

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
OUTBOARD MARINE CORPORATION)
and MONSANTO COMPANY,)
)
 Defendants.)

No. 78 C 1004

The deposition of JOHN MASON, called by the Defendant Outboard Marine Corporation for examination, pursuant to notice and agreement, and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Thea L. Urban, a Notary Public in and for the County of Cook, State of Illinois, and a Certified Shorthand Reporter of said State, at the offices of Kirkland & Ellis, 200 East Randolph Drive, Room 5800, Chicago, Illinois 60601, on the 17th day of June, A.D. 1982, commencing at 2:00 o'clock p.m.

PRESENT:

MS. ELIZABETH STEIN,
(Pollution Control Section
Land & Natural Resources Division
Department of Justice
Washington, D.C. 20530),

and

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048363

PRESENT: (Cont'd.)

MR. JERROLD H. FRUMM,
(Enforcement Division
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604),

appeared on behalf of the United
States of America;

MR. RICHARD J. PHELAN,
(Phelan, Pope & John, Ltd.
30 North LaSalle Street
Chicago, Illinois 60602),

and

MS. JOANNA C. NEW,
(Martin, Craig, Chester & Sonnenschein
115 South LaSalle Street
Chicago, Illinois 60603),

appeared on behalf of Outboard
Marine Corporation;

MR. JAMES H. SCHINK,
(Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601),

appeared on behalf of Monsanto Company.

- - -

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 788 7770

WATER_PCB-SD0000048364

I N D E X

WITNESS :

<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39
40	40	40	40
41	41	41	41
42	42	42	42
43	43	43	43
44	44	44	44
45	45	45	45
46	46	46	46
47	47	47	47
48	48	48	48
49	49	49	49
50	50	50	50
51	51	51	51
52	52	52	52
53	53	53	53
54	54	54	54
55	55	55	55
56	56	56	56
57	57	57	57
58	58	58	58
59	59	59	59
60	60	60	60
61	61	61	61
62	62	62	62
63	63	63	63
64	64	64	64
65	65	65	65
66	66	66	66
67	67	67	67
68	68	68	68
69	69	69	69
70	70	70	70
71	71	71	71
72	72	72	72
73	73	73	73
74	74	74	74
75	75	75	75
76	76	76	76
77	77	77	77
78	78	78	78
79	79	79	79
80	80	80	80
81	81	81	81
82	82	82	82
83	83	83	83
84	84	84	84
85	85	85	85
86	86	86	86
87	87	87	87
88	88	88	88
89	89	89	89
90	90	90	90
91	91	91	91
92	92	92	92
93	93	93	93
94	94	94	94
95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100

JOHN MASON

By Mr. Phelan

4

E X H I B I T S

Mason-OMC Exhibit

Marked for ID

No. 1 - 9

97

No. 10

161

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048365

(Witness sworn.)

MR. PHELAN: Let the record show this is the deposition of John Mason, taken pursuant to notice and in accordance with the Rules of Civil Procedure for the United States District Court.

We have a regular stipulation, don't we?

MR. SCHINK: No, you stated it.

JOHN MASON,
called as a witness herein, having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PHELAN:

Q Why don't you state your full name for the record, sir, and spell your last name.

A John Mason, M-a-s-o-n.

Q Mr. Mason, where do you presently reside?

A In England.

Q Whereabouts in England?

A The full address?

Q Please.

A 1210 Gersden, Leatherhead Surrey, England.

Q Are you a citizen of the United Kingdom?

A I am.

Q Have you always been a citizen of the United

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048366

Kingdom?

A I have.

Q Are you presently an officer of the Monsanto Corporation?

A No, I am Chairman of Monsanto, Ltd., which is a wholly-owned subsidiary of Monsanto Company.

Q How long have you been Chairman of Monsanto, Ltd.?

A Eleven months, I think.

Q How long have you been associated with Monsanto, Ltd.?

A I joined Monsanto, Ltd., that was my first employment with Monsanto, was 33 years ago.

Q With Monsanto, Ltd.?

A Yes.

Q Have you always been employed by Monsanto, Ltd.?

A No, I have not. I worked for Monsanto Company in the U.S.A.; worked for Monsanto, Canada; worked for Monsanto, Europe in Belgium, and also worked for Aiscondel in Spain, which at that time was a 70 percent Monsanto-owned company.

Q You began your employment rather with the Monsanto Companies 33 years ago?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048367

A Yes.

Q Your present position as Chairman of Monsanto, Ltd. is that Monsanto, Ltd. of England?

A Of United Kingdom, yes.

Q That has been for the past 11 months?

A Yes.

Q Let us go back 33 years.

What is your age, sir?

A 58.

Q That would take us back to what, about 23 --

A 24 years.

Q Why don't you give me your background, your schooling and take us up to the time that you joined the Monsanto Company some 33 years ago.

A Okay. I was educated at a so-called public school which is a private school in the United States.

I then studied Rubber Technology at Manchester College of Technology.

Q Manchester College of Technology is --

A Manchester College of Technology is part of the University of Manchester. From that point in time, which was 1940, I worked for the Dunlap Tire & Rubber Company until 1942 when I joined the Navy.

I was in the Navy until 1946 when I

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048368

returned.

Q Let me stop you there, if you don't mind.

Did you receive a degree from the University of Manchester?

A Equivalent to a degree.

Q What was the degree in?

A It was known as Associateship of the Institute of Rubber Industry, a degree in Rubber Technology.

Q Would that degree have been a Bachelor of Science, B.S. Degree?

A Rubber Science, yes.

Q Is there a school here in the United States that has a similar course?

A I believe Akron University.

Q Akron?

A Yes.

Q You received that in about 1940?

A Yes.

Q You went to work at Dunlap from 1942 until you went into the Navy. What areas of the world were you in in the Navy and what were your positions in the Navy?

A I finished up as a Temp. Lieutenant in the Naval Air Corps, British equivalent of the Naval Air

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
212 782 3320

WATER_PCB-SD0000048369

Corps. I guess I was pretty well most of the areas of the world: Atlantic, Middle East, Pacific.

Q You served on an aircraft carrier?

A Yes.

Q Your role though essentially as a service person for the United Kingdom was as an aviator?

A Yes.

Q You did not hold any administrative functions?

A No.

Q When you were discharged in 1946, you were discharged as a Temp. Lieutenant?

A Yes.

Q Is that an equivalent of Captain in the United States Services in the Army?

A Yes, -- well, Lieutenant in the U.S. Navy, same thing.

Q You then returned to what?

A I returned to work as a rubber technologist.

Q At the Dunlap Company?

A Yes.

Q Just generally tell us what your positions were at Dunlap?

A It was mainly technical work on the shop floor in the manufacturing end, control testing, troubleshooting;

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048370

that type of thing.

Q Were you employed as a quality control person or what you would now consider to be a quality control person?

A At one period in time I had that title.

Q Were you a production supervisor?

A Yes, at one time I was.

Q How long were you at Dunlap?

A I guess we're adding up -- I suppose that was a total of five years with the War intervening.

Q You left in '49?

A '49 sounds about right.

Q Was that back in Manchester where the tires were being manufactured?

A No, I worked in Manchester some of the time which was general rubber goods, to form hose belting, mechanical-type products, and I also worked for a time in Liverpool which was one of the tire companies of Dunlap.

Q What type of machinery did they use in the manufacture of belts and rubber textiles?

A They used the normal rubber components which is the internal rubber mixers or two-roll mills used in those days. Then you have the fabrication of belts where

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048371

you are taking rubber and textile programs, primarily going on to vulcanizing very large presses, that sort of equipment which is general to all types of rubber manufacture with modifications.

Q Do you use any hydraulic presses in that?

A Oh, sure.

Q Were you at any time in charge of any fluids to be used with those presses?

A No, I was not.

Q Do you know anything about the fluid that was used?

A No, I do not.

Q You do not know or you did not know?

A I do not know now; then.

Q What was your position with Dunlap Rubber Company in 1949?

A I was a technical assistant, I guess. I cannot even remember the title, if there was one.

Q Were you then in Liverpool or Manchester?

A I was in Manchester.

Q From there you went to where?

A Monsanto, I arrived in North Wales, Ruabon.

Q Would you give us the city again?

A Ruabon, R-u-a-b-o-n, North Wales.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048372

Q What was your position with them?

A Research chemist in the Research Department in their Rubber Chemicals Department.

Q What was Ruabon, what was their line of business?

A Ruabon manufactured a whole range of chemicals at that time, right now from phenol, phthalic anhydride, maleic anhydride, specialty chemicals, rubber chemicals, aspirin; general purpose manufacturing operation.

Q What was it that led you to leave Dunlap for your employment in North Wales?

A Better opportunities.

Q What was your initial position with the -- would you pronounce it once more for me?

A Ruabon.

Q What was your initial position with them?

A I was research chemist.

Q How long did you remain with them?

A In the Ruabon Plant?

Q No, with that firm.

A That is a Monsanto --

Q That is Monsanto, I am sorry. That is the Monsanto, Ltd., a successor company to that?

A No, Ruabon is one of the plant sites of Monsanto.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
212 782 2220
WATER_PCB-SD0000048373

In '49 I joined Monsanto and went to work in the Ruabon Plant in the Research Department.

Q You actually began work, as I thought, in '49 with Monsanto, Ltd. It was at its plant in North Wales?

A Yes.

Q How long did you remain in that plant?

A I think it was about two and a half years. The dates get a bit vague; two and a half years. 1951 I left.

Q Was that essentially a research chemist in the rubber technology field?

A Yes.

Q What exactly did that involve as you recall it today?

A Well, it involved part development of new rubber chemicals. Some of the rubber chemicals that Monsanto sells are known as either accelerators and anti-oxidants.

Accelerators increase the rate of vulcanization of rubber. Anti-oxidants are a protection against oxygen in sunlight, ozone, et cetera.

In addition to that, I did quite a bit of customer service work. We provide service to our

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048374

customers where, again, troubleshooting, solving customer problems, working with customers.

Q You remained there how long?

A I think two and a half years. I think '51 I left.

Q From there where did you work?

A I went from there, first of all to Monsanto's U.K. head office. At that time I worked there for a period of about a year. At that time I joined the Marketing Department and that was primarily in-house training in marketing.

Q There was a year you spent before you joined the Marketing Department. What did you do in that period?

A I said I was training in the Marketing Department.

Q You essentially went on a management training program for a year?

A If you like, in Marketing, yes.

Q What did that involve?

A It involved learning as much as one possibly could about all commercial aspects of business, involved learning something about marketing, selling; was essentially oriented to export. Monsanto's U.K. Plants.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048375

exported about 60 percent of all they produced.

Q What did Monsanto make? You mentioned the rubber chemical field.

A A whole host of products through polystyrene, polyethylene; I mentioned rubber chemicals. Also phthalic anhydride, phenol, maleic anhydride, Aroclor products that you are going to talk about a little bit more; phenacetin, para-thionyl; a very wide range of products.

Q In your training in products, I take it you went through all the products that were manufactured in the --

A Pretty well all the chemicals and plastics. I have never been associated with fibers, synthetic fibers which Monsanto also manufactured.

Q Were you actually visiting the plants during the '51, '52 period?

A Yes.

Q That would include, I assume, the Aroclors you just mentioned?

A Yes, general visits to the plant.

Q Were those at that time manufactured in England?

A Yes, manufactured in Newport, South Wales.

Q What was the name, if you recall, of the

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048376

product that Aroclors went under at that time?

A They were just called Aroclors. They were numbered. The family was Aroclor but tied into that were the Pydrauls and SantoTherm, a range of products.

Q With respect to the Pydrauls, were you aware at that time of the formulation of that product?

A Yes, probably.

Q Did you know the chemicals that were actually used in the formation?

A Yes.

Q Did you actually see them formulated in the manufactory there in England at the time?

A Probably, but superficially.

Q In your training at Manchester, were you trained as a chemist?

A As a rubber chemist, yes.

Q You took general courses in chemistry?

A Yes.

Q You are aware of Aroclors?

A Yes.

Q You began in '52 in the Marketing Department at Monsanto, Ltd. in London?

A Yes.

Q How long did you remain there?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
212 782 3330
WATER_PCB-SD0000048377

A I went out on the road as a salesman -- I am trying to remember the date -- I think after about two years; '53 or '54. I went to Canada and worked for Monsanto, Canada for about a year and then returned to the U.K.

Q What was your position at Canada?

A I was heading up the Rubber Chemicals operation, the marketing part of it. There was no manufacture of rubber chemicals in Canada at that point in time.

Q Did Monsanto, Canada have a manufacturing process similar to England?

A Yes, but they did not manufacture rubber chemicals. All the rubber chemicals were imported from the United States or from U.K.

Q In connection with your year in Canada, did you have a chance to go to the United States to see the plant where the rubber chemicals were being manufactured?

A Yes.

Q Where did you go?

A Nitro, West Virginia is where the big plant for rubber chemicals is in the U.S.

Q Were you limiting yourself in Canada to rubber chemicals?

A Rubber chemicals at that point in time, yes.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048378

Q You mentioned two in your earlier testimony. Were those essentially the products that you were involved in, those two, the accelerators and --

A Accelerators and anti-oxidants at that time, yes.

Q Did you expand your area at that time in Canada?

A No.

Q Did you return to England in '53, '54?

A Yes.

Q What did you return to do?

A I returned and continued at my existing job for a period of about six months and I then moved more into overseas rubber chemicals.

Q Overseas, what countries would you be referring to?

A Primarily I was concerned with the Far East, Asia, Pacific and Latin American countries; Canada, primarily.

Q In connection with that, did you actually visit those countries?

A Yes, many times.

Q How long were you in that position?

A You've got me on those dates. Can I refer to

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048379

a list on this, just a matter of difficulty in remembering some of these years.

Q Yes.

A It would be in about 1957, '58. 1955 I took over as Marketing Manager for Rubber Chemicals for the total, all of Monsanto's business out of the U.K. which was primarily exports all over the world.

Q The products that were being manufactured in Canada for export of the Rubber Chemicals, were they any different than the product you have sold in Canada which was manufactured in the U.S.?

A No, I didn't say that. I said the products sold in Canada came from either the U.S. or United Kingdom. They went, some were the same; some were different because we don't necessarily manufacture all the products both in the U.S. and in Europe. We tend to concentrate on different products in different countries and we export or import.

Q The accelerator and anti-oxidants?

A The accelerators or anti-oxidants, something like 60, 65 different products fall in those classifications.

Q Were those manufactured in England as opposed to the United States?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048380

A Probably both.

Q Then it is possible during this period at least that the same product which was one of a family of accelerators could have been manufactured in the U.S. as well as the U.K.?

A Correct, yes. Some of the larger volume would be, yes.

Q What was your title in 1955?

A I was Sales Manager, Rubber Chemicals of Monsanto, Ltd.

Q How long did you remain in that position?

A Until 1959 and then 1959 I expanded my job to become General Manager of Sales for Chemicals, all chemicals for the company but not plastics or textiles.

Q Fibers as well?

A No, not textiles.

Q You include that?

A Yes.

Q I assume that that would make you stay at home a little bit more as you increased the number of products you were responsible for?

A Yes.

Q You had product managers and salesmen working for you?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048381

A Correct, yes.

Q In your role as Sales Manager?

A Yes.

Q Did you have any production people or engineering people that reported to you?

A No, not at all.

Q Simply sales persons and marketing?

A Yes, I had marketing technical service people.

Q Marketing technical service people, I assume they would be engineers or chemists?

A Engineers or chemists and they were concerned with supporting the customer technical service work primarily for the customer.

Q What type of persons were employed in your Technical Department? Would that be a variety of people from different technologists, organic chemists?

A Yes; physicists, organic, inorganic chemists and in some cases some engineers.

Q You occupied that position for how long?

