

15 in a second, but let me identify it.
16 It's DSW 050881 and it also bears the
17 number M17433. It's the previous page in
18 the document that I just mentioned. Can
19 you make that out?

20 A. This is -- I don't see thio
21 acid on here. This must be the --

22 Q. Okay. See if that one is
23 better.

0034

1 MR. COX: That, for the
2 record, is DSW 050880.

3 A. Okay. Here's thio acid
4 reactor, going up to it (indicating).
5 Okay. Now, where were we?

6 Q. We were just talking about
7 the process. This one, this most recent
8 one, 050880, shows the thio acid process
9 that you were describing earlier, right?

10 A. Yes.

11 Q. Okay. And, then, does this
12 one show after the thio acid is made
13 where the, or how the Parathion is made?
14 By "this one," I am talking about 050881.

15 A. Okay. This is going to be
16 your hold tank. That's what we called
17 it. I don't know the technical name for

18 it. We put the slurries into the
19 condensation reactor and added acetone.
20 Q. That shows acetone and water
21 going in there?
22 A. Yes. This is a slurry tank.
23 This is the intermediate weight tank

0035

1 (indicating). It comes out and goes to
2 the crude Niran hold tank and into the
3 wash column.

4 Q. What was the wash column?
5 Describe that for me, if you would.

6 A. It was a column about two
7 foot in diameter, probably twenty foot
8 tall.

9 Q. What was its purpose, if you
10 know?

11 A. Probably to clean the PNP out
12 of the Parathion.

13 Q. Then it comes out of there --

14 A. Goes to the settler.

15 Q. Okay.

16 A. Into the dehydrator storage
17 tank, polished goods tank, finished goods
18 tank, into the drum.

19 Q. Was this area concreted?

20 MR. COX: When you are saying

21 "this area," you are talking about the
22 area of the condensation reactor?
23 MR. WRIGHT: No, the whole

0036

1 Niran area.

2 A. When I went over there, it
3 was. I assume it always had been. All
4 of these were suspended in the second
5 level or the third level. The floor was
6 just grating on the second and third
7 level. The floor was concreted.

8 Q. And then there were sewers in
9 the concrete floor?

10 A. That went to a trench on the
11 back side of the wall.

12 Q. Okay.

13 A. The trench on the back side
14 of the wall went to the limestone bed, to
15 the hold tank.

16 Q. And that was the way it was
17 the whole time you were there, starting
18 in the early sixties?

19 A. Uh-huh (Witness nods head).

20 Q. All right. Just for
21 clarification, Niran is the same thing as
22 Parathion? That's just what y'all called
23 it?

0037

1 A. Right.

2 Q. Sometimes you called it

3 Niran, N-I-R-A-N?

4 A. Niran or Parathion is the

5 same thing.

6 Q. Okay. What job did we leave

7 off with?

8 A. Condensation reactor.

9 Q. What was your next job?

10 First of all, how long were you in that

11 job, condensation reactor?

12 A. A couple of years.

13 Q. And then?

14 A. I went to the -- let me see

15 your layout again.

16 Q. The layout?

17 A. Yes.

18 Q. Okay.

19 A. The intermediate side. We

20 had still chlorinators. I am trying to

21 think of which one I went on first. The

22 jobs were not in sequence with this

23 (indicating).

0038

1 Q. That's okay.

2 A. The chlorinators would be

3 next.

4 Q. Is that still in the Niran

5 Department?

6 A. Yes.

7 Q. Okay.

8 A. In that process we charged

9 thio acid and added chlorine. And from

10 there, it went to the stills, which is to

11 distill. And from there, went back to

12 intermediate where we were going into

13 condensation batch.

14 Q. How long were you in that

15 job?

16 A. Actually two jobs there. I

17 was over there eight years, probably a

18 couple of years in each job, just round

19 figures.

20 Q. Your whole time in the Niran

21 Department was eight years?

22 A. Eight to nine years. I don't

23 remember exactly.

0039

1 Q. When did it end, what year?

2 Do you remember?

3 A. Probably about '69.

4 Q. Where did the chlorine come

5 from?

6 A. Tank cars.

7 Q. Was that caustic chlorine?

8 A. I don't know what caustic
9 chlorine is. We just called it chlorine.

10 Q. Okay. There was a caustic
11 chlorine manufacturing area?

12 A. Yes. This didn't come from
13 there.

14 Q. Okay. This was shipped in by
15 tank cars?

16 A. Yes.

17 Q. Okay. In '68 or '69, where
18 did you go?

19 A. Back to Aroclor.

20 Q. And what was your job when
21 you went back to Aroclor?

22 A. Chief operator.

23 Q. Chief operator?

0040

1 A. Uh-huh (indicating
2 affirmatively).

3 Q. What specifically was your
4 job then?

5 A. Sort of over the operators,
6 the drummers, the baker and everything.
7 Sort of shift foreman.

8 Q. I'm sorry?

9 A. Sort of shift foreman.

10 Q. Now, the facility got
11 expanded about that time, right, the
12 Aroclor facility?

13 A. Just before I went over
14 there.

15 Q. What was that expansion?
16 What did they add?

17 A. To the best of my
18 recollection, they added two continuous
19 chlorinators, larger than the single
20 ones. Larger than the ones we were
21 talking about earlier.

22 Q. So up until that time, up
23 until the addition in '68 or '69,

0041

1 everything had been batch chlorinators?

2 A. Yes.

3 Q. Now, did they keep the batch
4 chlorinators in operation as well as the
5 continuous chlorinators?

6 A. Yes.

7 Q. Were y'all still making the
8 same kind of products?

9 A. Yes.

10 Q. You were just able to make a
11 lot more of them now after the addition?

12 A. I don't know. I can't answer

13 that. I don't remember what the

14 production rate was.

15 Q. Were you, as the operator or

16 the chief operator, were you in charge of

17 the operators for both the batch

18 chlorinators and the continuous

19 chlorinators?

20 A. Yes.

21 Q. How many more operators were

22 there that were required to work the

23 continuous chlorinators?

0042

1 A. One.

2 Q. For both continuous

3 chlorinators?

4 A. Yes.

5 Q. So one man could operate both

6 chlorinators?

7 A. Yes.

8 Q. How long did you stay in that

9 job?