A Until 1963 when I was promoted to become Director of Marketing for Monsanto Chemicals, U.K.; that was everything.

Q You went from rubber to general?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048382

A To all chemicals.

Q To all chemicals?

A Yes.

Q At the time that you were a director, would that be equivalent to a vice president in the American country?

A No, not necessarily, purely a title. I was not a member of the Board of Monsanto, U.K. until, I think it was 1967.

Q You went into this position in 1963 then?

A Yes.

Q Within that responsibility, did your travels then take you throughout the world or did you remain --

A No, I think I probably, my travels became more limited to Europe at that time, Continental Europe and Eastern Europe.

Q Did you have occasion as Director to visit the actual plants where the chemicals were being manufactured?

A Yes.

Q Did you become familiar with the manufacture of Aroclors?

A Yes, probably so.

Q To what extent, if any, did you influence the

amount of production or the nature of the Aroclor products?

A I'd have an influence on the amount of production, on the basis of its Marketing Department responsible to forecast the demands from customers to ensure products essentially are available to meet the customers' requirement. I'd have an influence on that and an influence in various balancing situations between manufacturing and marketing.

Q What about any complaint about the products that would be fed back through different areas of the company?

A Yes, that's correct.

Q Was it the job at that time of the people who worked for you as you worked up the line to solicit the complaints or comments or criticisms or suggestions from customers?

A They would certainly solicit comments. I don't know if they solicited complaints from customers.

Q Would they then filter them back? Your department had the obligation to filter them back through the appropriate agency in Monsanto, Ltd.?

A Yes, through the marketing technical service areas. I was liaison with the manufacturing people on

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048384

this.

Q To the extent that they were out in the field selling, would they report back to you, the technical service people?

A No, they'd report through their different product groups.

Q Was it their job to see that these complaints were then relayed back to the manufacturing people?

A Actual complaints? There is a difference between complaints and a requirement for improved quality change.

Q Either one.

A Complaints, there is a rigid procedure where it comes through, back through the Marketing Department who have to submit the complaint to the manufacturer. That is a formalized procedure.

Q If a person actually had a complaint or gripe or serious problem with one of the products, there would be forms, there would be a paper trail for that?

A Correct.

Q If someone suggested changes or commenting about the product and its possible uses, would that then come back through the Technical Service Department?

A Yes, probably, most likely, yes.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
716 722 7770
WATER_PCB-SD0000048385

Q Would there be a paper trail of those comments?

A If it was anything significant, yes.

Q I take it technical service people would decide whether it was significant?

A Yes, probably, yes.

Q In a routine kind of call, would you have a sales person and a technical service --

A No, in most cases a sales person. You would only introduce a technical service person if the customer had a specific problem or you were trying to develop new types of products or modify products. They are rather more specific than the salesmen calls, which is soliciting business.

Q Where were the Aroclor products manufactured?

A In Newport and South Wales.

Q That would be over on the west part?

A No, southeast of Wales, just by Severn Estuary, right on the borders of England and Wales. In fact, it was in England at one time and is now in Wales.

Q That is where the Aroclors were manufactured when you first became aware of them and you were going back now to this training program in '51, '52?

A Yes, Newport Plant opened in 1950. We did not make Aroclors in the U.K. prior to that.

Q In the normal process of manufacture of Aroclors at your Newport Plant since 1950, do you know whether any of those Aroclors were discharged in the manufacturing process?

MR. SCHINK: Discharged where?

MR. PHELAN: Just discharged.

MR. SCHINK: I object to the form of the question.

BY THE WITNESS:

A I don't think I can answer that question. Could you rephrase your question, perhaps?

BY MR. PHELAN:

Q Well, I do think it is clear, but if you don't understand it, then I am apparently going to have to.

Do you know whether or not any of the Aroclors that were being manufactured there had a residue as a result of manufacture of Aroclors?

MR. SCHINK: I object to the form of that question. I don't understand it.

BY THE WITNESS:

A I am sorry, any residue?

I don't understand the question.

BY MR. PHELAN:

Q Was there an after-product as a result of manufacture of Aroclor?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048387

A No, not an after-product.

Q Was there any residue from the materials that made up the Aroclors that was present?

A No.

Q Following manufacture?

A No.

Q Were any of the Aroclors that were manufactured there leaving the manufactory other than in containers destined for customers?

A Not to the best of my knowledge. I was not involved in the manufacturing process myself.

Q I understand that. I am just trying to find out what you know about it.

Did any of the Aroclors that were being manufactured there ever find their way into the estuary?

A I have no specific evidence myself.

Q Do you have any general evidence?

A I have some evidence from later in my career when I was involved in St. Louis when they were tracing whether any effluent was discharged from the plant. There certainly was evidence that some was discharged from the new part.

Q How was that discharged?

A That is a very good question. I find it very

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048388

difficult to answer. In view of the type of material, you don't have large liquid ever coming out of Aroclor products. I could only assume that it was washed away in some way.

Q Washed away, meaning washed off the manufacturing floor?

A That's all I can assume.

Q From the machines?

A That's all I can assume.

Q How did you determine it was in the estuary?

A I didn't.

Q Well, the persons that did?

A I am not expert in that area. I am going to have to go on the information and results they developed by analytical procedures.

Q What did they tell you about how they found out whether Aroclor was present in that estuary?

A They took samples, water samples from various parts of the estuary.

Q Those were Monsanto folk who did that?

A Yes.

Q I presume in the course of that, you read a report or talked to the people that were responsible for the investigation into the estuary?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048389

A I saw reports when I was in St. Louis when I was working there.

Q What was their opinion as to how it came to be that those Aroclors found their way into the estuary?

A Only what I've told you. I assume it was, must be some sort of water action that had washed them away.

Q Was there any doubt in the opinion of the people who had actually done the study that they did come from the Monsanto Plant there at the estuary in Southeast Wales?

A Not to the best of my knowledge.

Q Pardon me?

A Not to the best of my knowledge.

Q Can you give us any idea of the quantity they found in the estuary?

A No, I cannot. Not without -- my memory does not recall these particular figures.

Q Those reports were all reports I assume came to your attention in the regular course of your duties in St. Louis when you were employed by the Monsanto Corporation?

A Correct.

Q About what time was that, Mr. Mason?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048390

A I was in St. Louis from 1969 through the end of 1971.

Q Sometime in that time frame is when you saw it?

A Yes.

Q The Aroclor sales staff, to what extent during your term as Director of Sales for the Monsanto, U.K. did you involve yourself with that particular group?

A In a general supervisory way, but not in very specific detail.

Q Was there a particular person who was in charge, just to that Aroclor as you were to rubber?

A Yes.

Q Did that person report to you or was there someone in between?

A There was someone in between when I was Director.

Q What were those Aroclors being generally used for during the period you were there?

A I would say the major uses were dielectric fluids for transformers and capacitors, heat transformer fluids and capacitors, as I recall.

Q What type of customers were there that purchased your hydraulic fluids?

A I would guess you have a wide, wide range. You would get people like foundries, die casting companies.

Q Do you remember any of the die casting companies?

A I don't well at all, no.

Q Did your salesmen have a habit of calling on customers who used just Aroclors now in small quantities on a regular basis?

A No, not a customer that used small quantities.

Q A person or corporation that used it in larger quantities, I take it, would receive salesman calls?

A Yes, very definitely.

Q You do not recall whether there was any one particular customer of Monsanto in the U.K. or anywhere that you can recollect that salesmen regularly called on?

A Well, they essentially called on the producers of transformers and capacitors on a regular basis.

Q Was that just in Europe or the Middle East and Latin American countries as well?

A It tended to be widespread, but the majority of people I recall was in the U.K., because there were two other producers in Continental Europe, of course.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048392

Q The area of sales of Monsanto, U.K. versus Monsanto, United States, was that divided up?

A No, it's been an evolutionary thing. You have to go back over the period of like about 30 years and historically if we go back over that 30-year period, there is no question that the parent company in the U.S. used to devote, I don't know, 90 percent of its efforts to the U.S. domestic business, not just Aroclor or rubber chemicals, but generally; whereas the U.K. company which was really the only other significant Monsanto corporation outside of U.S. at that time devoted more of its time to selling many world markets because of the small nature of U.K. market relative to U.S.

That was modified over the years.

Q So that now Monsanto here in the States, the parent company, is selling overseas?

A Monsanto is selling overseas and we operate now on a worldwide basis which we did less in those days.

Q The customers that you were selling to in the late '50s and during the '60s, were they principally in the United Kingdom, and that is the Aroclors now?

A Yes, they were. That is correct, and Canada and Scandinavia.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048393

Q Was that all out of your office in London, England?

A Yes.

Q Manufactured at the plant in Southeast Wales?

A Yes.

Q What was the name of the Aroclor products that you were selling? Were they called Pydraul or --

A Those are the range of Aroclors: 1254, 1242, et cetera, and I cannot remember. There is a whole range of them and we certainly sold Pydrauls as well.

Q The product F-9, did you sell that product?

A I cannot remember, quite honestly.

Q A200(A) and A200(B)?

A Yes, those were.

Q Those were sold out of England?

A If I -- I don't remember.

Q The formulation of Aroclor 1248 or 1254, was that done by a formula that was followed regularly both here and in England?

A Yes, that is correct.

Q Technically whether the Aroclors came from Monsanto, United States and Monsanto, U.K., they would be using production manuals produced here in the United States?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048394

A Yes.

Q In your opinion is there a difference or can there be a difference between one batch of Aroclors, say, 1248 and 1254, even though everyone is following rigorously the manual for the formula?

A You will get minor differences in the batches, but they probably wouldn't be significant in most cases.

Q In your experience as Director over in England, was there a person monitoring the manufacture of these Aroclors that would determine whether there were any kind of differences between one batch and another?

A Yes, every batch has to be tested and has to meet specifications and all the test results are recorded in every batch we make.

Q There are acceptable ranges and unacceptable ranges?

A Yes.

Q Now, PCBs which is an acronym for something else, when did you first become aware of the term, the acronym PCBs?

A I guess it must have been when I was in St. Louis.

Q Prior to that, we talked about either trade name Aroclor or chlorinated biphenyls. We really talked

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048395

about your position up to '63 when you became the Director and you were main Director until 1969 and at this time you came over to the United States, in 1969?

A No, before that I went to Belgium and in 1966 I became Director of Marketing for all Monsanto's operations in Europe.

Q Exclusive of the U.K.?

A No, including the U.K.

Q Including the U.K.?

A Yes.

Q What was the name of the company? Were you still Monsanto, Ltd.?

A Monsanto, Europe, S.A.

Q Is that a separate distinct corporation from Monsanto, Ltd., U.K.?

A Yes, right.

Q That was 1966?

A Yes.

Q What were your duties as --

A I had responsibility for all marketing throughout Europe for Monsanto products, irrespective of where they were produced.

Q That would then include or exclude the plant itself, Southeast Wales?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048396

A Their products?

Q Yes.

A I had responsibility for marketing that product, yes.

Q In your duties as what, Sales Director?

A Director of Marketing.

Q Director of Marketing, did you perform approximately the same function as you did in England for Monsanto?

A Yes, on a wider context.

Q Were any Aroclors manufactured by Monsanto of Europe in Europe?

A No.

Q Exclusive of London or England?

A No.

Q In no other plant?

A No other plant manufactured Aroclors.

Q And you remained there for three years as Director of Marketing?

A Yes.

Q Then you came to the United States?

A As General Manager of Organic Division.

Q Was that a marketing function?

A No, it was a broader function than marketing;

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048397

general manager function.

Q In the Organic Division?

A Yes.

Q In terms of the Organic Division, did that include more or less products than you had when you were over in Europe, in particular?

A Well, less products.

Q In Belgium?

A Less products.

Q I asked you about PCBs and the term PCBs was not an acronym that was familiar to you until sometime in 1969?

A Right about then, yes.

Q But you were familiar with chlorinated biphenyls prior to that time?

A Yes.

Q When did you first become aware of the substance chlorinated biphenyls?

A I would guess pretty well when I joined Monsanto. It was recorded in the catalog of the company. Literature was available and rather naturally one of the earlier things you did when joining the company is try to familiarize yourself with all products.

Q Was that one of the matters that you studied

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60607

at the University of Manchester?

A No, no, no.

Q That was something new?

A Yes.

Q In 1949-1950 when you were about to begin with Monsanto, were you involved at all with the manufacture or use of chlorinated biphenyls?

A No, I was not.

Q You were just aware of them?

A Yes.

Q What if anything were you aware of with respect to their properties?

A Flame-resistance and stability.

Q What about their disposal or dissolution properties. Were you familiar with those?

A No.

Q Do you know whether they would biodegrade or not biodegrade?

A A guess, I would have to assume they were such that they were not easily biodegradable, but I have nothing on that, nor did I see it.

Q During World War II and particularly as an aviator, were you aware of the use of chlorinated biphenyls in the maintenance and the operation of

aircraft?

A No.

Q Insofar as their being flame-retardant, or resistant to flame perhaps is an easy way to describe it, how was it you became aware of their qualities of flame-resistance?

A By reading literature; initially, going back initially?

Q Yes.

A By reading literature.

Q Did you see any example of that early on in your career?

A No, not early on in my career, no.

Q During your period with Monsanto, U.K. before you went off to Belgium, were you aware of the amounts, quantities of any users of PCBs in the United Kingdom?

A Yes, sure.

Q Were there customers who were using large quantities of PCBs; transformer, capacitor people?

A Relatively large. The quantities were not as big as they are in the United States, but there were some significant users.

Q Were you familiar with their plants and where they were located?

A Some of them.

Q Did you ever visit their plants?

A No, I don't think I ever saw either transformers or capacitors produced.

Q I presume that your sales persons, your marketing technical service people, the people in between had seen their plants and subsequently called on them?

A In some cases. There is a difference in seeing the plant and calling on customers. Very often the customer won't let you inside the plant, but in some cases, sure, that happened, yes.

Q Do you recall as you sit here now, any complaints written following the formulas and paper trails as we indicated before concerning the Aroclors, either 1248, 1254 or that family?

A No, I do not. That is a long time ago.

Q You don't recall, it's possible --

A But Aroclors from a customer point of view was not the sort of product we got a lot of complaints about.

Q You don't have any specific recollection of any written complaints, at least?

A No, I do not.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048401

Q But you are not saying whether you don't know --

A I could not say that. I cannot recall any.

Q In preparation for your deposition, did you have occasion to look at any of the material that we have just been discussing very briefly?

A Yes, I looked at some documents this morning.

Q Most of those documents are in relation to your work at Monsanto here in the United States at St. Louis?

A Yes.

Q You did not look at any documents that relate to 1969?

A No, I did not.

Q Are those documents that we just generally referred to now a period that you were in the U.K. and as Director of Sales, are those documents kept for that period of time?

A I doubt it very much. I doubt it very much.

Q Are they --

A I was just trying to, I doubt we had many documents which go back beyond five years from today.

Q Do you store those on any kind of microfilm or microfiche?

A Some documents are, yes, but for example, if you are talking about a salesman's call report, those probably would not be kept longer than five years. They would be kept two years in the current file and then archived and then probably destroyed.

Q As a marketing person in the U.K. and in Europe, did you have access to any test reports or test suggestions in your capacity as Director on any of the various products that you were selling?

A You mean test reports on the quality of the product itself?

Q Quality, properties of the product?

A Yes, certainly, and it would be available to me if I wished to see them.

Q In the course of selling these products, were you involved in acquainting your sales personnel with the properties of the product?

A No, that would be done through the technical end. If I put a salesman in this area, he would undertake technical training.

Q These salesmen you were using in U.K. and in Europe or even before that time, here and in Canada, were they trained in any one or two disciplines?

A No, no. Frankly they would either be engineers,

chemical engineers or chemists. I would say predominantly either chemical engineers or chemists. You see, at times it gets a little different in Europe with all the language problems. Many times you get to take an Arts graduate who is multilingual and it would probably be easier to train him on the technical language than it is to give him the language capability, but generally, technically trained people.

Q Would these persons who were selling the products have available to them any technical report or tests that were done on the products they were selling?

A Yes, they would.

Q Would there ever come a time or did there ever come a time during the period you were Director in charge of certain product line work, test suggestions were made to the manufacturing or manufactory process through the sales people?

A No, there would not be recommendations made on the manufacturing process. There may be recommendations made on changing the quality of a product. I cannot recall.

Are we back on Aroclors?

Q We are still on Aroclors.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048404

A I do not know, no. I cannot recall any occasion where that occurred.

Q At any time before 1969, were you aware that polychlorinated biphenyls were toxic?

A No.

Q Are you aware they are now?

A I don't know how you define toxic. I am hard put to define toxic myself.

Certainly they were the sort of products in plants that we took reasonable degree of precaution to avoid workers getting into their skin and their eyes, the standard type of precautions we take with most chemicals. But we would not have considered them to be what we described as highly toxic materials.

Q During the manufacture of them at the Southeast Wales Plant on the estuary there, were you aware of any problems that workers who came in contact with chlorinated biphenyls had as a result of the contact with them?

A No, I am not.

Q In the course of your duties, do you ever recall sales persons instructing people on limitation on the use of the product, the Aroclor product?

MR. SCHINK: I object to the form of the question. What do you mean by limitation on its use?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048405

BY MR. PHELAN:

Q Do you recall any instructions to the salesmen on limitation on the use of Aroclor products?

MR. SCHINK: I object to the form of the question. You may answer.

BY THE WITNESS:

A Limitations, I can't -- a sales recommendation to a customer specifically as to what the product he believes would be available to him to do certain jobs?

BY MR. PHELAN:

Q Specifically, were salesmen instructed to tell the customers not to use them on hands of the workers?

A Of course. Such instructions were written in the catalogs, were on drums, and this type of thing.

Q I understand that, but was that one of the things your salesmen in the U.K. and Europe would in effect tell customers?

A Yes, they would. I am quite sure they would.

Q In the course of the use of PCBs or these Aroclors, were you ever aware they would be incinerated, or as part of the process in which they were being used, they would become subject to use of being incinerated?

MR. SCHINK: Are you speaking before the time he came to St. Louis?

Idea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048406

MR. PHELAN: Yes.

BY THE WITNESS:

A No, definitely not.

BY MR. PHELAN:

Q In the die cast machines that you referred to, do you know whether or not there were any occasional fires in which the Aroclors might have been incinerated, either as secondary to the fire or primarily involved in the fire?

A I don't know myself, personally, no.

Q Do you know whether there was any problem in inhaling the fumes of incineration of Aroclor?

A No, I have no knowledge on that.

Q Was it your knowledge between 1953 and 1969 that Aroclors manufactured by Monsanto were not to come in contact with the human body?

A Did I have such knowledge?

Q Yes.

A Oh, yes.

Q It was part of the program of instructions to salesmen that they were to make certain or to tell the customers if they didn't already know, these chemicals were not to come in contact with the human body?

A Yes, I'm quite sure.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048407

Q With respect to animals as opposed to persons, was there any knowledge that you had between 1949 and 1969 with respect to whether in the course of the use of Aroclors or manufacture of Aroclors that they were finding their way into either waste or into the ground?

A The first knowledge I had of that, it would be, I think, 1969. I couldn't swear to whether it was late 1968 or '69, but shortly before I left Europe. We began to see some reports out of some work by some Swedes, Widmark, and I think it was around at that time he was claiming he had identified traces of PCBs in certain birds. That is the first I became aware that this was a possibility.

Q When you say those reports and they found some trace sources in birds, the birds either inhaled them or found them in the food chain?

A I don't think I probably thought that. The initial suggestion I think was that this is impossible, how could it have happened, but I certainly, if you had asked me to think about it in retrospect, I don't see how they could inhale them.

Q What is your conclusion now as to that, assuming for the purpose of my question --

A It must have been through the food chain.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048408

Q Was that surprising to you?

A Very surprising.

Q You knew they were stable though?

A Yes.

Q Do you know whether prior to coming to the States in '69, any tests had been done to find out how stable they were, at Monsanto?

A I'm sure there had been, at Monsanto somewhere, but I'm not aware of it myself.

Q Were you aware of them at any time?

A No, not in that time.

Q Did you consider it any kind of danger that they were stable?

A No.

Q Why?

A To be perfectly honest, at that time -- because I think the applications that one looked at in the case of Aroclors, they were either being put into enclosed systems or they were being used as part of another final product. They were not being broadcast all over the place.

Q How did you know that?

A I think I didn't completely know it, but for example, if you compared them and a pesticide or

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048409

insecticide or something like that, that is a very different thing.

Q You assumed they were in closed systems or they were becoming part of a final product?

A Yes.

Q Did you actually see the process of manufacturing or composing of Aroclors at the Southeast Wales Plant?

A Yes, I saw them.

Q Did you see any effluent or any residue or after-product?

A No.

Q You saw none?

A No.

Q Did you notice during your tour, whenever that may have been, the extent to which the Monsanto workers came in contact with the product as it was being manufactured?

A To a very limited extent because it was manufactured in a closed system.

Q You came to the United States in 1969. Again, that was at the direction of someone in higher management?

A Yes.

Q You became the Assistant to the General Manager

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 322 3330

WATER_PCB-SD0000048410

of the Organic Division?

A One of two Assistant General Managers.

Q There were two of you at that time?

A Yes.

Q Who preceded who?

A A man called Howard Minckler who was General Manager.

Q Was he an officer of the company?

A Yes, Vice President.

Q Was he a member of the Board of Directors?

A No.

Q There came a time, I assume, Mr. Mason, when a Corporate Management Committee was formed at Monsanto?

A Yes.

Q Was that formed before you came there or after you came there?

A I think before. They go back, as far back as I can remember being a Corporate Management Committee. It may have had a different name. It has a different name today, but it performed that type of function.

Q What was the purpose of the Corporate Management Committee?

A It was to give guidance and advice to the Chief Executive Officer.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048411

Q Chief Executive Officer would be the President?

A Yes.

Q This was not to the Chief Operating Officer or Chief Executive --

A Operating Officer is a rather new term.

Q It was --

A At that time it was the President.

Q It was not designed to give guidance or information to the Chairman of the Board?

A No, it was to assist and guide the Chief Executive Officer.

Q Was that a self-starting committee or did the President give the committee direction about whether he or she was interested in something?

A I think the committee had a charter to the best of my knowledge and it operated within that charter.

Q Do you know what that charter was?

A No, I do not.

Q Did you when you became a member of that --

A I was never a member of the Corporate Management Committee. Mr. Minckler was, but I was not.

Q I see. You reported to that committee?

A I reported to Mr. Minckler.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048412

Q You never sat on the committee?

A No, sir.

Q Did you ever appear before the committee?

A Yes, sir.

Q As far as you know, you are not aware of what that charter was or what their purpose was?

A No.

Q Other than to advise the President?

A I can make a fair guess as to what it was.

MR. SCHINK: You don't have to guess.

BY THE WITNESS:

A (Continuing.) But I never saw that charter.

BY MR. PHELAN:

Q In your job as Assistant to the General Manager, why don't you define for us if you would, what the duties were of the Assistant to the General Manager.

A Yes. The division essentially was split into two. It was divided into business groups and each of the General Managers had a limited number of business groups for which he had responsibility.

Q There was the Organic Division and then I assume the Inorganic Division?

A Yes.

Q The Organic Division did include the Aroclors?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048413

A Yes, it did.

Q And the Aroclor business group, was that one you were responsible for?

A The Functional Fluids Group.

Q That was functional products?

A Which included Aroclors.

Q That was under the Functional Fluids?

A Yes.

Q Just generally tell us what --

A Sorry.

Q -- what your duties were.

A Well, my duty was to plan the department budget for the individual business, to devote myself to promoting profit and growth, responsibility for profit generation and return on investment.

These are broadly the major duties I was concerned with.

Q Did that involve sitting in committees, reading reports of production people who reported to you?

A Yes, and a great deal of contact with the personnel business directors.

Q Was the Functional Fluids Group under you?

A Yes.

Q What other?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
716 788 3336
WATER_PCB-SD0000048414

A Rubber Chemicals and at that time, Paper Chemicals.

Q You talked a little bit about Rubber Chemicals. Was that generally the same area as when you started out?

A Yes.

Q What about the Paper?

A Paper were primarily sizes, paper sizes; internal/external sizes. Sizes stick the fibers together, sticks the paper together.

Q And Functional Fluids, Rubber Chemicals, Paper Chemicals, those are essentially the three areas?

A Yes.

Q Did you divide your time equally between the three?

A No, I probably wouldn't. I would probably devote more of my time then to the Rubber Chemicals Division which was by far the biggest of the three.

Q Of the three, that was the more substantial?

A Yes.

Q Tell me when you came there in 1969, did you have an opportunity to meet the Marketing people in the Functional Fluids area?

A Yes.

Q How many Marketing people were there?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 782 7770
WATER_PCB-SD0000048415

A My god --

Q One, two, a hundred, a thousand?

A In those three groups?

Q No, just the Fluids.

Q Excuse me. There would be probably in the order of 14 salesmen, Marketing Manager, Field Sales Manager -- maybe 20, that sort of order.

Q That would cover the Continental United States?

A No, they had at that time worldwide responsibility, but that doesn't mean that the salesmen traveled all over the world.

Those salesmen were domestic, but the Marketing Manager was concerned with marketing all over the world at that time. He would operate through the European arm, through the Australian arm, through the Latin American companies or agents; all over the country.

Q Would he be the person you had just reported to when you were over in Europe? I take it you were Director of Marketing for Monsanto --

A I am sorry. At that point in time, the company had changed its organization quite significantly. They had gone more and more to a worldwide operation with more centralized control from St. Louis, Missouri.

Q When you left Belgium in '69, was the chain of

command that you would report to somebody here in the States with respect to Marketing?

A No, not at that time. I reported to a European company chairman.

Q When you got here, they changed?

A More and more, they went over to more and more centralization. It tends to be as in any large international corporation, a dichotomy effect.

You have a area function and you have a product function.

Q At any rate, the same person who was looking into that when you first got there was somebody who was at least in theory responsible for sales of Aroclors throughout the world?

A Yes, correct.

Q The 12 to 20 people that you mentioned here in the domestic United States, Continental United States, were you familiar with them? Did you talk to them, get to know them?

A Yes, from time to time. I certainly talked more, of course, to the people who were in St. Louis full time than I did to the individual salesmen who I probably would see once a quarter.

Q Mr. Damiani, was that somebody you knew and

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048417

Johnson?

A Yes.

Q Mr. Johnson?

A Sure, I had a fellow named Johnson.

Q When did you arrive here in the United States?

A June of '69.

Q June of 1969?

A Yes.

Q Was there anything going on at the time that you arrived with respect to the Aroclor business specifically?

A Yes. I think we were in the early stages of --

MR. PHELAN: Why don't we take a five-minute break.

(Brief recess had.)

BY MR. PHELAN:

Q Mr. Mason, in preparation for your deposition, did you have a chance to review some of the documents that you came in contact with while you were here in the States in '69?

A Yes.

Q Just give me a broad view if you will of what you --

A I've looked at two or three reports of meetings of the CMC which you have talked about, which involved

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048418

the PCBs.

I've looked at some of the documents that refer to the plans made by Monsanto, to resolve this problem, to limit discharges, to try to close the loop.

I think that is broadly the type of documents I have looked at this morning.

Q Let me go back.

You came here in June of 1969 and you were Assistant to the General Manager of the Organic Division, is that correct?

A Yes.

Q Was one of the first problems that you had become aware of in the Fluids Division, this "problem" with Aroclors?

A Yes. I think it probably was early on, maybe a month or so after I had gotten here.

Q Tell me how that problem was defined for you at that time.

A I think the problem was defined for me at the time and not only was it defined for me, my own reading and looking at various reports that were coming out. It was that evidence was beginning to develop that the PCBs accumulating in the atmosphere were probably getting into the food chain.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

Q Was this the first time you became aware of the term PCBs?

A I think so. I can't tell you when that was.

Q What did you understand polychlorinated biphenyls to be as opposed to just --

A Well, precisely the same; several chlorine atoms.

Q What was it that concerned the people at Monsanto about their accumulation in the atmosphere?

A I think from my point of view, the initial reaction was disbelief. One could not understand how that could have occurred.

Q At that time, did anyone begin any study to determine whether in fact and how it was accumulating in the atmosphere?

A Yes, I think Monsanto itself started considerable amount of work in this whole area to try and define how they could be escaping; started work in their own plant to see what we could find.

Q Did you verify what had been written from the people in Sweden as to whether they were in fact escaping into the atmosphere in the plant here in the U.S.?

MR. SCHINK: I object to the form of the question. It assumes that is what the Swedish scientists found.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048420

I don't think that is the correct statement. What the Swedish scientists identified --

MR. PHELAN: They found out they were present --

MR. SCHINK: True.

BY THE WITNESS:

A They found presence in birds.

MR. PHELAN: I assume they somehow magically didn't get there. They had to come from someplace.

BY MR. PHELAN:

Q How did you know the PCBs were accumulating in the --

A The atmosphere.

MR. SCHINK: You are talking about by the Swedes or in general?

MR. PHELAN: In general.

BY THE WITNESS:

A The atmosphere?

BY MR. PHELAN:

Q That is the term you used.

A Do you want to read where I used it?

MR. PHELAN: Would you read the prior question.

(Record read as requested.)

BY THE WITNESS:

A I stand corrected. I have no evidence that

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048421

PCBs were accumulating in the atmosphere.

BY MR. PHELAN:

Q How did they define the problem to you?

A They defined the problem to me, I think, on the basis they were accumulating in the food chain or beginning to accumulate in the food chain, and I apologize. I did not mean atmosphere. PCBs essentially are not volatile. It is likely they came in the atmosphere.

Q They are in the atmosphere now?

A I have no idea.

Q Have you seen any report that would indicate they are present in the atmosphere?

A No, I have not.

Q What was the approach to determining the validity of the statement they were in the food chain or had accumulated in the food chain?

A Well, I think first of all, our initial reaction was to do work ourselves to understand where PCBs or Aroclors as we were concerned were; were they escaping into the environment and I think we worked at our own plant in examining that situation.

We worked with some of our customers and as the program developed, we took a series of samples, water samples primarily from those customers' plants,

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048422

close to our own plant, and evaluated those to see what we could find.

With that, of course, we had to develop more sophisticated analytical techniques to define the small quantities we were looking for.

Q First let me ask: Did you when you arrived in June of '69 determine whether Monsanto had the capability at that time, that is the scientific capability to determine the presence of PCBs in the food chain?

A Did I personally determine?

Q Yes.

A No, I don't think I did personally, no.

Q Were you told that Monsanto in fact did have the capability?

A It had the capability to provide, to determine the analytical sophisticated techniques.

Q That is what I am asking. Did it have those at that time?

A No, not completely. Work had to be done to improve the techniques, to my recollection.

Q Were techniques available that were what, crude in nature?

A I would not call them crude. They were sophisticated but not sophisticated enough for extremely small

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048423

quantities.

Q What plant if any did Monsanto choose to determine whether in fact PCBs accumulated into the food chain?

A Their plant?

Q Their own plant.

A What they did was to determine whether they were getting into the environment. First of all, all the Aroclor producing plants were Newport in the United Kingdom, Anniston, Alabama and the Krummrich Plant in St. Louis.

Q First you told us about the Newport Plant in the U.K. Were those verifications under way before you left --

A No.