10 A. Approximately one year.

11 Q. Now, we talked about the

12 sewer in the Nirán Department. The sewer

13 in the Aroclor Department, I assume that

14 there was a sewer opening under the, or

15 maybe more than one, under the

16 chlorinators?

17 A. Yes.

18 Q. Where did that go?

19 A. Which area? Directly under

20 the chlorinators?

21 Q. I just mean in that area, in

22 the chlorinator area.

23 A. It went into a sewer.

0043

1 Q. Okay. Do you know where the

2 sewer went?

3 A. No.

4 Q. Okay. I have seen reference

5 to some limestone pits, but I don't think

6 they are the same limestone pits as we

7 were talking about with the Niran

8 Department?

9 A. They are not.

10 Q. Do you know whether the sewer

11 -- well, when were -- well, let me start

12 off doing this: How many limestone pits

13 were there that you were aware of there

14 in the late sixties?

15 A. In the plant?

16 Q. Yes, sir.

17 A. The only ones that I am aware

18 of is the one we talked about in Niran,

19 Parathion.

20 Q. That's right.

21 A. And one in Aroclor.

22 Q. Okay. Where was the

23 limestone pit in relation to the Aroclor

0044

1 Department? Is it that one that's out

2 between the main plant and the old

3 Highway 202?

4 A. The main --

5 Q. Yeah, I have seen on the

6 photographs -- that's why I wish I had

7 thought to have one here. I have seen,

8 and this is going to be actually upside

9 down, because this is south. No, this is

10 north (indicating).

11 MR. WRIGHT: Is that right,

12 Buddy? The mountain is here?

13 MR. COX: No, that's south.

14 MS. RUTH: South.

15 MR. WRIGHT: Okay. That's

16 what I thought. The old road came like

17 this, right? What do they call that

18 road?

19 MR. COX: Now it's called

20 Clydesdale.

21 MR. WRIGHT: Now called

22 Clydesdale.

23 THE WITNESS: That's not the

0045

1 mailing address, but go ahead.

2 Q. Okay. Well, this is Highway

3 202. The way it used to run was, it used

4 to run here and turned and ran alongside

5 the plant, right?

6 A. Right.

7 Q. Just generally --

8 A. At that time, it was '78.

9 Q. It was '78? Okay. I didn't

10 know that. Where generally was the

11 Parathion Department?

12 A. It would have been over on

13 the west side, possibly northwest.

14 Q. You have to turn it over to

15 figure out the coordinates. Okay. So

16 this would be northwest over here

17 (indicating)?

18 A. Right.

19 Q. So somewhere in here was the

20 Niran (indicating)?

21 A. A little further up. Of

22 course, that's not to scale, I realize

23 that. It was on the northwest side.

0046

1 Q. And then where was the

2 Aroclor Department?

3 A. About here (indicating).

4 Q. Okay. And I have seen on the

5 photographs what looks to be a pit there

6 and then it has a ditch coming out,

7 something like that (indicating). Is

8 that the limestone pit there

9 (indicating)?

10 A. Possibly.

11 Q. Is that where --

12 A. Where does this go after it

13 leaves the pit (indicating)?

14 Q. It goes to a drainage ditch

15 that then goes under Clydesdale and

16 eventually, I guess, goes to Snow Creek.

17 A. Up there where Clegorn Lake

18 used to be.

19 Q. Where what?

20 A. Clegorn Lake.

21 Q. Where was Clegorn Lake?

22 A. Right there where you are

23 talking about.

0047

1 MS. RUTH: Yeah, that's

2 right. That's where it used to be at

3 that time.

4 MR. WRIGHT: Not on the plant
5 property, or off of the plant property?

6 MS. RUTH: Off of the plant
7 property, I believe, on the lake.

8 THE WITNESS: No, it was on
9 the plant property.

10 MS. RUTH: Which side of
11 Clydesdale?

12 THE WITNESS: It would be on
13 the west side of Clydesdale.

14 MR. WRIGHT: Well, we have
15 just got to get the pictures, I guess.

16 MR. KELLY: Larry, can we
17 take just a couple of minutes?

18 MR. WRIGHT: Sure.
19

20 (Whereupon, a brief recess was
21 taken.)

22

23 (Whereupon, Plaintiff's Exhibits

0048

1 1-3 were marked for identification
2 and same are attached hereto.)

3

4 MR. WRIGHT: Let's go back on
5 the record. While we were on our little

6 break, I marked the three pages that we
7 were talking about from the "Standard
8 Manufacturing for Methyl Parathion." I
9 marked them as Plaintiff's Exhibits 1, 2,
10 and 3 or Sims Exhibits 1, 2, and 3 so
11 that they will be with the deposition so
12 people can refer to them when they read
13 the deposition.

14 MR. COX: Are you going to
15 mark your drawing?

16 MR. WRIGHT: I am trying to
17 decide whether to mark my drawing or not.

18 If you will get us the pictures --

19 MS. RUTH: You'll have to
20 sign it, Larry.

21 MR. WRIGHT: Yeah, autograph
22 it.

23 Q. Let's go back to the

0049

1 drawing. Somewhere over here by the west
2 edge of -- well, you said by the west
3 edge or the east edge was the lake, what
4 you called Clegorn Lake?

5 A. That would be the northeast,
6 wouldn't it? I'm thinking from the front
7 of the office. It would be the east.

8 Q. Okay. So, between the

9 Aroclor Department and Clydesdale?

10 A. Right.

11 Q. And that was called Clegorn,

12 C-L-E-G-O-R-N?

13 A. Suits me.

14 Q. I am assuming it was named

15 after Mr. Clegorn, who worked there at

16 the plant?

17 A. I think so, yeah.

18 Q. Now, Clegorn Lake is not the

19 limestone pits that are related to the

20 Aroclor Department, or is it?

21 A. I don't know.

22 Q. So you just don't know? It

23 might be?

0050

1 A. It's possible.

2 Q. Okay. I will put a question

3 mark by that. But we know that somewhere

4 between the Aroclor Department and the

5 edge of the plant is something that y'all

6 referred to as Clegorn Lake?

7 A. Yes. I mean, you are about

8 right on your drawing coming this way,

9 because it's down north, really, of the

10 Aroclor Department to that drawing there.

11 Q. Okay.

12 A. That was there.

13 Q. All right. Now, going back

14 to your job, that's where we left off.