Q -- your job in Belgium?

A No.

Q That was after?

A Yes.

Q And they did find PCBs in the estuary?

A Found extremely small quantities from all I can recall, and I do not recall the exact figures, which would vary from time to time as we worked on improving and minimizing escape from the plants.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048424

Q How was it that you worked on minimizing escape from the plant? What did you do?

A I, of course, was not personally involved, so I cannot give you very great details, but obviously one would do everything possible to minimize any possibility of leakage and also make a provision should leakage occur in joints, et cetera, you would have a method of catching leaks which could then be controlled and decreased.

Q What was done in fact to prevent leakage?

A I was not on the job myself. I cannot tell you.

Q Did you read a report of what was done?

A Not in great detail.

Q There were reports though?

A I'm sure, yes.

Q You recall that you read them but you don't recall the detail?

A I would read some reports, but I wouldn't read all the reports which I'm quite sure were very, very numerous, indeed.

Q This was in the 1969 period?

A Yes.

Q How about Anniston, Alabama?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048425

A Yes, the same thing was going on there.

Q When was it verified that PCBs were, I think you said, escaping into the environment?

A I guess it would be late '69, if that is the time.

Q Was there a person or persons who were placed in charge of the team that was doing this investigation?

A Yes.

Q Who was that?

A A man called Papageorge was given overall charge as Project Manager for this whole area of PCB problem.

Q But who in 1969 was in charge of the investigation?

MR. SCHINK: Which investigation are you referring to?

BY MR. PHELAN:

Q The one in which they were attempting to validate whether in fact there was accumulation in the food chain or PCBs escaping into the environment from your own plants of Newport, Anniston and finally Krummrich in St. Louis?

MR. SCHINK: I object to the form of the question. I don't know what the term validated means. That concludes

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

there was evidence they were escaping before that time. The witness testified he was looking into that question as a possibility.

BY MR. PHELAN:

Q Were you attempting to validate the study of whether the birds in Sweden had accumulated the PCBs was in fact true? Is that what you were trying to do?

A I guess what we were trying to do is find out where did the PCBs come from that they were getting into the environment.

Q And one of the approaches was to look into the plants?

A In the plants.

Q That manufactured --

A And customer plants, too.

Q Who is the person or persons who was in charge of the investigation or that first stage at the plant in England and the plant in Anniston?

A The Manufacturing Director would be responsible for that and the individual Plant Managers.

Q What about the plant in St. Louis? What was found if anything there with respect to PCBs, either accumulating in the food chain or getting into the environment?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048427

A None to the best of my knowledge. There was no evidence of accumulating in the food chain, but there was some evidence which came out which was in a report you have seen about charges they were getting out from the plant itself.

Q That plant was which one, the one in St. Louis?

A Yes. You have just asked the question on the St. Louis Plant.

Q What was the name of the plant?

A Krummrich.

Q Where is that located?

A It is on the other side of the river, Illinois.

Q Is that in Sauget?

A Yes.

Q When you were in Belgium just before you came to the United States, were you aware of any change in the policy with respect to selecting one Aroclor over another because one Aroclor might contain more chlorinated biphenyls?

A Prior to coming to the United States?

Q Yes.

A No.

Q Were you aware of any decrease in the amount of sales by Monsanto of their Pydraul F9 as a result of

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048428

anything which their sales of it were coming down fairly dramatically?

A Prior to June '69?

Q Yes.

A No, I was not.

Q Were you generally kept abreast of the sales figures in the United States of Aroclor, let us say 1254, of the Pydraul series?

A No, I probably wouldn't see details of that at the time of the individual grades or anything like that. I would see the general sales figures from time to time.

Q Were you aware in Europe of any decrease in sales of Pydraul?

A No.

Q Was it your knowledge that in fact the sales were about the same?

A When?

MR. SCHINK: When?

MR. PHELAN: Just before he came.

THE WITNESS: But when?

BY MR. PHELAN:

Q The year before and the year before that.

A I think probably, probably would be some growth

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048429

in most business in Europe at that time, industrial growth.

Q So if we look back at the sales of Monsanto fluids and particularly the Aroclors in the period, let us say, '65, '66, '67, '68, '69, but just before you left, you would think or you believe there would be a regular increase in those sales?

MR. SCHINK: Increase in sales in Europe?

MR. PHELAN: Yes.

BY THE WITNESS:

A That is my recollection, but I can't quote you a figure.

BY MR. PHELAN:

Q But it was your belief and assumption that the Aroclor product in Europe was approximately the same within a given margin as required by your formulation as was sold --

A It was by the same process, different in raw materials obviously. You are buying from different sources, but generally yes.

Q When you became the Assistant to General Manager, Organic Division, were you aware of any policies to phase out use of the product F9?

A Not at that point in time.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048430

Q Do you know whether in 1970, a product called A200 was introduced?

A It was introduced in 1970.

Q How about A200(A)?

A A200(A), I must admit I can't clearly recollect the differences between a lot of these products at this point in time.

Q Do you know when A200(A) was introduced?

A No.

Q How about A200(B)?

A No, not to the best of my recollection. I cannot recollect.

Q How about 50E?

A No, not by the numbers in detail.

Q Do you know the differences between F9 and A200?

A Not by using the numbers. If you will tell me chemically, I am talking --

Q That is what I am asking. Do you know the difference chemically?

A I just cannot recollect those numbers, exactly what they covered. I was not an expert on the Pydraul, didn't spend a great deal of time on it.

Q Were you aware of why there were changes that

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048431

were going to be made?

A What time period?

Q '69.

A '69, late '69?

Q Yes, when you came.

A Yes. By that time I think we became convinced that we had to begin to phase out and replace certain of the Aroclors, certain of the polychlorinated biphenyls because there was evidence they were getting into the environment and they were not biodegrading.

Q That was when you first arrived, in '69?

A It was shortly after I arrived we began to move down that trail.

Q Did the Monsanto Company inform anyone at that time about this decision that they were going to phase out?

A We certainly did.

Q When did you first inform the customers?

A I cannot give you the exact date because I cannot recollect.

Q In the documents that you referred to in preparation for your deposition, did you see any such documents?

A Yes.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048432

Q When was the date of the first document you saw?

A I think we're talking about 1970 if my recall -- February '70, something like that.

Q In that document, whatever that is, did you see all Aroclors were determined to contain an element which might prove to be toxic and therefore Monsanto --

A No, that is a different subject. We were talking about -- I don't understand the question in that context.

Q You say you became aware that by your review of the documents that sometime in '70, I think you said February, that Monsanto began informing some of its customers.

A That's correct.

Q About the changeover.

A Yes.

Q My question was as to all of its Aroclor products or some of them?

A I think, first of all, we're talking about the higher chlorinated Aroclors because the evidence we had in the early days were that those were the ones being found in the environment.

Secondly, I think we began to look very

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048433

carefully at the areas where customers were using them for what were not completely closed systems and we began progressively to move down that track. But this was nothing about toxicity. It was to do with the fact that evidence was definitely showing up these were building up in the environment, apparently not biodegrading.

Q You said the approach taken was to investigate your own plant first and then some customers. What customers' plants if any did you investigate here in the United States after you came to determine whether it was PCBs that were accumulating in the environment, escaping into the environment, or were accumulating in the food chain?

A Quite a number of customers. I don't have a specific list in my mind.

Q Did these customers, were their plants being tested for the purpose of --

A Yes, they very definitely were.

Q They were specifically told that?

A Yes, they were, and they were given results of findings.

Q Do you know whether Outboard Marine Corporation was told that?

A I believe it definitely was.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

312 782 3330

WATER_PCB-SD0000048434

Q How could you definitely say --

A Only on the evidence of what my people told me.

Q Mr. Damiani?

A Yes, and Norman Johnson was quite heavily involved.

Q They told Outboard Marine Corporation that they were investigating their effluent to determine whether PCBs were accumulating there?

A Yes.

Q Was Monsanto at that time attempting to develop a program of evaluating and reclaiming fluid that might be discharging?

A I think I possibly came a little later, but whenever, either late '69, early, I'm not 100 percent sure of the dates.

Q Were they in fact, Monsanto at that time, 1969, 1970, marketing a process or service in which they were attempting to reclaim fluid that might be escaping or might be draining out?

A In 1970, yes, definitely.

Q Do you know whether any other salesmen under the auspices of determining whether a fluid could be reclaimed were testing the effluent or testing the discharge of any of your customers?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

A Could you repeat that question?

Q Were any of your salesmen at that time testing the effluent or testing the discharge of any of your customers on the basis they were attempting to determine whether they could reclaim any or some of that effluent for further reuse in the customer's plant?

MR. SCHINK: Object to the form of the question. The salesman certainly wouldn't do any testing. He might have requested samples. Any tests would have to be done in the laboratory.

BY MR. PHELAN:

Q Were they testing for the purpose of determining reclamation rather than the fact that PCBs were either accumulating in the environment --

A No, excuse me. I think the two things were entirely separate.

Q Did you ever become aware of the fact that salesmen were telling customers they were taking samples of their effluent for the purpose of determining whether it was reclaimable?

A No.

Q It was your understanding that salesmen were telling customers that they were taking samples of their effluent or their discharge or whatever to determine

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048436

whether PCBs were accumulating in the environment or escaping into the environment?

A This wouldn't be the salesman, I don't think. It would be either the laboratory technician or Research Department that would do this type of work. It would not be a salesman involved in this. I would be very surprised if it was.

Q Do you know if Mr. Damiani ever took samples?

A Personally?

Q Yes.

A I don't know.

Q Mr. Damiani reported to whom?

A At that time, I think he reported to Norm Johnson.

Q Norm Johnson reported to whom?

A Howard Bergen.

Q Who reported to?

A Me.

Q The idea for the concept of PCBs at that time, was that a priority item when you got to your job here in the United States in 1969?

A Very shortly afterwards, within about a month or something like that, it became very high priority.

Q As part of being a high priority, did you then

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048437

t4
determine exactly what your salesmen were doing with respect to customers who were using those higher Aroclors?

A Yes, we did.

Q Was OMC one of those customers who were using higher Aroclors?

MR. SCHINK: You mean higher chlorinated?

MR. PHELAN: Yes.

BY THE WITNESS:

A Yes.

BY MR. PHELAN:

Q They were?

A Yes.

Q What Aroclors were they using?

A I think they were using the product containing Aroclor '54 and '42, I think, at that time.

Q They were determined to be Aroclors which were accumulating in the environment?

A Evidence had been produced which indicated that, yes.

Q Prior to your coming aboard, were you aware of any suggestions to Outboard Marine that they change their fluid before you arrived from what they were using to some other fluid?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Ill. 60607

WATER_PCB-SD0000048438

A No, I am not aware of it.

Q After you arrived, were you aware that their fluid was changed?

A Yes.

Q And it was changed several times within a year?

A I believe so.

Q What, to your knowledge, Mr. Mason, was OMC told as to why that fluid was changed?

A Initially they were told that they used a fluid which had the higher chlorinated Aroclors which were building up. There was evidence of building up in the environment. They were changed over, to my recollection, to chlorinated terphenyls.

Q Chlorinated terphenyls?

A Yes, which if I remember correctly, we then had to withdraw because there was some evidence that these did contain small percentages of polychlorinated biphenyls as impurities and in view of the fact that by then we were trying to remove completely from the hydraulics polychlorinated biphenyl, this is the time, I believe, the change to phosphate esters was made and that was around the end or a little after my leaving the United States and going back to Europe.

Q In the case of Outboard Marine Corporation, were

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3330

you aware whether PCBs or the early fluids the company was selling to Outboard Marine persisted in their manufactory even after there was a changeover?

MR. SCHINK: I object to the form of the question. Persisted where?

MR. PHELAN: Anywhere in the factory.

MR. SCHINK: What changeover are you talking about? Are you talking about PCBs, PCT or the changeover prior to that, Mr. Phelan?

MR. PHELAN: Any changeover.

BY THE WITNESS:

A No, I cannot personally answer that.

BY MR. PHELAN:

Q As a person who was taken in the field, you were trained, it is true, isn't it, that when a hydraulic fluid is used in a die cast application, some of it incinerates and actually dissipates into the air, isn't that true?

A I know very little about die casting. I'm sorry, I cannot answer the question.

Q Well, somebody at Monsanto does know that, don't they?

A I'm sure they do.

Q That is not something that is not well known,

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048440

is it?

MR. SCHINK: What?

MR. PHELAN: What I just said.

MR. SCHINK: I object to the form of the question,
no foundation.

BY THE WITNESS:

A I can't answer the question. I don't know.

BY MR. PHELAN:

Q Did you when you were Assistant to the General
Manager explicitly and in writing tell Outboard Marine
Corporation all of the reasons why you were changing
from one fluid to another?

A I did not personally, no.

Q Do you know whether anyone under you did?

A I know that several letters were sent to them
explaining the problem situation, advising them where
we were going and what was happening.

Q Did they in your recollection as explicitly
as you are telling me today, tell them why there was
going to be a change and the problem that occurred at
Monsanto which led to these changes?

A Not personally, but I know considerable amount
of time was spent in particular with Johnson and I spent
a lot of time discussing and explaining the situation.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 788 3330

WATER_PCB-SD0000048441

I personally did not.

Q I am coming back to this, but during the same period of time you were not a member of the Corporate Management Committee but you reported to the Corporate Management Committee?

A I reported to a member of the Corporate Management Committee, Mr. Minckler.

Q Mr. Bergen?

A No, Mr. Minckler.

Q Mr. Bergen was under you.

Did Mr. Minckler gave you any specific assignments with respect to PCBs or Aroclors to report to the Corporate Management Committee?

A He gave me a specific assignment shortly after I arrived in the United States to verify this entire problem situation. I did this from Fall of '69 through pretty well until I left.

Q Did Mr. Minckler explain that memorandum to you upon your arrival in the United States?

MR. SCHINK: Memorandum? I object to the form of the question.

BY MR. PHELAN:

Q Did he give you some form in writing?

A No.

Q He just told you about it?

A Yes.

Q During his conversation with you, did he tell you this was of concern to the Board of Directors of Monsanto?

MR. SCHINK: What was of concern?

MR. PHELAN: The PCBs.

BY THE WITNESS:

A Yes, he certainly said it was a significant concern of the company.

BY MR. PHELAN:

Q Did he say it was a significant concern of the Board of Directors?

A I don't recall him saying that, using those exact words.

Q Did he tell you at that time that the instructions you were receiving from him or instructions he was relaying to you were from, say, the President or the Board of Directors?

A No, I don't think I asked him that question.

Q Did he tell you that?

A No, I don't think so.

Q Was it your impression that this was something he was doing on his own or this was something which he

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048443

was following the direction of someone higher than he?

A I think he was doing it on his own, but I think he had full support of the President and certainly when I had occasion to sit in at the CMC meetings, the problem was discussed. It was a matter that was very important to the members, the President and other members of the CMC.

Q Was it clear to you as a result of these meetings that this was something that had the attention of the Board of Directors?

A I would have assumed so, but I don't recall exact words being --

MR. SCHINK: You don't have to assume.

BY MR. PHELAN:

Q What was your impression?

A When the President is concerned, I assume it is a matter the Board will be concerned with.

Q Did you ever discuss it with the President?

A Yes.

Q Who was the President in 1969?

A Mr. Bock, B-o-c-k.

Q Was that part of your corporate management function to report to the President if he wanted to discuss this with you or was this something you just dropped

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048444

in or --

MR. SCHINK: I object to the form of the question. The man was not a member of the Corporate Management Committee reporting to them. He had already testified to that. You are mischaracterizing his testimony.

BY MR. PHELAN:

Q You reported to them, didn't you?

A No, I reported to Mr. Minckler.

Q But you did actually report to the committee itself and appear?

A I appeared before them which is different than reporting to them.

Q All right.

Were you called in by the Corporate Management Committee to apparently tell them what you were doing re the PCB problem? Is that right?

A Yes.

Q So in that sense, you reported to them?

A Yes.

MR. SCHINK: He gave them a report if that is how you are trying to characterize his testimony.

MR. PHELAN: I think that is a logical follow-up.

BY MR. PHELAN:

Q How is it and under what circumstances did you

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

talk to the President, Mr. Bock?

A As a part of the CMC, he was there. He was Chairman of the CMC at that time and from time to time, he would ask me to go across and update him on the situation.

Q Tell us if you will approximately in the two years you were in the States, how many times you updated him on the problem.

A Maybe three.

Q Was that in the '69-70 or the '70-71 period?

A '70, early part of '71.

Q Was that in writing or just orally?

A Orally.

Q Oral conversation?

A Yes.

Q How many members were there in 1969 and '70 in the Corporate Management Committee?

A I can't recollect the exact answer to that.

Q Generally what was their position in the Monsanto Company?

A They were the President, General Managers of all Divisions.

Q Which were two?

A No, there was Organic, Inorganic, Plastics,

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048446

Agricultural Division and I think it was at that time, I think it was Texas City Division. I think there were five.

Q That accounts for six people?

A Yes, plus the Superintendent of Manufacturing Operations, plus the company secretary.

Q The Vice President of Manufacturing Operations, these five different heads or General Managers, I take it, reported to that person?

A No, they reported to the President. The job of Vice President - Manufacturing Operations was more a staff job, overseeing all the manufacturing operations throughout the world and everything associated with engineering and what have you.

Q The President was the --

A Chief Executive.

Q Chief of Staff and the person --

A Yes.

Q Let me finish, please.

The five General Managers, the Vice President, the Secretary and the President. Anybody else?

A Not that I can recollect.

I must point out we have had about eight

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048447

reorganizations since then and it changes almost every time. It gets very difficult to follow.

Q As you say, evolutionary.

A Well, yes.

Q Were these formal meetings?

A Yes.

Q They were set for a particular time?

A Oh, yes.

Q The Secretary, I take it, of the corporation took notes?

A Yes.

Q Did you have occasion to see these minutes after they were typed?

A I used to see extracts of minutes which pertained to what I had been involved in; not the total minutes, no.

Q Did you approve information or make suggestions on them?

A No, I did not.

Q They were in final form and --

A They were in final form, but if there had been a significant difference, I'm sure it could have been changed.

Q I take it you were given the okay to do that

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048448

through Mr. Minckler?

A Yes, that's right.

Q When you came into one of those meetings, was it in a room similar to the one we are in now?

A Yes, of course.

Q How many presentations would you give to the committee?

A I think on this subject, I personally, I gave I think two, only, but I was present at several other presentations.

For example, Mr. Papageorge gave many presentations.

Q Let me digress for just a second: When, to the best of your recollection, was Mr. Papageorge brought into this?

A In 1969, Fall of 1969, I seem to remember.

Q At whose request was Mr. Papageorge brought in?

A He was brought in at the request of the CMC who insisted there be one person as Project Manager of this whole issue and Howard Minckler decided he was the right man.

Q Did he then assume some of the responsibilities that you had?

A No, he did not assume any of my responsibilities.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048449

I was still responsible.

He assumed a certain degree of authority.

Q That was authority to do what?

A Authority to lead a project team, develop plans and to make things happen.

Q He was a one-man action committee?

A No, he had several people to help him, but yes, he was a man who devoted all of his time to this.

Q He had no previous background in the field that he was going into, is that true?

A He was a Plant Manager at Anniston before he had the job.

Q His background was not as a chemist?

A Chemical engineer, I seem to think, Papageorge.

Q You were invited by the Corporate Management Committee to come and listen to him give a presentation?

A He would go across, Howard Bergen would be the man who would be asked by the Corporate, by the CMC to give a presentation, update a report, progress report on the PCB situation, and Howard Minckler would take his team down.

Q That included you and Mr. Papageorge?

A It included me and Mr. Papageorge.

Q And you would get notice of the --

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048450

A Yes.

Q -- committee meetings?

A Yes.

Q What percentage of your time, if you could just give me some estimate, Mr. Mason, did you devote to what we shall call the PCB problem?

A I would give of my own time, 15, 20 percent.

Q In '70?

A Probably more.

Q 20 percent?

A 20, 30 percent; maybe 25.

Q And finally in '71?

A Well, in '71 is when we went to a slight change in the organization towards the end of the year. I began to phase out of this here.

Q What did you phase into then?

A I was on my way, going back to Europe.

Q Then you came back to Europe in 1971. When was that?

A At the end of '71.

Q What was your position then?

A By then we had gotten another reorganization change. I became -- both the Organic and Inorganic Division had been merged into one company called

Thea L. Url
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048451

Monsanto Industrial Chemicals.

Q U.K.?

A No, here in St. Louis and I became Director of Monsanto Industrial Chemicals, Europe, reporting back here to a man called Preston Cunningham who is Managing Director of Monsanto Chemicals.

Q Was he a General Manager?

A No, above a General Manager. This is when the company completely centralized its operations in St. Louis and I reported directly to Mr. Cunningham.

Q Let me retrace this.

You continued on until --

A Until 1978 when I went to Spain.

Q What was your position there?

A I was President of this company, Aiscondel, A-i-s-c-o-n-d-e-l.

Q What does that mean, what does that stand for?

A It is a Spanish name. It was an old cable company at one time, originally made cables, and that was a Shell Company and they had taken over.

Q Then in '79, you went back to England as Chairman of the Board of Monsanto?

A No, I went back to England the beginning of '81, but I was not Chairman until August of '81, I

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048452

became Chairman.

Q You have been Chairman, you said, for the past 11 months?

A Yes, since August last year.

Q Who do you report to?

A I report to the European Chairman.

Q Is there another Chairman?

A Yes.

Q And he reports --

A I will give you his name; Agnostopolous.

Q It is a Greek name?

A Yes.

Q He reports to the President of Monsanto?

A No, he does not. He reports to one of the Executive Vice Presidents.

Q Let me go back to 1969 again.

What specifically did you decide to do, if anything, about the "PCB problem" in the calendar year 1969?

A Having been involved at meetings with the CMC, I was partly involved in the decision that we were going to phase out of the highly chlorinated Aroclors and to move on progressively with a very detailed plan which includes large amount of testing of surface waters in

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048453

our own plant, at our customers' plants, developing new techniques and stepping up work on testing on Aroclors to see if there were problems in that area and a rather detailed program which maybe had 10 or 12 major issues in it.

Q That decision was made as a person who had reported to the CMC and that is what you agreed that they ought to do and they decided to do it?

A Correct.

Q When approximately was that decision made?

A I would think we are probably talking about October 1969, but I cannot recall accurately the dates.

Q At that time, do you know whether Aroclor sales here in the States had been dropping since 1965?

A No, I do not, not to my knowledge.

Q Do you know in fact whether they dropped as much as 50 percent?

A I did not.

Q Would that surprise you?

A It certainly does.

Q Have you ever seen any documents that would indicate that Aroclor sales had dropped here in the States?

A I cannot recall them at all.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

312 - 782-3332

WATER_PCB-SD0000048454

MR. SCHINK: I assume Mr. Phelan has some documents. Otherwise, he wouldn't be asking those questions.

THE WITNESS: You are confusing me completely because I didn't know. No one is more surprised.

MR. SCHINK: He wouldn't make those representations unless he had those documents. I'm sure I don't know.

THE WITNESS: You are talking about --

MR. SCHINK: He will ask the questions.

BY MR. PHELAN:

Q Do you know of any decision that had been made previous to when you came in which Aroclors of the higher chlorination were being phased back?

A No, I do not. I wasn't aware of it.

Q To your knowledge, the first decision made by the Monsanto Corporation to phase back the chlorinated biphenyls was sometime in October of 1969?

A Yes.

MR. SCHINK: By phase back, do you mean withdraw from the production of?

MR. PHELAN: That is what I mean.

BY THE WITNESS:

A Yes. Approximately October, I cannot be certain.

BY MR. PHELAN:

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048455

Q This was not a decision to modify as I understand. It was going to be a phased withdrawal?

A Yes.

MR. SCHINK: Excuse me, what was? I object to the form of the question.

MR. PHELAN: Did the witness answer?

THE REPORTER: Yes.

(Answer read.)

MR. SCHINK: I move to strike the answer.

BY MR. PHELAN:

Q When to your knowledge were the last PCBs actually sold and delivered by Monsanto?

MR. SCHINK: You are talking now about normal usage?

THE WITNESS: All PCBs?

BY MR. PHELAN:

Q Yes, right.

A I think 1978.

Q With respect to the Aroclors and the functional fluids or the hydraulic fluids, when was the last PCB element of hydraulic fluids actually sold by Monsanto?

A 1971, I think.

Q Was it your understanding at that time in the phased withdrawal of PCB hydraulic fluids that there

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048456

might always remain in these machines, typical, let us say, die cast machines, a certain amount of PCB fluids even though the changeover was made?

MR. SCHINK: I object to the form of the question. I don't know what the term phased withdrawal of hydraulic fluids means. I don't think there has been testimony that that occurred.

I object to the form, misleading.

BY MR. PHELAN:

Q Go ahead.

Do you want her to read the question?

A Yes.

(Question read.)

BY THE WITNESS:

A Not necessarily, no. It depends what you do. If you'd clean out the system and flushed it, no, before replacing it.

BY MR. PHELAN:

Q None would remain?

A Not if the job had been done adequately.

MR. PHELAN: Mason Exhibit No. 1 are expurgated copies of some documents referred to as OMC Minutes, 11-17-69 Meeting, expurgated version, Nos. 11456, 11457, 11458;

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
212 782 3330
WATER_PCB-SD0000048457

Deposition Exhibit No. 2 is your expurgated OMC Minutes, 4-20-70 which has previously been identified as Document No. 11459 and 11460;

Mason Deposition Exhibit No. 3 is a copy of the Minutes of Meeting of the Corporate Management Committee, April 20, 1970, expurgated Document 11462, 11463 and 11464 which appears also to be part of a fabricated exhibit which had an expurgated attachment which simply has the name W.B. Papageorge with the legend From the Desk of H.L. Minckler.

Deposition Exhibit No. 4 is the expurgated Minutes of Meeting of the Corporate Management Committee, May 11, 1970, Document Nos. 11465 and 11466;

Deposition Exhibit No. 5 is the memorandum and a copy of charts that were used with a CMC meeting, dated May 11, 1970 from Mr. Mason to Mr. Bergen and Mr. Springgate consisting of Documents 11477, '78, '79, '80, '81, '82, '83, '84, '85, '86, '87, '88, '90, '91, '92, '93, '94, '95, '96, '97, '98, '99, '500;

Deposition Exhibit No. 6 appears to be a copy of expurgated minutes of June 2, 1970, Minutes of Meeting of the Corporate Management Committee consisting of one document, 11470;

Deposition Exhibit No. 7 are copies of

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048458

expurgated Minutes of Meeting of the Corporate Management Committee dated September 14, 1970, consisting of three documents numbered 11471, 11472 and '73;

Deposition Exhibit Mason 8 are the expurgated Minutes of the Meeting of the Corporate Management Committee dated March 8, 1971, consisting of three documents, 11474, '75 and '76;

Deposition Exhibit No. 9 is a one-page document, No. 10998.

(Mason-OMC Deposition Exhibits
Nos. 1 through 9, inclusive,
marked for identification,
6/17/82, TLU.)

MR. PHELAN: Why don't we have him start with No. 9 first, Mr. Schink.

BY MR. PHELAN:

Q See if you can identify that document, Mr. Mason.

When I say identify, whether you have ever seen that document before and whether you can describe it for the record.

First, have you ever seen it before?

A No, I don't recall seeing it as such at any

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
712-322-5550

WATER_PCB-SD0000048459

time.

Q Does the format of that document refresh your recollection as to whether Monsanto had a format for any of its Assistants to the General Manager similar to that?

A No.

Q Would you examine that for a minute.

A Yes.

Q For the record, tell us, what does that document purport to indicate?

A The document refers to Sales of Pydrauls, various grades and pounds.

Q Per year?

A Per year from 1959 through 1972.

Q Does it purport to show the pounds of Pydraul in its various numbers decreased beginning about 1965?

MR. SCHINK: I object to the form of the question. There are several grades of Pydraul in the couple of grades that are reflected on this exhibit which was prepared by counsel in response to a specific inquiry from the Government in this case, Mr. Phelan, so there is no foundation for your question.

BY MR. PHELAN:

Q Do those that are shown on this document, does

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

it purport to show a decrease in the amount of sales of A200?

MR. SCHINK: During which period?

MR. PHELAN: From '65 through '70.

MR. SCHINK: Well, I think the document speaks for itself, Mr. Phelan. What the numbers show, they go down and go up and go down and go down again.

BY THE WITNESS:

A Sure, they go down.

BY MR. PHELAN:

Q In total sales in pounds of Pydraul A200 reached according to this document, its highest was in 1965, was it not?

MR. SCHINK: Highest of what?

MR. PHELAN: Same, pounds.

MR. SCHINK: During which, the period of years indicated?

MR. PHELAN: Yes.

MR. SCHINK: We will stipulate that the sales were higher in 1962 than they were in 1965, so I would not agree, however, that they were highest in 1965. That is not what the document shows, Mr. Phelan.

MR. PHELAN: I stand corrected.

BY MR. PHELAN:

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048461

Q The sales of Pydraul A200 were 3,186,000 pounds in 1963; in 1965 they were 3,752,000 pounds, is that right?

MR. SCHINK: You want him to say what the document says or are you asking if he has an independent recollection that those assumptions are correct?

MR. PHELAN: That is what this document says.

BY THE WITNESS:

A Yes, that is what this document says.

BY MR. PHELAN:

Q After '65, what happens?

MR. SCHINK: Does that document show?

MR. PHELAN: Yes, he understands.

BY THE WITNESS:

A We had lower amounts.

BY MR. PHELAN:

Q In 1966, the sales of Pydraul A200 dropped. They remained static through '67; increased again in 1968; reduced slightly in 1969; reduced quite significantly in 1970; remained static in 1971 --

A Excuse me. A different grade, then no longer exists after 1970.

Q Do you know who prepared this document?

A No, I do not, sir.

Q This shows that between 1955 and 1960, the total sales in pounds of Pydraul A200 dropped from three million seven to two million one.

MR. SCHINK: I object to that. There is no data there with respect to 1955.

MR. PHELAN: I misspoke. It should be 1965 to 1966, from 3,700,000 to 2,100,000.

BY THE WITNESS:

A That is true of the products reported there.

BY MR. PHELAN:

Q Yes, A200. That is the fluid that was being sold to OMC, wasn't it?

MR. SCHINK: When?

MR. PHELAN: In 1965.

MR. SCHINK: Do you know that?

THE WITNESS: No, I don't, specifically.

BY MR. PHELAN:

Q Did you ever have the knowledge that you do right now, and I am assuming the document is correct, Mr. Mason, that sales of that particular hydraulic fluid had dropped that significantly in one year?

A I was not aware of that.

Q You never were, right until today?

A No, no.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

Q June 17, 1982, you were not aware of that?

A No, I cannot recollect having seen figures like that.

Q You would agree with me that that is a very significant drop, isn't it?

MR. SCHINK: Talking about between 1965 and 1966?

MR. PHELAN: Yes.

BY THE WITNESS:

A Yes, it is.

BY MR. PHELAN:

Q Thank you.

Now, you have before you a list of eight exhibits which have been marked and my first question is I would like to ask you if you have seen any of these exhibits either today or yesterday or on your way over from England in preparation for this deposition?

A Yes.