15 Your second time with the Aroclor

16 Department, you were the chief operator

17 for one of the shifts?

18 A. Yes.

19 Q. So I assume there would be

20 three chief operators?

21 A. Four.

22 Q. Four?

23 A. We had a float shift, you

0051

1 know, that gets off there.

2 Q. And again, your job was to

3 make sure that all of the other operators

4 did their jobs, basically?

5 A. Basically.

6 Q. Any other specific duties

7 that you had other than just supervising

8 the other operators?

9 A. No, sir.

10 Q. How long did you stay in that

11 position?

12 A. Approximately one year.

13 Q. One year. Would that have

14 been -- well, do you remember when that

15 ended? What year?

16 A. Just guessing, '71, because

17 it was -- I'm going to say '71.

18 Q. All right. Why did you --

19 well, first of all, where did you go

20 next?

21 A. I went in the Maintenance

22 Department in the welding group.

23 Q. The Maintenance Department in

0052

1 the welding group?

2 A. Yes, sir.

3 Q. Why did you leave the Aroclor

4 Department and go to the Maintenance

5 Department?

6 A. It was real simple. Day

7 shift.

8 Q. So you were night shift at

9 the Aroclor Department?

10 A. All shifts. Floating shifts.

11 Q. Okay. Y'all would rotate, I

12 assume?

13 A. Yes.

14 Q. And when you went to the

15 Maintenance Department, you were always

16 on the day shift?

17 A. Yes.

18 Q. Who were the other chief
19 operators in the Aroclor Department when
20 you were there? And that would have been
21 '70 to '71?

22 A. Yeah. '71 to -- the best I
23 remember, they shut Aroclor down in '72.

0053

1 It was still running when I left there.

2 I can't think of one of the chief's
3 names.

4 Q. You can't remember any of
5 them?

6 A. No.

7 Q. Okay. How long were you a
8 welder in the maintenance department?

9 A. I am going to say five years,
10 including my training time.

11 Q. What was your next job after
12 that?

13 A. Pipefitting.

14 Q. Pipefitting?

15 A. Uh-huh (indicating
16 affirmatively).

17 Q. Would that have been all
18 through the plant wherever they needed
19 pipe run or was it any one particular
20 location?

21 A. I was assigned to the north
22 shop, which was the Parathion shop.
23 Occasionally, if one department got

0054

1 overloaded, they would move us, you know,
2 for a day or so, but basically the
3 Parathion Department.

4 Q. How long were you a
5 pipefitter there?

6 A. There again, four to five
7 years. Four years, probably.

8 Q. So that would be closing in
9 on 1980 by now, right?

10 A. Close.

11 Q. Okay. Then, where did you
12 go?

13 A. Went back to the welding shop
14 as the shop foreman, in the fab shop.

15 Q. How long were you there?

16 A. I retired from there in '85.

17 So we are talking four or five years
18 there.

19 Q. So you put in twenty-five
20 years all together?

21 A. Twenty-five and a half.

22 Q. Did you work, did you take
23 another job after you retired from

0055

1 Monsanto?

2 A. No, I sort of went into a

3 one-man welding business of my own.

4 Q. Are you still doing that?

5 A. No, sir.

6 Q. When did you stop all

7 together?

8 A. Let's see. Maybe '88.

9 Q. And since '88, you have been

10 completely retired?

11 A. Basically, yes.

12 Q. Let me go back to that last

13 year at the Aroclor Department then.

14 About how long after you left did they

15 shut the Aroclor Department down?

16 A. I don't know exactly.

17 Q. What is your best estimate?

18 A. A year, a year and a half.

19 Q. Did you know anybody that was

20 working in the Aroclor Department when

21 they shut it down, in any position?

22 A. I am sure Joe Webb, Douglas

23 Rich.

0056

1 Q. I am sorry. I appreciate

2 that. Let me ask you though, this will

3 save time if you tell me what their jobs

4 were when you give me their names. Like

5 Joe Webb, what was his job?

6 A. Operator. The same for Doug

7 Rich.

8 Q. Okay.

9 A. That's the only two that

10 comes to my mind right now.

11 Q. Are they still around?

12 A. The last time I was out

13 there, they were. This has been a year

14 or so ago.

15 Q. One year or so ago? So they

16 were still working?

17 A. Yes.

18 Q. Okay.

19 A. Both of those were in the

20 Shipping Department when I was last out

21 there.

22 Q. What did you hear about why

23 they were shutting down the Aroclor

0057

1 Department?

2 A. The same thing I hear today.

3 It is decided that it caused cancer in

4 mice, that birds, whatever, the eggs,

5 this kind of thing is the biggest thing I

6 remember about it.

7 Q. And was there any

8 announcement made there at the plant?

9 Did they hand out, I mean, did they --

10 I guess what I am wondering is, how did

11 y'all find out the Aroclor Department was

12 going to be shut down?

13 A. It started as rumors, but the

14 actual announcement, I don't remember. I

15 mean, everybody knew it was coming and

16 then the announcement wasn't a big

17 shock. I don't remember the announcement

18 if there was one. I'm not sure there

19 was one.

20 Q. Okay.

21 A. A lot of people involved in

22 it.

23 Q. Do you remember how long the

0058

1 rumors ran before the actual announcement

2 came down?

3 A. No.

4 Q. Okay. Did it feel like it

5 was relatively sudden or was there a long

6 lead time?

7 A. I would say probably six

8 months, maybe, it was talked about before

9 it happened.

10 Q. Okay. The plant manager
11 around that time was Jesse, is that
12 right? Do you remember?

13 A. No, I don't remember.

14 Q. Okay.

15 A. He was there. I remember
16 that, but the time frame I don't
17 remember.

18 Q. All right. Who was your
19 direct supervisor in the Aroclor
20 Department?

21 A. Aroclor Department?

22 Q. The last time you were there,
23 I mean.

0059

1 A. Mark Williams.

2 Q. What was his title?

3 A. Production foreman.

4 Q. Do you remember who his boss
5 was?

6 A. Not the last time I was
7 there.

8 Q. Is Mark Williams still
9 around?

10 A. You mean alive?

11 Q. Either alive or around here?

12 A. As far as I know, he is. He

13 has had some problems.