Q Why don't you just spend a minute there and take a look at them and then I will ask you some questions about them.

A You want me to go through all these documents?

Q I'm going to ask you questions.

First of all, generally I want to afford you the opportunity of looking at them.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048464

(Brief pause.)

THE WITNESS: All right.

BY MR. PHELAN:

Q Have you had an opportunity, Mr. Mason, to examine Deposition Exhibits 1 through 8?

A Yes, I have.

Q Have you ever seen those documents before?

A Some of them I have. Some of them I can't recall seeing.

Q Have you seen the originals, complete originals of those documents?

A What do you mean by the complete originals?

Q As I indicated for the record --

A The total CMC Minutes; no, I told you before I have not seen them. I did see extracts that pertained to the subject I was involved in.

Q Would the extract you saw be similar to Exhibits 1 through 8?

A Yes.

Q Did you see Exhibits 1 through 8 with Mr. Schink this morning?

A I saw not all of them, some of them. I'm not sure whether I saw six or seven -- and seven.

Q Which ones did you not see this morning?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048465

A I am not certain that I saw 6 or 7.

Q How about Exhibit 8?

A Yes, I have seen that.

Q You saw Exhibits 1 through 5?

A I think if I recollect.

Q All right.

Having read those this morning, Exhibit Nos. 1 through 5 and No. 8, did they refresh your recollection as to events that took place at those Corporate Management Meetings?

A I think to an extent.

Q To the best of your knowledge, do Exhibits 1 through 5 and No. 8 truly and accurately report what took place at those meetings with respect --

A Yes, sir.

Q -- with respect to the PCB problem?

MR. SCHINK: Objection, no foundation. You have not shown he has an independent recollection of what occurred at those meetings, so how can he tell you whether the minutes accurately reflect what occurred?

MR. PHELAN: You didn't hear my previous question.

MR. SCHINK: I did hear it.

MR. PHELAN: He said they refreshed his recollection.

THE WITNESS: To an extent, I said.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048466

MR. PHELAN: Pardon me.

THE WITNESS: To an extent.

BY MR. PHELAN:

Q Do they, Mr. Mason, accurately reflect the Minutes of the Meeting of the Corporate Management Committee, to the best of your recollection?

MR. SCHINK: Do you understand the question?
He asked you if those are the minutes.

THE WITNESS: I can't answer the question.

MR. SCHINK: To the best of your recollection.

BY MR. PHELAN:

Q Is there any reason why you didn't look at Exhibits 6 and 7 this morning?

A I don't know, no, not particularly.

Q During this period that you were in the States in '69, '70, '71, did you keep any records yourself?

A Records?

Q Personal records.

A No, not other than those that had been in the file in the office.

Q You did not keep a copy for yourself at home or anything of that sort?

A No, no.

Q You kept no personal records?

A No.

Q The only records you have of the time here in the States are records maintained in Monsanto's files?

A Yes.

Q Deposition Exhibit No. 1 purports to be an expurgated version of CMC Minutes of the 11-17-69 meeting.

On the third page of this exhibit, there is a conclusion which I will be glad to read to you to facilitate this. It states Conclusions, it is the second to the last paragraph.

"Conclusions: In light of the recent and developing evidence of a possible threat to certain species of bird and aquatic life, we should plan to discontinue the manufacture of Aroclors 1254 and 1260. The Division is instructed to develop a program to discontinue these products and report this to the Committee.

"The status of Aroclor 1242 should continue to be tested to determine whether it contributes to this problem. Other products which might be involved should also be examined. (Excerpt to Messrs. H. L. Minckler, Rodney Harris, Jr., R. E. Kelly, T. K. Smith.)"

Does that conclusion represent to your

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3330
WATER_PCB-SD0000048468

knowledge today, what the Corporate Management Committee decided to do on November 17, 1969?

A Yes, I think so.

Q Is there any doubt that that is what they decided to do, in your mind today?

A No, not in my mind.

Q Mr. Harris was who?

A He was a higher, I think he was an Assistant Secretary at that time. Putzell was the Company Secretary and Harris was probably standing in.

Q R. E. Kelly, what was his position?

A Emmett Kelly, Medical Director of Monsanto at that time.

Q T. R. Smith?

A T. K.

Q T. K., pardon me.

A T. K. Smith at that time I think was a Group Vice President of Monsanto.

Q Do you know whether Aroclor 1242 was also the Pydraul No. A200?

MR. SCHINK: I object to the form of the question.

BY THE WITNESS:

A No, I cannot recollect.

BY MR. PHELAN:

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048469

Q Pardon?

A No, I cannot recollect.

Q You don't know but you cannot recollect?

A (Nodding negatively.)

Q At or about November 17, 1969, had you been with the Monsanto Company here in the States for approximately four or five months?

A Yes.

Q This was well after you had received some instructions from Mr. Minckler as to what he wanted you to do on this "PCB problem," this meeting on 11/17, is that right?

A As to what he wanted me to do?

Q Yes.

A If that implies he wanted me to take responsibility for handling the problem, yes.

Q When he spoke to you, whenever this was, did he tell you precisely where he wanted to come out on this thing?

A Where he wanted to come out?

I'm sorry, you completely lost me. I don't understand the question.

Q Did he tell you what he wanted you to do specifically: He wanted to discontinue the program, wanted

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048470

to continue it, we want to increase it, decrease it?

A No, no.

Q Did he tell you what particular Aroclors he wanted you to look into?

A No, total problem.

Q Total problem?

A Yes.

Q Did you agree on November 17, 1969 that Aroclor 1242 was not a problem at that time?

A I don't think we had any evidence that it was a problem at that time.

Q What other products did you think at that time might be involved and should also be examined?

MR. SCHINK: You are talking about which Aroclors or which blended products containing those Aroclors?

MR. PHELAN: That in your opinion is undoubtedly the conclusion.

BY MR. PHELAN:

Q What other products does the Committee have reference to there?

MR. SCHINK: Where?

MR. PHELAN: Right there in the Conclusion I read to him.

MR. SCHINK: Where are you talking, Aroclor 1254 and

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048471

1260? Are you talking about that?

THE WITNESS: Are you talking about 1242?

MR. SCHINK: I object to the question.

MR. PHELAN: I am sure Mr. Schink is doing a good job telegraphing.

BY MR. PHELAN:

Q Mr. Mason, the last Conclusion says "other products."

What other products are they referring to?

A Oh, I see. At this point in time I cannot answer the question. I don't recall what other products refer to, but I would guess it was an indication to look at total PCBs, continually.

Q In the specific Plan of Action, Mr. Bergen and Mr. Springgate were to preside over, what was Mr. Springgate's position?

A Mr. Springgate at that time was Business Director for All Plasticizers.

Q He did not report to you?

A No, he did not.

Q He and Mr. Springgate are supposed to do a number of things there.

MR. SCHINK: I object to the characterization. I don't know that the minutes say that. It just indicates

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312-782-3332
WATER_PCB-SD0000048472

who made the report.

BY MR. PHELAN:

Q Page 2, you have yours underscored.

As Plan of Action - H. S. Bergen and J. E. Springgate, the two names on that second page of the document, Document No. 11457, is it your conclusion from viewing that document that what is meant is that the Plan of Action was to be performed by those two gentlemen?

A No, I think this is an indication those were the two that reported, looked into other areas. Those were the people that reported. I don't think that addresses itself specifically to Bergen and Springgate. Obviously they are going to be involved because they were handling the project.

Q Was Mr. Papageorge at this meeting?

A I don't think he had come on board at that time. I think I said I recollect he came on board at the end of '69. I think that is correct, but it may have been early '70. I just cannot recall it.

Q Have you had a chance to look at Mason Deposition Exhibit No. 2?

MR. SCHINK: Is there something in particular you want him to look at in Exhibit 2, Mr. Phelan?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048473

BY MR. PHELAN:

Q You have No. 2, Mr. Mason?

A Yes.

Q Look at the first page of the document, Document No. 11459. You see there Organic Division - Report on PCB Status and if you will notice the name W. S. Papageorge?

A Yes.

Q Does that refresh your recollection as to when Papageorge came on?

A He was on board before that.

Q Do you know whether he came on board in the early part of 1970?

A No, I cannot recall if it was the end of '69 or early part of '70.

Q At least as far as your recollection is concerned now, he did not and was not there at that meeting in November, November 17, 1969?

A No, I don't think so according to the minutes.

Q That is your recollection?

A No, I can't say it is my recollection.

Q The first paragraph of this part of the report makes the following statement:

"The availability of alternate products

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

to satisfy customer requirements was reviewed."

Do you have a recollection that alternate products at this meeting was in fact reviewed?

A No, I don't. I cannot recollect whether that was specifically so in that meeting.

Q "Main problems are that no replacement product is available for capacitors..."

Do you recall that that was a problem at that time that was discussed at that meeting?

A I can't recall that that was discussed at the meeting, but certainly we had no replacement product at that time for capacitors.

Q "...and replacement products for other uses pose a pollution problem."

A I don't know what that means.

Q Do you have a recollection of a discussion that replacement products for other uses pose a pollution problem?

A No.

Q Do you have a recollection of what pollution problems were discussed at that meeting?

A No, I do not.

Q These minutes, you believe were prepared by Rodney Harris?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048475

A I just don't know, but I think it likely.

Q From what you testified prior, you had an opportunity to and did in fact review these minutes after they were typed up and given to Mr. Minckler, is that right?

A The word review --

Q You read them?

A Certainly I read them, I'm sure at that time.

Q If they did not correspond to what your recollection was, I take it you would have --

A I would have said --

Q -- had some objection to them or suggested they be changed?

A Right.

Q I take it during the period you were here in the States, you didn't make any objections or suggestions to any of the minutes that were given to you?

A I'm quite certain I did.

Q You did?

A I'm quite certain I did.

Q Did you keep any records of those suggestions or changes which you made?

A No, sir, not unless they are in the files in St. Louis which I don't know. If I believed there was a

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

minute to be corrected, I would have put it on paper.

Q You would have kept a copy of that or you would just send it on to Minckler or whatever?

A A copy in the file of St. Louis. Whether it existed, I don't know.

Q Is it your recollection you had in fact made suggestions or changes?

A I cannot recollect. I would attend a lot of meetings and have seen a lot of minutes in that time.

Q The last paragraph of this same Plan of Action that apparently was reported by Bergen and Springgate, reads as follows:

"The recommended Plan of Action is to establish a tailored program for each business group and each customer market situation to assure that the loss of PCBs in the environment, if any, is minimal."

Do you recollect that statement being the conclusion of the group?

A I don't recollect that particular statement, but I think in that time that was the conclusion of the group.

Q Why was it clear then that at the end of 1969 or at least at this time in November of '71 that PCBs were in the environment?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048477

MR. SCHINK: I object to the form of the question. It mischaracterizes what the document says. It says PCBs, if any, in the environment.

MR. PHELAN: I am not referring to that, Mr. Schink.

Do you want to read the question for the witness?

(Question read.)

MR. SCHINK: You are talking about all PCBs, Mr. Phelan, or only higher chlorinated?

MR. PHELAN: PCBs in the environment, Mr. Schink.

BY THE WITNESS:

A Mr. Wheeler reportedly here indicated the 5 and 6 chlorinated biphenyls have been found at limited locations in water, in birds and some sort of aquatic life. That is as far as I can go on that. That's the information that we had.

BY MR. PHELAN:

Q Would you agree with that statement?

A No. Specifically I would agree that chlorinated, 5 and 6 chlorinated biphenyls --

Q Those biphenyls were in the environment?

A Had been found there.

Q There was no question about that as far as that group is concerned?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048478

A No, I don't think so, at that time.

Q So the "if any" here just isn't true. They were in the environment?

A 5 and 6 chlorinated had been found.

Q Paragraph 2 of the Plan of Action on 11458 says:

"Notify all Aroclor customers of PCB problem."

You referred to a letter that you saw in February of '70, do you recall that?

A Yes, I do.

Q Was that letter issued pursuant to the Plan of Action?

A I think it was.

Q No. 3, you say, "Reduce and effectively control PCB effluents from Monsanto Plants."

Are those Monsanto Plants that are referred to there in Anniston and in Southeast Wales and in St. Louis?

A It would have referred to them, to the best of my recollection.

Q No. 7 says, "Continue and expand biodegradation test program with Aroclor series, particularly 1242, 1248 and 1254."

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048479

What was happening in the biodegradation test program?

A It was Keller who was responsible for it at the time.

Q No. 7 indicates they should "study incineration products" --

MR. SCHINK: No. 11.

BY MR. PHELAN:

Q Yes, No. 11, Mr. Mason, "study incineration products"?

A Yes.

Q What products were the incineration products?

A I don't know.

Q I note here under the "Develop business plan to offer: Monsanto fluid reclamation and recovery with EnviroChem."

A Yes.

MR. SCHINK: Is that then reclamation already under way at Findett?

THE WITNESS: Yes.

BY MR. PHELAN:

Q That program was part of the study of the salesmen to press that on to their customers?

MR. SCHINK: What?

MR. PHELAN: Monsanto fluid reclamation and recovery with EnviroChem.

BY THE WITNESS:

A If I recollect correctly, I think at that time it was not as far advanced as that. I cannot tell you whether salesmen were out pressing it on customers.

BY MR. PHELAN:

Q Well, there evidently was reclamation under way already at Findett.

A Yes, but that was the early days, trial work going on at that point in time and some reclamation.

Q You have a recommendation from a legal expert here. I presume the only lawyer there was Mr. Harris?

A Yes, that's what it says on the minutes.

Q We have Legal Aspects - D. W. Miller. Is he a lawyer?

A I am trying to remember Miller. The name is gone, what Miller was. He must have been.

Q Do you have any recollection of those legal discussions?

A No, no, not at all.

Q Mr. Wheeler?

A Yes.

Q What was his position?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048481

A He was an environmentalist working in the Environmental Group. He was attached to the Medical Department.

Q He was working with Kelly?

A Yes.

Q In earlier conversation, you didn't mention Yokkaichi. That is in Japan?

A I didn't have any knowledge. That's why I didn't mention it.

Q The first statement there right underneath something expurgated and then we go into this Organic Division, "Monsanto's worldwide Aroclor business amounts to 104 million pounds per year, 70 million used in functional fluids and 34 million in plasticizers. This represents \$22 million in sales."

Do you know what the breakdown of that 70 million used in functional fluids would be?

A No, not in detail. No, I don't.

Q Those are pounds?

A Yes.

Q Are you aware of any other Corporate Management Committee Meetings that you either attended or reported between June at '69 when you arrived at the States and November 17, 1969 --

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048482

A Which are not represented in these?

Q Well, the first one I have is November 17, 1969. Did you attend or report any other Corporate Management Committee Meetings?

A Probably.

Q Yes?

A I cannot recall.

Q Are you aware of any other Corporate Management Committee Meetings that dealt with the PCB problem prior to November 17, 1969?

A No, I'm not.

Q Who would be knowledgeable on that subject?

MR. SCHINK: If you don't know, you don't know.

BY THE WITNESS:

A I just don't know. I can only say members of the Corporate Management Committee.

BY MR. PHELAN:

Q That would be the General Managers of the Division at that time, the President, the Secretary and the Executive Vice President?

A Yes, absolutely.

Q You don't know as you sit there whether there hadn't been previous meetings concerning PCBs?

A I don't know.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

Q Prior to this one?

A I don't know.

Q You reviewed this document this morning.

Between November 17, 1969 and April 20, '70, do you recollect there were any Corporate Management Committee Meetings which involved discussions of the PCB problem?

A I do not recollect any.

Q You have no recollection?

A No.

Q In the conclusion on the second page of that exhibit which is Document 11460, the second paragraph, it says:

"It was decided that the affirmative action being taken should be communicated to concerned governmental agencies together with the reasons for continuing sales to the limited uses which would involve major public hardships if immediately discontinued."

Do you remember that to be the conclusion of the Committee at that time?

A I remember that to be the conclusion of the Committee. I can't remember specifically whether it was at that time, but I presume so.

Q What findings if any did the Monsanto Company in April of 1970 communicate to the predecessor

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048484

organization, to the Environmental Protection Agency or to the comparable agency here in the State of Illinois, these findings that this Committee had reached?

A As I recollect, we had a series of meetings with them. In addition we sent written information to various governmental agencies who were involved in this at that time.

Q Would that information that you sent to them represent the information that you had on hand in November of 1969?

A It would probably represent information that we had of the date, at this time.

Q But it would have at least contained that which is reflected in the November 17, 1969 minutes?

A Yes, right.

Q The next sentence is, "Mr. Putzell" -- is he the Secretary of the Corporation?

A Yes.

Q He was an attorney?

A Yes.

Q Was he also general counsel?

A Yes.

Q "...was asked to discuss the legal implications of these actions with counsel for --" is it NCR?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048485

A I should think it is, yes.

Q Is that National Cash Register?

A Yes.

Q An electric equipment manufacturer, do you
recollect?

A No, I don't recollect that specifically.

Q Was NCR a purchaser of the hydraulic fluids?

A No, it was a purchaser of the Aroclors.

Q Which Aroclors, if you recall?

A I think it was 1242.

Q And the electric equipment manufacturers?

A Yes.

Q Who would those be?

A Primarily they would be GE and Westinghouse.

Q Is there any reason why at that point OMC was
not contacted?

A Why?

Q Yes, why.

A I didn't hear.

MR. SCHINK: I object.

MS. STEIN: I object to the question.

MR. SCHINK: I object to the form. It implies they
were not.

BY MR. PHELAN:

Q Why was OMC not contacted?

A Oh, Outboard Marine Corporation?

Q Outboard Marine Corporation, my client.

A I have no idea they weren't contacted.

Q Why was NCR, an equipment manufacturer, singled out then?

A I don't know.

Q do you know whether or not they were using the lower chlorinated biphenyl material or higher?

A They were using 1242, my understanding, the best of my recollection.

Q Do you recollect now what A200 was?

MR. SCHINK: Excuse me, you were referring to the NCR and electrical equipment manufacturer and he said they were using lower chlorinated.

MR. PHELAN: Yes. My next question was, "Do you have any recollection now as to what A200 is?"

BY THE WITNESS:

A No, I can't just recollect what specific Aroclor it was.

BY MR. PHELAN:

Q In the paragraph immediately before Conclusions on Page 2 of this document, there is a statement that:

"Sales will be continued for transformers,

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

capacitors and heat transfer uses which are closed systems or sealed units and which permit reclamation or other control of material."

Do you remember that that was the conclusion of the Committee in April of 1970?

A Yes.

Q Do you know that in fact sales were being continued to Outboard Marine Corporation of A200 on April 20, 1979?

A No, I do not. I cannot recollect that date clearly enough to know if that is correct.

Q The statement earlier on indicates that:

"Publicity about PCBs has been limited to a few articles in scientific publications and newspapers until Congressman Ryan's press conference implicating Monsanto and the products."

Does that refresh your recollection as to whether Congressman Ryan held that press conference implicating Monsanto?

A Yes.

Q Is that Congressman Ryan from what state, California or New York?

A No, New York.

Q Is that from the New York City area?

Theo L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048488

A I can't remember.

Q What did Congressman Ryan say in this press conference?

A In detail I can't remember.

Q In substance.

A In substance, he was claiming there was a buildup in the environment of the polychlorinated biphenyls and implicated Monsanto as the major cause, the producer, only producer in the United States of PCBs.

Q The Aroclor business is again reflected here on Document 11459:

"Total Aroclor business represents \$21 million in sales, returning \$10 million gross profit on \$13 million gross investment."

Are those figures reasonably accurate, to the best of your recollection?

A To the best of my recollection, yes.

Q Is it true that Monsanto was making in one year almost its entire investment return back --

MR. SCHINK: I object to the form.

BY MR. PHELAN:

Q (Continuing.) -- as profit?

MR. SCHINK: Now, you are talking about net profit?

THE WITNESS: That's not what it says. It says

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

gross profit.

BY MR. PHELAN:

Q I am aware of what it says. I am asking the question.

A The answer is no.

Q According to this, they made a \$10 million gross profit on a \$13 million investment. Is that true?

A That's what it says.

Q Is that true?

A Yes.

MR. SCHINK: Do you know independently of that that that is true?

THE WITNESS: I can't recollect the exact figures, no.

BY MR. PHELAN:

Q Does that sound right, to your recollection?

A About right.

Q Very highly profitable business.

A It was a profitable business.

Q Have you had a chance to look at Mason Deposition Exhibit No. 3, Mr. Mason? That is a mystery to me.

What does the first page of that document mean, if you know?

A That is merely a little yellow pad which came

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048490

from the desk of Howard Minckler and has Mr. Papageorge's name on it. That's the way it has been reproduced.

Q Does that indicate that Mr. Minckler sent this?

A Mr. Minckler would have the extract of the minutes which he sent to Mr. Papageorge for his information.

Q According to this document, you were present at this meeting.

MR. SCHINK: I think it says whatever it says. We have already been over this, the same meeting, the same minutes.

BY MR. PHELAN:

Q What is the difference in the forms, can you tell me that, Mr. Mason?

A I cannot, no, sir.

Q Is Deposition Exhibit No. 2 a final draft of what was a rough draft, Deposition Exhibit No. 3?

A I don't know.

Q Have you compared these two?

A I have not, no.

Q There are differences, aren't there?

Let me see if I can explore some of these with you.

Look at Exhibit No. 2 and 3 and if you

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048491

put them side by side -- let us just take the Conclusions.

In Deposition Exhibit No. 3, the statement appears, the first sentence:

"The Committee felt that while the Division had taken major steps to resolve this problem, more affirmative action must be taken."

That is just as it is in Deposition Exhibit 3, am I correct?

A Yes.

Q The next sentence is:

"As the sole domestic producer of the product, we have a special responsibility."

That statement is not found in Deposition Exhibit No. 2, is it, under Conclusions?

A No.

Q Do you agree with the statement that is contained in Deposition Exhibit No. 3?

MR. SCHINK: I object to the form, no foundation has been laid as to what the author meant when he wrote that.

MR. PHELAN: I didn't ask that.

MR. SCHINK: You can't ask whether he agrees or disagrees unless you have established a foundation.

MR. PHELAN: I think, Mr. Schink, you have an

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048492

overextended analysis of foundation. This witness can either agree or disagree with the statement without knowing what the writer meant by that.

MR. SCHINK: I don't agree with that. I object to the question.

MR. PHELAN: Fine.

BY MR. PHELAN:

Q Do you agree or disagree with that statement?

A Monsanto was the sole producer in the United States.

Q And as such, do you know if they have a special responsibility?

A They have a responsibility, yes.

Q Pardon me, a special responsibility?

A They have a responsibility, yes.

Q A special responsibility?

A I am not sure whether I can agree with that or not.

Q Did you pencil that one out when you saw it?

A I don't -- I have no idea.

Q Somebody did, didn't they?

A I don't know.

Q What is the difference between Exhibit 2 and 3 then, tell us.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332

WATER_PCB-SD0000048493

MR. SCHINK: Are you trying to argue with the witness, Mr. Phelan? The document speaks for itself.

You have two separate documents of the same meeting.

MR. PHELAN: Which one is the actual minutes?

MR. SCHINK: You have already asked the witness that question and he has answered.

BY MR. PHELAN:

Q Which are the minutes, Deposition Exhibit No. 2 or Deposition Exhibit No. 3?

A Is that a question for me?

Q Yes.

A I do not know.

Q You identified Deposition Exhibit No. 2 as being the conclusion there, undoubtedly being the conclusion of the Committee. Let me ask you the same question about Deposition Exhibit No. 3.

Is the conclusion there undoubtedly in your mind, to the best of your recollection now, the conclusion of the Committee?

A I do not know because you have now shown me two documents with differences in them and I cannot recall that accurately at that point in time

Q You saw those this morning, didn't you? Isn't

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048494

that what you testified?

A I don't think I was aware I had seen two different documents.

Q You testified earlier you saw Deposition Exhibits 1 through 5, isn't that true?

A Yes, I did.

Q You just did not recall there were differences?

A No.

Q In the conclusion, and let us read on if we can, the next sentence:

"It was decided that the Division" -- that would be the Organic Division, I take it, Deposition Exhibit No. 3?

A Yes.

Q (Continuing.) "...should discontinue sales by June 1 for all uses except for transformers and capacitor ballasts."

In Deposition Exhibit No. 2, it says:

"It was decided that the affirmative action being taken should be communicated to concerned governmental agencies together with the reasons for continuing sales to the limited uses which would involve major public hardships if immediately discontinued."

In that statement, it was stated that the

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048495

Division should discontinue sales by June 1 for all uses except transformers or capacitor ballasts. Who decided to change that conclusion in Deposition Exhibit No. 2 from Deposition Exhibit No. 3?

A I don't know, I do not know.

Q In Deposition Exhibit No. 3, a statement is made:

"A replacement product should be developed on a crash basis for the NCR application."

Do you have any idea as you sit here today that procedures were taken to develop on a crash basis, a replacement product for the NCR application?

A Certainly a research program commenced to do that.

Q In the conclusion in Deposition Exhibit No. 2, that isn't even mentioned, is it?

MR. SCHINK: That's wrong.

MR. PHELAN: That a crash program --

MR. SCHINK: That is just clearly wrong, read the document, Mr. Phelan. Ask the witness.

MR. PHELAN: Mr. Schink, if you are educating the witness, fine.

MR. SCHINK: This is just Mickey Mouse nitpicking. If you look at Exhibit 2 and see those very words appearing

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048496

in the second sentence of the first full paragraph rather than continuing to waste the time.

MR. PHELAN: If you want to educate the witness, why don't you testify?

MR. SCHINK: I am not testifying. Certainly I think in deference to a witness who has traveled halfway around the world to be here for deposition, rather than waste his time for reading witness' statements and from statements that speak for themselves, let's get on to something of relevance.

MR. PHELAN: Let me remind you, Mr. Schink: I did not dispatch him to England. I did not dispatch him there. He is here. I am not the President of Monsanto. He is here as an officer of the corporation, is here pursuant at your request. We could have subpoenaed him and taken his deposition in England, which quite frankly might have been enjoyable.

We are here, Mr. Schink, at your request.

BY MR. PHELAN:

Q Tell me in Deposition Exhibit No. 2 where you see that a crash program is being undertaken for NCR.

A At the Conclusions in the second sentence of the first paragraph:

"A replacement product should be developed

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048497

on a crash basis for the NCR application."

Q I know. I am not asking you with respect to Deposition Exhibit No. 2. Show me --

MR. SCHINK: He just did, Mr. Phelan. That is the Deposition Exhibit.

MR. PHELAN: Let me go over it again.

MR. SCHINK: And it appears in Deposition Exhibit No. 3 on the top of the third page, those words.

MR. PHELAN: I understand that is where it is in Deposition Exhibit No. 2.

MR. SCHINK: He just read it, the second sentence of the first paragraph.

MR. PHELAN: I withdraw my question, you are right. It is there.

BY MR. PHELAN:

Q If you look at Deposition Exhibit No. 3, Mr. Mason, Document No. 11463, look at the third page, the very top:

"Program has been established to curtail discharges from our plants which has reduced levels by 90 percent and will eventually nearly eliminate any PCB effluent."

If you look at that same paragraph on Deposition Exhibit No. 2, which is the second page:

"Program has been established to curtail discharges from our plants and levels have already been reduced significantly."

Do you know anything about the change in the language?

A No, I do not, sir.

Q "We are targeted to reach 50 parts per billion by year end with an ultimate target of 10 parts per billion."

Do you know anything about the change in that language?

A No, sir, I do not.

Q Do you recollect that being discussed?

A No.

MR. SCHINK: Which, the change in language?

BY THE WITNESS:

A No, definitely not.

BY MR. PHELAN:

Q Either or both, the change in language --

A No, sir, I do not, no.

Q Just for my information, on May 11, Deposition Exhibit No. 4, there was another meeting of the Corporate Management Committee. Mr. Bock was the Chairman, Mr. Bible, Mr. Eck, Mr. Gillis, Mr. Sommer and Mr. Throdahl

Theo L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048499

were in attendance. Who are those gentlemen, if they are gentlemen?

A At the time, Mr. Sommer was the Chairman of Monsanto Chemical Company.

Q I'm sorry, what?

A Mr. Sommer was the Chairman.

Q Chairman of the Board?

A Yes. Mr. Throdahl was Vice President at that time, Director of Research, Corporate Research.

Mr. Eck was Vice President - Manufacturing Operations, a job I mentioned before.

Mr. Gillis at that time was the Corporate Vice President in charge of Marketing.

I think Mr. Bible at that time, if I recollect correctly, was General Manager of Plastics Division. I think I am correct. I may be wrong in timing.

Q Do you have a copy of Deposition Exhibit 4?

A No.

(A copy was tendered by
Ms. Stein.)

BY MR. PHELAN:

Q Am I right, Mr. Mason, that you appeared with Mr. Minckler and Mr. Smith and Mr. Harris and Mr. Kelly?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 782 3332
WATER_PCB-SD0000048500

A Yes.

Q First, I would like to know, what does "close the loop" mean to you?

MR. SCHINK: As used in this document or generally?

MR. PHELAN: Generally.

BY THE WITNESS:

A Generally?

MR. SCHINK: Referring to --

MR. PHELAN: Your own lawyer confused you.

MR. SCHINK: The question is not to interpret how the term is used here but how did you use the term generally.

BY THE WITNESS:

A Oh. He referred to PCBs, to avoiding any escape into the environment.

BY MR. PHELAN:

Q Is that the way it is used in here, in Deposition Exhibit 4?

A I would think that is correct.

Q Were you familiar with the OMC Plant in 1970?

MR. SCHINK: OMC plan?

MR. PHELAN: Plant, plant.

BY THE WITNESS:

A Was I?

BY MR. PHELAN:

Q Yes, sir.

A No.

Q You had never visited it?

A I had never visited it.

Q Did you know whether the Outboard Marine Corporation was the largest user of a hydraulic fluid known as A200 at that time?

A I would guess that they would, I would think that they would. They certainly were a substantial user.

Q You don't know if they were the largest user?

A No.

Q Do you know whether or not their plant loop was closed?

A I do not personally, no.

Q "The Division's actions and plans," according to these minutes, "concerning PCBs were reviewed and the following were approved:

"Terminate sales of all non-biodegradable chlorinated biphenyls to various non-controllable end uses. Complete: August 30, 1970."

Do you know whether in fact the hydraulic fluids sold to Outboard Marine Corporation containing polychlorinated biphenyls were terminated as of August

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048502

30, 1970?

MR. SCHINK: I object to the form of the question. It assumes that that particular section of the minutes refers to Outboard Marine. I don't think there is any evidence there that it does, especially in view of some of the discussion in the early stage of the minutes.

MR. PHELAN: Let me go back here.

BY MR. PHELAN:

Q Do you know on that date whether Outboard Marine Corporation was using a non-biodegradable chlorinated biphenyl?

MR. SCHINK: What date, May 11?

MR. PHELAN: May 11, 1970.

MR. SCHINK: I object to the form of the question. He doesn't know what product they were using on that date.

BY THE WITNESS:

A I can't recall.

BY MR. PHELAN:

Q You don't have to wait for him. These aren't objections. Much of these are just educational assumptions. I guess there is nothing I can do about that, Mr. Mason. If he is going to talk, we have to let him.

What fluid was OMC using in 1969 and 1970?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048503

A It would be the Pydraul fluid.