14 Q. Had some health problems?

15 A. Yes.

16 Q. What kind of health problems?

17 A. I'm not aware of them. I'm

18 not personally involved with him, but

19 just, he --

20 Q. I am sorry, were you saying

21 something or were you through?

22 A. Just, I don't associate with

23 him personally.

0060

1 Q. Okay.

2 A. But just word of mouth, I

3 heard that he had some problems.

4 Q. Okay. I mean, was it cancer

5 or heart problems or you just don't know?

6 A. I don't remember that.

7 Q. Okay. Now, you yourself, I

8 guess you only spent, well, a year and a

9 half in the Aroclor Department, right?

10 A. Approximately.

11 Q. Do you ever remember anybody

12 going around and setting up monitors to

13 monitor the air for PCBs?

14 A. Not that I remember.

15 Q. I want to ask a little bit
16 about the health program there at the
17 plant. First, was there -- well, let me
18 -- I am not really sure how to ask it. I
19 know they had a company doctor. Was
20 there a company nurse?

21 A. Let me ask you this.

22 Q. Okay.

23 A. When are we talking?

0061

1 Q. That's a good question. I'm
2 glad you asked that. Let's kind of trace
3 it from when you started in '60. What
4 kind of -- well, what kind of a health
5 department was there? And I am using
6 that term health department real broadly
7 to mean nurses or doctors or technicians
8 or whatever.

9 A. When I went there in '60, Dr.
10 Francis was the company doctor. Elmer
11 Schramm was safety personnel then.

12 Q. I am sorry?

13 A. Elmer Schramm was safety and
14 personnel man. And he looked after the
15 first aid and that kind of thing when Dr.
16 Francis wasn't there. But to the best of
17 my knowledge, we didn't have a nurse at

18 that time.

19 Q. Was the doctor out there
20 everyday?

21 A. Yes.

22 Q. So he worked out there just
23 like you did?

0062

1 A. Everyday is a broad
2 statement. You know, everybody gets a
3 vacation, but basically every day, yes.

4 Q. I mean, he had a full-time
5 job being the company doctor?

6 A. It wasn't his full-time job.
7 He was there everyday. He had a practice
8 also. He was out there every morning, is
9 what I'm trying to say.

10 Q. That's good. I'm glad you
11 pointed that out. What did he do when he
12 came out there every morning? Did he
13 call workers in to see him or if you were
14 a worker and you had a problem you could
15 sign up to go see the doctor? How did
16 that work is what I am wondering?

17 A. Everybody got a physical once
18 a year. They scheduled one or two a day,
19 like that, or three, ever how many it
20 took to get everybody through in a year.

21 And then if you had a problem, you know,
22 you could go over there and see him.
23 But, basically, you scheduled so many a

0063

1 day to get their physicals and then,
2 other than that, if you had a problem,
3 you could go over there and talk to him
4 about it.

5 Q. Okay. Did you have a -- I
6 say "you," did the workers have a
7 physical every year the whole time you
8 were there? I mean, was that the company
9 policies that every worker has a physical
10 every year?

11 A. Yes.

12 Q. And the same doctor -- I say
13 the same doctor. The company physician
14 is the one that provided the physical?

15 A. Yes.

16 Q. Tell me what they did -- I
17 say what they did -- what he did for the
18 physical. I mean, what did the physical
19 entail?

20 A. Number 1, a prostate check.

21 Q. Okay.

22 A. Get that out of the way.

23 Just a basic routine physical, nothing

0064

1 elaborate. Listen to your heart, lungs,
2 look at your eyes, ears, this kind of
3 thing.

4 Q. Did he ask you questions
5 about your health or just look at you?

6 A. He would ask you if you had
7 had problems, you know. We usually
8 didn't. We was younger then.

9 Q. Did he draw blood?

10 A. Yes. Especially after Niran
11 came there, the blood sampling was a lot
12 more regular.

13 Q. When? I'm sorry.

14 A. After the Parathion came
15 there.

16 Q. Okay. When did the Parathion
17 come?

18 A. Probably '57, '58, in there.
19 No -- yeah.

20 Q. Now, you weren't there then?

21 A. No, I wasn't there. I
22 believe Parathion started up, Parathion
23 started up in '57 is when it started up.

0065

1 Q. Okay. So I guess you --

2 A. That was after -- I didn't go

3 there until '61, '60.

4 Q. So you heard about how they
5 used to do things before the Parathion
6 started?

7 A. All my experience I am
8 talking about is after I went there.

9 Q. Yeah. I was just wondering.
10 You mentioned that they were more
11 particular about drawing blood after the
12 Parathion started up. And I was just
13 wondering if that was what you were told,
14 or if they got more particular about
15 people that worked in the Parathion
16 Department after you were there for a
17 while?

18 A. All I remember is when I was
19 in Parathion, they checked us once a year
20 for blood.

21 Q. They drew your blood?

22 A. Yes.

23 Q. Before you went to Parathion,

0066

1 for example, when you were in the Aroclor
2 Department that first year -- well, I was
3 going to ask, did they draw blood, but
4 since you had already moved to the
5 Parathion Department, that first year, I

6 assume you didn't get a -- well, your
7 first year physical would have been after
8 you had already gone to the Parathion
9 Department, right?

10 A. We had a preemployment
11 physical, yes.

12 Q. Did they draw blood on the
13 preemployment physical?

14 A. Yes.

15 Q. Was it your understanding,
16 and you may not know this, but was it
17 your understanding that they drew blood
18 on everybody that got a physical, no
19 matter where in the plant they worked?

20 A. It's my understanding, yes,
21 sir.

22 Q. Do you know what kind of
23 tests they did on the blood?

0067

1 A. Not specifically. I know it
2 was checked -- they set up a profile on
3 it and they checked it every year after
4 that to see if there had been any
5 changes. And exactly what they were
6 looking for, I don't know.

7 Q. Okay. They kept records,
8 though, so that when you went in for your

9 tenth physical he could look back and see

10 what you had --

11 A. Yeah, see if there had been

12 any change.

13 Q. And that continued all the

14 way until you left?

15 A. Yes.

16 Q. Is Dr. -- was it Dr. Francis?

17 Is that the one you said?

18 A. (Witness nods head.)

19 Q. Is he still alive?

20 A. No, he's deceased.

21 Q. Were the records maintained

22 there -- well, let me ask it this way.

23 Did he have a specific office at the

0068

1 plant?

2 A. Yes.

3 Q. Is that where the records

4 were kept?

5 A. I assume. I don't know that.

6 Q. Okay. Where was his office?

7 A. The building is not even

8 there any more. But he was -- it was

9 just west. They had the Aroclor building

10 and a building just west of it. And he

11 was in the building just west of it,

12 between it and where the main office is

13 now.

14 MR. WRIGHT: Let's go off the

15 record a second.

16

17 (Whereupon, a discussion was held

18 off the record.)

19

20 Q. When the Aroclor plant was

21 shut down, was it dismantled?

22 A. Yes. For a while they left a

23 little of the still work up on the north

0069

1 end, but all of the control rooms and

2 everything was taken down.

3 Q. The chlorinators, all that

4 was gone?

5 A. Yes.

6 Q. Do you know what they did

7 with it when they took it down?

8 A. No, sir, I don't.

9 Q. Did you ever go over to the

10 landfill?

11 A. No, sir, never been there.

12 Q. Never once?

13 A. The whole twenty-five and a

14 half years. All that was out of

15 shipping.

16 Q. Shipping?

17 A. Yes.

18 Q. They managed the landfill?

19 A. They were the ones that was
20 responsible for taking everything from
21 the plant up there.

22 Q. Do you remember any of the
23 people that were in shipping?

0070

1 A. Pat Gray, Harris Powell.

2 Q. Pat Gray, Harris Powell?

3 A. They were the two foremen.

4 Pat Gray was probably the supervisor.

5 The other -- not Johnny Edwards. What
6 did I just tell you?

7 Q. Pat Gray and Eric Powell,

8 MR. COX: Harris Powell.

9 A. Harris was probably the
10 foreman. Pat Gray was probably the
11 supervisor.

12 Q. What period of time was that
13 that they were the foreman and
14 supervisor?

15 A. Probably basically the whole
16 time I was there.

17 Q. Are they still alive?

18 A. Harris is, I know. Seems

19 like Pat, he might have died.

20 Q. Is he still around, Harris?

21 A. Yes, sir.

22 (Whereupon, a discussion was held

23 off the record.)

0071

1 MR. WRIGHT: Okay. Let's go

2 back on the record. We are looking at a

3 photograph that says it was taken March

4 10 of 1969. And it is designated 3-03.

5 And it says it is a one to three

6 thousand representation.

7 Q. Are you oriented, Mr. Sims?

8 Why don't you whirl that around,

9 A. Let me see.

10 MR. COX: Let's go off the

11 record.

12

13 (Whereupon, a discussion was held

14 off the record.)

15

16 Q. You had a couple of minutes

17 to orient yourself. Now I just want to

18 kind of point out some of the things we

19 have been talking about so that the next

20 time I look at these pictures I will know

21 what I am looking at. Where was the
22 Aroclor Department? You can point with
23 my pen here if you want to.

0072

1 A. Here (indicating).

2 Q. Was it this whole building
3 here or this whole area?

4 A. Yes.

5 Q. What was this building here
6 to my right. Let me use directions. To
7 the east of the Aroclor Department?

8 A. Okay, this was a building
9 that used to have a storeroom in it.
10 Offices. Basically upstairs was
11 storage. The ground floor had offices
12 and maintenance offices, the shower and
13 salaried bath house.

14 Q. The what?

15 A. Salaried bath house, for
16 salaried employees.

17 Q. Oh, okay.

18 A. And Dr. Francis's office,
19 safety office, was all located on the
20 bottom floor.

21 Q. I've got you.

22 A. And the storeroom was down on
23 this end on the bottom floor.

0073

1 Q. Was that building there when
2 you started work?

3 A. Yes, sir.

4 Q. But it's been torn down now?

5 A. Yes.

6 Q. And where is the Niran area?

7 A. This is the Niran warehouse
8 (indicating).

9 Q. Okay.

10 A. And all of this is the Niran
11 area.

12 Q. All of those pipes and
13 things?

14 A. Yes, this is the production
15 area over here (indicating).

16 Q. Okay. What was this over
17 here (indicating)?

18 A. That was probably the old
19 chlorine plant.

20 Q. Did you ever have any
21 dealings with the chlorine plant?

22 A. No, sir.

23 Q. Do you know who was in charge

0074

1 of it, or if not somebody that was in
2 charge of it, who worked over there?

3 A. I am trying to think who the
4 foreman was over there. I don't remember
5 who the foreman was. I know Wade O'Brien
6 worked over there. He's deceased. Gene
7 Hill worked over there. He's still alive
8 and kicking. That's the only two I can
9 think of right now that worked over
10 there. I think they just had about two
11 to the shift. Other than that, I can't
12 think of the names. That is the only two
13 I can think of right now. I can't
14 remember who the foreman was. I believe
15 Nick Finley was the foreman there before
16 he went to Niran.

17 Q. Nick or Dick?

18 A. Nick.

19 Q. Nick Finley?

20 A. Uh-huh (indicating
21 affirmatively).

22 Q. Now, we might be able to see
23 Lake Clegorn. The next picture I am

0075

1 handing you is a little bit, it looks
2 like it was taken a little bit higher
3 up. You can see more area with it. And
4 it is marked 1.04. And this was the
5 Aroclor Department. What this is

6 building right here that is kind of to

7 the north and east of the Aroclor

8 Department?

9 A. That's a warehouse.

10 Q. For the Aroclor or for

11 everything?

12 A. At one time, when Aroclor was

13 there, they had a lake here on this end,

14 but right now it's for everything.

15 Q. Okay. I am talking about

16 back when the Aroclor was running in '69,

17 would this have been the Aroclor

18 warehouse primarily?

19 A. I'm sure. This was the Niran

20 warehouse over here (indicating). That

21 would have been the Aroclor warehouse.

22 Q. Just to the northeast of that

23 big white building that was the warehouse

0076

1 there's what looks to be a pond or pit or

2 something. Do you see that?

3 A. I see it. I can't tell what

4 it is.

5 Q. Okay.

6 A. But that's the general

7 location of it, yeah.

8 Q. Of what y'all called Lake

9 Clegorn?

10 A. Uh-huh (indicating

11 affirmatively).

12 Q. You can see it a little bit

13 better on this other one, the first

14 picture we were looking at, 3-03. You

15 can see the warehouse building closer and

16 then just to the northeast you can see

17 that same kind of pits area. Does that

18 give you any better feel for it?

19 A. I was thinking it was a

20 little closer to this parking lot. It is

21 in the area, is all I can tell you by

22 that.

23 Q. And that's where the sewers

0077

1 from the Aroclor area ran down into that

2 and then into the drainage ditch?

3 MR. COX: Object to the

4 form.

5 THE WITNESS: Pardon?

6 MR. COX: You can answer.

7 MR. WRIGHT: You can answer.

8 He just objected.

9 MR. COX: I just objected to

10 the form.

11 A. There are storm sewers

12 probably. But, now, I don't know about

13 the sewers in the department.

14 Q. By storm sewers, you mean

15 when it rained and the water washed over

16 the area?

17 A. Yes.

18 Q. It was routed out this way,

19 to the best of your understanding?

20 A. To the best of my knowledge.

21 Q. Was there another set of

22 sewers besides the sewers that carried

23 any rain water?

0078

1 A. I don't know. I don't know

2 how the sewers are laid out.

3 Q. Now, from time to time, y'all

4 would have spills, I assume, in the

5 Aroclor Department?

6 A. Yes.

7 Q. When there was a spill, I

8 have seen reference in the documents that

9 there was a steam cleaning process?

10 A. Yes.

11 Q. Who was responsible for steam

12 cleaning, or for washing down the

13 department for that matter?

14 A. It could have been operators

15 or laborers.

16 Q. When you were an operator,
17 did you do that sometimes?

18 A. No.

19 Q. Who were the laborers, if you
20 remember? Or who did they work for, I
21 guess?

22 A. They worked for the chief
23 operator.

0079

1 Q. In your second tour in the
2 Aroclor Department, you had guys that
3 were responsible for washing things down
4 and so forth?

5 A. Yes. Obviously, it could go
6 to either group. If the chlorinators
7 happened to be down, or whatever job was
8 down, the operators would clean it up,
9 but if they were running then usually the
10 laborers did it.

11 Q. All right. And when they
12 washed things down or steam cleaned,
13 either one, the water, would that run
14 into what you are calling the storm
15 sewers?

16 MR. COX: Object to the form.

17 A. I don't know that. It might

18 have been a separate set of sewers. I
19 don't know, because I -- it run into the
20 sewer.

21 Q. Okay.

22 A. This steam cleaning you are
23 talking about was after they had all, all

0080

1 could be got up was got up with sand or

2 Absorbol or something like that.

3 Q. Okay. Let's talk about
4 that. Say there was a spill or a pipe
5 leaked or something. How would y'all go
6 about cleaning it up?

7 A. Most of the time, we used
8 sand. Sand would absorb it. We would
9 put it in a metal drum and seal it up,
10 call shipping to come get it and they
11 would take it to the landfill.

12 Q. Is that the way you did it
13 both in 1960 and in 1969?

14 A. (Witness nods head.)

15 Q. You need to answer out loud.

16 MR. COX: You need to answer
17 out loud so she can take it down.

18 A. Yes.

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

21

22 (Whereupon, a discussion was held
23 off the record.)

0081

1 Q. Was the process, the cleanup
2 process the same in 1969 as it was in
3 your first tour in 1960?

4 A. Yes. Of course, there had
5 been a lot of improvements made between
6 the years. They went to closed pumps
7 with seals on them rather than packing,
8 and this kind of thing, that eliminated a
9 lot of the leaks. And continuous
10 chlorination cut down on the leaks, and
11 this kind of thing.

12 There had been a lot of
13 improvements made, but basically the
14 cleanup as far as if we had a spill, soak
15 it up, and at that time, I don't remember
16 when we started taking it to the mill,
17 but I think it was after then. But, as
18 far as I remember, it was the same as far
19 as cleanup and disposing of the drums and
20 the sand and this kind of thing.

21 Q. When did they switch the
22 pumps from the leaky pumps to the sealed
23 pumps?

0082

1 MR. KELLY: Object to the
2 form.

3 A. Sometime between '60 and
4 '69. I don't remember that.

5 Q. And, of course, we know the
6 continuous chlorinator came in in about
7 '68 or '69?

8 A. Probably before I went back
9 over there.

10 Q. And then, besides the pumps
11 in the batch chlorination area, were
12 there any other changes made that made it
13 not leak so much between 1960 and '69?

14 A. Most of our problem was
15 leaking pumps at the time. They made --
16 they updated all of it. Practically all
17 of it was automatic at the time they shut
18 it down.

19 Q. What do you mean all of it?
20 I understand the continuous chlorination
21 process, but how did they change the
22 batch chlorinator process?

23 A. Well, just levels, chlorine

0083

1 flow, and all of this stuff, was
2 automated rather than doing it manually.

3 Q. Do you know when that was
4 done?

5 A. Sometime in that eight or
6 nine years I was gone. I don't remember
7 the time.

8 Q. How did that affect the
9 leakiness?

10 A. It really didn't.

11 Q. So the main thing that
12 affected the leakiness was the pump
13 changeover?

14 A. Yes.

15 Q. What other things would cause
16 spills or leaks other than the pumps? I
17 mean, I guess people could drop something
18 on the floor?

19 A. Drop a sample or something
20 like that. Occasionally, you will have a
21 line leak, something like that. That's a
22 hard question to answer. It could be
23 several different things.

0084

1 Q. And where would the sand come
2 from that they would use to put on the
3 spills?

4 A. They had a sand box filled,
5 sitting out in the yard. If you needed

6 some, you just go out there and get it.

7 Q. With a wheelbarrow or

8 something?

9 A. Yes, you get whatever you

10 needed.

11 Q. They put the sand on there

12 and let it soak up as much as it could

13 soak up and shovel it into a barrel?

14 A. Uh-huh (indicating

15 affirmatively).

16 MR. COX: You need to answer

17 "yes" or "no" to make sure the record is

18 clear.

19 A. Yes.

20 Q. And then the residue, what

21 they couldn't shovel up, would be washed,

22 was it at the end of the shift or --

23 A. Just when you got a chance.

0085

1 Q. Okay.

2 A. During your shift. If you

3 didn't, you caught it.

4 Q. I'm sorry?

5 A. If you didn't, you caught it.

6 Q. Okay. You got in trouble?

7 A. Yes.

8 Q. Okay. So, at least by the

9 end of the shift?

10 A. Yes.

11 Q. You would wash up all of the

12 residue from all of wherever you had

13 cleaned up?

14 A. Yes.

15 Q. And then that wash water

16 would go into the sewer system, or a

17 sewer system?

18 A. After you shovelled and swept

19 it up, you would use the steam system to

20 finish cleaning it up.

21 Q. What I'm saying is, the wash

22 water from the steam system would go down

23 into the sewer?

0086

1 A. Yes. Like I say, I wasn't

2 sure. There was two sewers there.

3 Q. I know.

4 A. It went into the sewer pack,

5 yeah.

6 Q. It went into a sewer?

7 A. Yes.

8 Q. I will have to talk to

9 somebody else to figure out where the

10 sewers went?

11 A. Yes.

12 Q. And that process was the same

13 in '60 and '69?

14 A. Yes.

15 Q. And I assume until the end of

16 your time there at the Aroclor plant?

17 A. As far as I know.

18 Q. Now, I want to go back to the

19 Health Department for a minute, because I

20 kind of lost my train of thought when we

21 were talking about that.

22 (Whereupon, a discussion was held

23 off the record.)

0087

1 Q. She just reminded me. Let me

2 finish this area and then we'll go back

3 to the Health Department and we'll

4 probably be done and we can all go eat

5 lunch. You say the sand was put in a

6 drum and shipping would take the drum to

7 the landfill?

8 A. Yes.

9 Q. We talked about the steam

10 cleaner. Did y'all have work rags or

11 paper towels or anything for smaller --

12 A. Yes. They had wipe-up rags,

13 cleanup rags, yes.

14 Q. And what happened to them?

15 After you wiped up with a wipe-up rag,

16 what did you do with it?

17 A. We put them in a disposable

18 drum to go to the landfill.

19 Q. Were there separate drums for

20 just trash? You know, were there trash

21 cans and then there were these special

22 drums?

23 A. Yes.

0088

1 Q. Okay.

2 A. For instance, in the lunch

3 room, naturally you didn't have the

4 material in there. You had napkins or

5 whatever.

6 Q. Okay. Out in the Aroclor

7 facility, were there trash cans and then

8 these barrels, or was it just one place

9 to dump trash out in the --

10 A. No. You had the control

11 room. There was a trash can. Out in the

12 working area, production area, you had

13 drums to put it in, the contaminated

14 stuff, and it would go to the landfill.

15 Q. Was that the same in '60 and

16 '69?

17 A. To my knowledge, it was.

18 Q. Now, going back to the Health
19 Department, do you know if they ever did
20 blood tests for PCBs?

21 A. I don't remember that.

22 Q. When you worked in the
23 Aroclor area for the people that worked

0089

1 in the Aroclor area, when you came to
2 work, you were wearing a set of clothes?

3 A. Uh-huh (indicating
4 affirmatively).

5 Q. Is that the same clothes you
6 wore during your shift and then you went
7 home?

8 A. No.

9 Q. How did that work?

10 A. Monsanto furnished our
11 clothes, work clothes. They had a huge
12 bath house with lockers. We would go in
13 and change out of our street clothes,
14 have a shower. We would change out of
15 our street clothes, go to work, get off
16 work, take a shower and change back into
17 your street clothes.

18 Q. Was that the same in '60 as
19 it was in '69?

20 A. Yes.

21 Q. What about shoes? Did you
22 furnish your own shoes or did they
23 furnish shoes, too?

0090

1 A. Monsanto furnished them.

2 MR. WRIGHT: Let's go off the
3 record for just a second.

4

5 (Whereupon, a discussion was held
6 off the record.)

7

8 (Whereupon, a brief recess was
9 taken.)

10

11 Q. (BY MR. WRIGHT:) I asked you
12 about people that worked in the Aroclor
13 Department, and you gave me a couple of
14 names. And I just wondered if -- well, I
15 think I asked you specifically about
16 operators, other chief operators, and you
17 gave me two names.

18 A. The two names I gave you in
19 the Aroclor was operators. I didn't
20 remember any of the chiefs.

21 Q. That's right. They were just
22 operators. Do you remember anybody else
23 that worked in the Aroclor Department

0091

1 either in '60 or in '69 when you were
2 there, or '70? I keep saying '69, but
3 did you go back in '69 or in '70?

4 A. I'm not sure.

5 Q. Okay.

6 A. I haven't got all of the
7 dates of my different jobs.

8 Q. Okay.

9 A. It was somewhere in there. I
10 think I went into maintenance in '71. I
11 probably went over there in '70.

12 Q. So, let me ask my question,
13 then. Do you remember anybody else that
14 worked in the Aroclor Department either
15 in '60, your first tour there, or in your
16 second tour?

17 A. Bill Cameron.

18 Q. What was his job?

19 A. He was an operator. This was
20 in '60.

21 Q. Okay.

22 A. That's all that comes to mind
23 right now, plus the other two, I guess.

0092

1 Q. Okay. Even if you don't
2 remember their names, do you know of any

3 of the people that worked in the Aroclor
4 Department that you have heard have had
5 cancer either when they were there or
6 after they left?

7 A. Not when they were there, I
8 don't remember.

9 Q. Okay.

10 A. And most of them, I have lost
11 contact since retirement.

12 Q. Okay.

13 A. I can't remember one that had
14 it, you know, when we were working there.

15 Q. What about since you have
16 left that you have heard about people
17 that worked in that department that have
18 gotten cancer?

19 A. That's what I was saying.
20 Since then, I have lost contact with most
21 of them. And I don't -- I couldn't say
22 that I know anybody that did or didn't
23 have it.

0093

1 Q. You just haven't heard one
2 way or the other about any of those
3 folks?

4 A. No.

5 Q. Is there anybody that you can

6 think of that might know or that would

7 have a better handle on that than you?

8 A. The man that's coming in this

9 afternoon is a historian.

10 Q. All right. I will save that

11 for him, then. What was his job, the guy

12 that's coming in this afternoon?

13 A. The same, basically the same

14 as mine. He was an operator. I don't

15 think Dicky ever went into maintenance.

16 He was operator, production foreman. He

17 stayed in production most all the time.

18 Q. We'll talk with him, then.

19

20 (Whereupon, a discussion was held

21 off the record.)

22

23 Q. You don't remember anybody

0094

1 else that worked in Aroclor ever, other

2 than the ones you told me about?

3 A. Some of the ones from '60

4 that are dead?

5 Q. Yeah.

6 A. Joe Adcock, Bill Twyman,

7 Jesse Seay.

8 Q. I'm sorry?

9 A. Jesse Seay, S-E-A-Y. Little
10 Doc Norton. I don't know his first name,
11 but we called him Little Doc.
12 Q. Little Doc? Okay.
13 A. Harvey Hughes.
14 Q. Harvey?
15 A. Harvey Hughes. Neil Steen,
16 Fred Lackey, Red Haynes. I can't
17 remember his first name. We called him
18 Red Haynes. Ray Kimbrell. Some of them,
19 I can put the faces up there, but I can't
20 put the name with it. That's all I can
21 remember. And most all of these were
22 from '60.

23 Q. And those guys are all dead

0095

1 now?

2 A. Not all of them, no.

3 Q. Which ones are still alive?

4 Let's leave it at that. That may be

5 simpler. Or you think they are still

6 alive?

7 A. I can't remember the names

8 now. Little Doc Norton.

9 Q. He's still alive?

10 A. Yes. Read them off to me.

11 MS. RUTH: Joe Adcock?

12 A. Deceased.

13 MS. RUTH: Dale Klineman?

14 A. Who?

15 MS. RUTH; Dale Klineman.

16 Did I get the name right?

17 MR. COX: I had Bill Twyman.

18 A. Bill Twyman. I'm sure he's

19 deceased. He was one of the older

20 laborers in '60.

21 MS. RUTH: Jesse Seay?

22 A. Deceased.

23 MS. RUTH: Harvey Hughes?

0096

1 A. Deceased.

2 MS. RUTH: Neil Steen?

3 A. Deceased.

4 MS. RUTH; Fred Lackey?

5 A. He's still here.

6 MS. RUTH: Red Haynes?

7 A. Deceased.

8 MS. RUTH: And I didn't get

9 the last name that well. Ray Kimbrell?

10 A. Ray Kimbrell. He's still

11 here.

12 Q. (BY MR. WRIGHT:) The guys

13 that died, you don't know how they died

14 or what they died from?

15 A. No, they retired from out
16 there, and most of them were older
17 employees when I went there, so --

18 Q. So you know they are dead,
19 but you don't know how they died or why
20 they died?

21 A. Right.

22 Q. One other question about the
23 health area. Other than the annual

0097

1 physical, was there any other health
2 monitoring or health program for the
3 employees?

4 A. Are we talking '60 now?

5 Q. Either one?

6 A. Later there was. I don't
7 know when it started. It started, you
8 would wear a monitor little thing,
9 checking the air that you worked in. I
10 don't remember what year that started
11 in. I don't remember whether it was all
12 in '60 or not, but I do know that they
13 started at sometime --

14 Q. What was it monitoring? I'm
15 sorry.

16 A. Just take a sample out of the
17 air, wherever you are. If you are

18 working in an area that you suspected
19 there was something, you could wear that
20 over a shift and they take it and analyze
21 it and see if anything was in it.

22 Q. Did they keep doing that all
23 the way until when you retired?

0098

1 A. They still do it.

2 Q. Do you know what they are
3 monitoring for?

4 A. No, I don't.

5 Q. Okay.

6 A. No, I don't remember. Just
7 clean air, I suppose. I don't know.

8 Q. Anything else you can think
9 of along those lines?

10 A. No. After this came up, they
11 would sample anybody that wanted to be
12 sampled for this and, you know, tell you
13 whether you had it or not. I never had
14 it done, but I heard they were offering
15 that.

16 Q. When you say after this came
17 up, what do you mean?

18 A. All of this PCB stuff come
19 up, they offered the employees that
20 worked in it an opportunity if they

21 wanted to get tested.

22 Q. So, it was a voluntary test

23 deal?

0099

1 A. I suppose. I didn't -- like

2 I say, I didn't have it, but I heard some

3 people did.

4 Q. I am going to ask you this,

5 but I don't expect an answer. Do you

6 remember any of the results from the

7 people that got it?

8 A. Never heard.

9 Q. All right. When was it that

10 they offered the voluntary testing to the

11 best of your recollection?

12 A. Where I heard about it was

13 from the company doctor, which is still

14 my primary physician, told me that some

15 of them was being sampled for it and the

16 company was doing it, if you wanted to

17 have it done. Like I say, I didn't elect

18 to do it and, naturally, he didn't

19 divulge any --

20 Q. Sure. Is that recently you

21 mean, that he told you that recently?

22 A. I would say the last three or

23 four years or five years.

0100

1 Q. I have got you. I was under
2 a misunderstanding. I thought you were
3 talking about back in '70 or '71?

4 A. Oh, no. If they did it back
5 then, I don't know.

6 Q. Who is the company doctor
7 that your --

8 A. Gehi. Kisham Gehi.

9 Q. I'm sorry?

10 A. Kisham, K-I-S-H-A-M, Gehi,
11 G-E-H-I.

12 Q. Is it an Indian name?

13 A. Yes.

14 Q. When did he become the
15 company doctor?

16 A. When Francis quit, if that
17 helps you, eighties.

18 Q. So the only two company
19 doctors in your time were Dr. Francis,
20 until he retired, and then now this
21 Kisham Gehi?

22 A. Kisham Gehi.

23 MR. WRIGHT: Thank you, sir.

0101

1 That's all the questions I have.

2 MR. WRIGHT: Let's go ahead

3 and mark my drawing as Number 4.

4

5 (Whereupon, Plaintiff's Exhibit 4

6 was marked for identification

7 and same is attached hereto.)

8

9 FURTHER DEPONENT SAITH NOT

10

11

12

13

14

15

16

17

18

19

20

21

22

23

0102

1 CERTIFICATE

2

3 STATE OF ALABAMA

4 JEFFERSON COUNTY

5

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

14 I further certify that I am
15 neither of counsel, nor of kin to the
16 parties to the action, nor am I in
17 anywise interested in the result of said
18 cause.

19

20

21

22 MICKEY TURNER

23