Q Do you know what kind?

A I don't know which specific grade.

Q Do you know whether in 1969 that it contained chlorinated biphenyls?

A Yes, I'm sure it did.

Q Do you know which Aroclor it was?

A No, I am not certain.

Q The statement here on May 11, 1970 indicates that all non-biodegradable chlorinated biphenyls to various non-controllable end uses was to end with 1970.

Would you agree that what that meant was that if Outboard Marine Corporation had not closed the loop and therefore was not controllable, all sales to them should have been terminated as of August 30, 1970?

MR. SCHINK: I object to the form of the question. There is no foundation with respect to what the terminology non-controllable end uses means in the context of this document or that it is in any way applicable to Outboard Marine Corporation.

The question is misleading.

BY MR. PHELAN:

Q Mr. Mason, can you answer my question?

A I don't think I can. I think in my opinion,

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 782 3332
WATER_PCB-SD0000048504

it does not specify any specific customer.

Q There is a statement made here to "replace all non-biodegradable chlorinated biphenyls in hydraulic applications." Complete December 1970 program and it does it in phases.

I want you to assume something for me. Would you assume that as of May 11, 1970, the Outboard Marine Corporation had not "closed the loop."

Would you make that assumption for me, sir?

A Okay. I will make the assumption.

Q Would you also make the assumption that they had a new fluid which was supplied, manufactured, sold and delivered by Monsanto Corporation of St. Louis, Missouri.

A Yes, I will.

Q Would you also assume that that fluid contained chlorinated biphenyls.

A That point in time, yes.

Q Would you also make the assumption that it was non-biodegradable. Would you make those four assumptions for me?

A I will make the assumptions, yes.

Q If those four assumptions were true, would the

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048505

parameters such as "all non-biodegradable chlorinated biphenyls to various non-controllable end uses" apply to Outboard Marine?

MR. SCHINK: I object to the form of the question. It does not specify whether Outboard Marine use was in a hydraulic application or not and without that assumption, the question cannot be answered.

MR. PHELAN: I have a right to ask the witness' knowledge. If I need --

MR. SCHINK: You can ask him a hypothetical question. If you ask whether he agrees or disagrees with the view, you have --

MR. PHELAN: Mr. Schink, I have a right to ask the question. You have a right to object. You are not to educate the witness.

BY MR. PHELAN:

Q With those four assumptions, Mr. Mason, does that paragraph apply to Outboard Marine Corporation?

The question is does that paragraph apply to OMC, to "terminate sales of all non-biodegradable chlorinated biphenyls to various non-controllable end uses. Complete: August 30, 1970."

MR. SCHINK: And the assumption is that OMC is using them in a hydraulic application or not?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
212 782 2222
WATER_PCB-SD0000048506

MR. PHELAN: I gave him the four assumptions.

MR. SCHINK: I object to the form of the question.

Given those assumptions and the fact of record in this case, it cannot be answered with respect to OMC unless you specify whether it is a hydraulic application or not.

MR. PHELAN: Are you testifying?

MR. SCHINK: No, I am objecting to the form.

MR. PHELAN: Then object to the form. Skip the education and let's get on with this.

BY MR. PHELAN:

Q How about it, Mr. Mason?

A I am sorry, repeat it again.

Q I am just asking you if you make the four assumptions as to "terminate sales of all non-biodegradable chlorinated biphenyls to various non-controllable end uses," that paragraph applies to Outboard Marine Corporation?

MR. SCHINK: I object to the form of the question unless you state hydraulic or not. It cannot be answered --
BY THE WITNESS:

A I don't think it would apply to any specific customer.

BY MR. PHELAN:

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048507

Q It applies to no one, is that it?

A No, I did not say that.

Q Who would know what that applied to, Mr.

Bock would know?

A That specific minute?

Q Yes, sir.

A I can't tell you at this point in time.

Q Mr. Bock might be able to tell us?

A I don't know.

Q Now that you have a copy of Deposition Exhibit
No. 5 there --

MR. SCHINK: Yes.

BY MR. PHELAN:

Q We were talking about Deposition Exhibit No.
4 which reflects the May 11, 1970 meeting and maybe you
can explain to us as to what this memorandum is that you
sent to Mr. Bergen and Mr. Springgate on May 11, 1970.

That is Deposition Exhibit No. 5, the
first page.

A I believe it is self-explanatory. It makes
it clear that CMC gave approval for us to implement the
plan which is outlined and the remainder of the exhibit
has specific pages.

Q You told us that Mr. Papageorge was given

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
710 780 7770
WATER_PCB-SD0000048508

certain authority and he was the PCB fellow?

A Yes.

Q What was the line of command here between you and he as is indicated in this memorandum of May 11, 1970?

A This is a memo addressed to the two Business Directors who are responsible for the sale of Aroclor, chlorinated biphenyls and their respective business groups.

Mr. Papageorge is naturally involved.

Q On No. 3 of the charts here, I take it these are reductions of the charts you showed to the Corporate Management Committee?

A Yes, these are charts.

Q You were the one that went through these charts?

A I believe so. If I recollect, Papageorge -- I do not think he was present at that specific meeting.

Q On No. 3, you have Action to Achieve Objectives:

"1) Market non-biodegradable chlorinated biphenyls only for closed system applications where control is possible."

That was your objective in 1970?

A Yes.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
212 782 3330
WATER_PCB-SD0000048509

Q That has no reference to hydraulic or otherwise, does it?

A No, not specific reference.

Q It says:

"2) Phase-out of all non-controllable applications replacing with biodegradable chlorinated biphenyls or other satisfactory products."

That has no limitation on it, does it?

A No, providing we could satisfy ourselves that an application was controllable.

Q And No. 4 is what you consider a "closed loop"?

A (No response.)

Q No. 5, you say, "Do we have the capability to close the loop?"

Are you referring to your plant or a customer's plant?

A We are talking about the business when we refer to that, total business.

Q Whether your customers with your assistance can close their loops?

A Yes, exactly, yes.

Q You note on the No. 6 chart that, "Good progress at both Ruabon and --"

Theo L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312 - 782-3332
WATER_PCB-SD0000048510

A Yes, excuse me.

Q -- "and St. Louis."

A Yes, excuse me. That is referring to research work on biodegradation. Our research laboratories were in Ruabon and not in Newport where the Aroclors were being made. This refers to the research, that good progress.

Q On Page 8, you refer to a Dr. Burger?

A Yes.

Q Executive Office of the President?

A Yes. I think he was Scientific Advisor at the Office of the President at that time. I think that is correct.

Q You are talking about President Nixon or President Bock?

A I am talking about President Nixon.

Q On Page 15, you talk about Hydraulic Fluids.

Incidentally, did you prepare these charts?

A I would anticipate I did. I cannot remember.

I certainly wouldn't have prepared the chromatograph charts, but they had been supplied to me. But it is very likely that I prepared the specific points at issue. I would certainly do it in consultation with Bergen, Springgate and Papageorge, if he was available.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048511

Q Page 15, you say:

"Recognize that control of spillage and pump leakage makes the use of non-biodegradable chlorinated biphenyls undesirable."

When did you come to that conclusion?

A All I can say is sometime before that meeting. I cannot be more specific than that.

Q When you were visiting the plants?

A Are you talking about --

MR. SCHINK: Which plants?

BY THE WITNESS:

A (Continuing.) Hydraulic plants?

BY MR. PHELAN:

Q Yes.

A No, I've never been to a hydraulic plant.

Q You've never been to a hydraulic plant?

A Not specifically.

Q How about Mr. Papageorge?

A I am sure Mr. Papageorge has been to several.

Q Spillage and pump leakage in a hydraulic application is always true, isn't it, it has been?

MR. SCHINK: I object to that question, no foundation. The witness hasn't seen the plant.

MR. PHELAN: It doesn't matter. I haven't visited

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048512

the plant, but I can read about it. If we all followed Mr. Schink's way of learning, none of us would have any way of knowing anything.

MR. SCHINK: It is what the witness --

BY MR. PHELAN:

Q It is true that spillage and pump leakage in hydraulic applications is absolutely always going to happen?

MR. SCHINK: Absolutely always going to happen?

MR. PHELAN: Yes.

BY THE WITNESS:

A I think it can vary in the way the application is controlled, just the way --

BY MR. PHELAN:

Q The amount can change, but you are always going to have leakage and spillage in a hydraulic application?

A I would think there is a likelihood, but you can still prevent that leakage from being washed away.

Q That may be true, but you are always going to have leakage?

A Any pump you will have a leak, but good maintenance and constant attention will eliminate it.

Q I am not just saying a pump situation with a

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048513

hydraulic fluid. You are always going to have leakage.

A Not always have leakage. You will get leakage from time to time. I will agree that good maintenance will minimize that leakage.

Q You and I agree.

The numbers that you have down here already recorded of Pydraul 625, ACWG, 280 and F9, do you know what these are?

A No, sir. I can't recollect specifically what those refer to.

Q How long would this meeting have taken?

A I can't answer the question accurately but I'd say certainly an hour, hour and a half, that type of time.

Q Do you usually meet in the morning?

A At that time we meet on different days. No, I think at that time it was afternoon.

Q Have we established whether Mr. Papageorge was at this meeting, looking at Deposition Exhibit No. 4?

A No, I don't think he was.

Q Why wouldn't he be there?

A I don't know. He might have been off sick.

Q He should have been there?

A Most definitely if he was around, yes.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048514

Q Deposition Exhibit No. 6, I don't think you saw this morning, I guess, when you went over these with Mr. Schink.

There is a new Secretary there, J. N. Ehlers, E-h-l-e-r-s. Is he a lawyer?

A Yes, he is.

Q Was he the general counsel or --

A No, no.

Q -- Mr. Putzell?

A Yes, Putzell.

MR. SCHINK: As of June 1970?

THE WITNESS: Yes, Putzell was still general counsel and Secretary of the company. I don't know why Ehlers was there, specifically.

BY MR. PHELAN:

Q No. 7 I don't think you saw.

Putzell and Ehlers are there again. We've identified the rest of the people.

Was Mr. Ehlers the general counsel then?

A No, he was not. Putzell was still general counsel.

Q Now, Page 2 of that Exhibit No. 7, Document No. 11472, do you know whether 1242-B is actually A200(B)? Do you know if that is true?

A Is actually A?

Q Do you see the document, Deposition Exhibit ,
No. 9? Do you see down there, A200(B)?

A Yes.

Q Is A200(B) 1242-B as it is referred to in
Deposition Exhibit No. 7?

A I do not know.

Q You understand the difference between don't
know and aren't able to recall?

A Sure. When I say I don't know, I mean I don't
know.

Q Do you know whether these conclusions that are
found on this Document. 11473, are accurate, to the
best of your recollection?

A To the best of my recollection, it is, but I
can't say that I recollect specific grades. But I do
know that all the time I was involved in this, that the
President continued to pressure us and move along as
rapidly as possible on the program.

Q He was interested?

A Yes, sir.

Q With the title Recommendation:

"The Division" -- Organic Division, I
take it is the Division that is being referred to there?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048516

A Yes.

Q It says:

"The Division requests a three months' extension to achieve a 90 percent phaseout of the use of non-degradable PCBs in hydraulic fluid applications when the new 1242-B product will be available for substitution."

Do you remember any of the discussions surrounding that recommendation?

A At this specific meeting?

Q Yes.

A I cannot recollect.

Q Was there anything about the hydraulic application that seemed more or less harmful than other applications?

MR. SCHINK: Harmful in what respect?

MR. PHELAN: Harmful is the broadest term I can think of.

MR. SCHINK: I object to the form of the question.

MR. PHELAN: He doesn't like the word harmful.

BY MR. PHELAN:

Q Do you know what harmful means: Detrimental --

A Detrimental to the environment?

Q Anything. Was there a thought or an understanding

that the hydraulic application is one that you didn't have to worry about as much as others?

MR. SCHINK: You don't?

BY THE WITNESS:

A No, I think we worried about it as much as other applications.

BY MR. PHELAN:

Q But that one was taking longer to implement. What was the reason for that?

A Longer to implement than what?

Q Phased out from the so-called plasticizer applications.

A But we still had not resolved many of the problems on the paper situation, for example, the NCR situation.

Q But you had phased those out in order that they not be continued. But here in the hydraulic application, it took longer. What was the problem?

MR. SCHINK: I object to the form of the question. It assumes that it took longer. All we are talking about is where they stood as of September 14, 1970.

MR. PHELAN: They asked for another extension which meant they hadn't met the previous one.

THE WITNESS: The one was to find a satisfactory

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

fluid which would biodegrade and would work in the systems that the customers were concerned with.

BY MR. PHELAN:

Q This 1242-B that is referred to here, do you know that that worked in the ultimate?

A I'm not 100 percent sure.

Q It didn't work, did it?

A Pardon?

Q I said it didn't.

MR. SCHINK: He said he is not sure.

BY THE WITNESS:

A At this point in time, I didn't know.

BY MR. PHELAN:

Q I'm sure something would refresh your recollection, some paper I might show you might refresh your recollection?

A I am willing to look at it if you have it, but I don't know.

Q The fluid that ultimately Monsanto used as a substitute which was biodegradable and which did not contain PCBs was a phosphate ester?

A That was in the ultimate, finally, yes.

MR. SCHINK: Object to the form of the question.

BY MR. PHELAN:

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048519

Q That is not 1242, is it?

A No.

Q Pardon?

A No, not to the best of my knowledge.

Q Do you remember about when it was that you left for Europe, went back to the U.K.?

A I went back to Belgium from the States.

Q When did you leave?

A January 1972.

Q You were there throughout 1971?

A Yes.

Q Referring to Mason Deposition Exhibit No. 8, the March 8, 1971 document numbered 11475, No. 4 which is the Six Point Program to Replace Non-Biodegradable PCBs in Hydraulic Applications. It says:

"Conversion has been completed through substitution of phosphate esters and terphenyls."

A Yes.

Q Is the phosphate ester the 50E, Pydraul 50E that you --

A I cannot remember which particular phosphate ester it is.

Q Was it your understanding at that time, March of 1971, that phosphate esters and terphenyls were being

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048520

sold and delivered to Monsanto customers, the same time?

A As hydraulic fluids?

Q Yes.

A In view of the distance and time has elapsed, I am surprised that sales of phosphate esters for that application at that time were significant. Certain of terphenyls were being sold. Obviously phosphate esters were, but I don't know what the ratio was, what amount of phosphate esters were being sold.

Q Now, below you have:

"Plant discharges have been greatly reduced, approaching the one pound per day targeted for 9/30/71."

Are those plant discharges referring to the plants owned by Monsanto?

A Yes, they do.

Q They do, thank you.

The carbon treatment facilities at Anniston and Newport, do you know what the carbon treatment facility is?

A Well, a carbon treatment facility in that context would be to adsorb carbon that is liquid effluent going out that specific plant through a carbon bed, to simplify, active carbon which would adsorb on it.

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048521

Anything with a chlorinated biphenyl would not get out from beyond the boundary of the plant.

Q You note that:

"Several isolated cases of PCBs in food have been discovered."

What food were they discovered in?

A If I recollect correctly at that time, there were some situations with some chicken feed that was contaminated. I think there was also a case where cattle feed was contaminated and that was due to PCB-containing paints on silo walls. I think those were the ones that I recollect at that point in time.

Q Incidentally, at these meetings that you attended of the Corporate Management Committee, was there anyone who took notes beside the Corporate Secretary?

A Official notes?

Q No, just notes.

A Oh, I think it is highly likely. I would have made some notes myself, handwritten notes which I probably tore up or disposed of or made some notes for the file if it was something I was particularly concerned with.

Q Do you know whether other people made similar notes?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048522

A I think it is very likely.

Q Do you recall after March of 1971 whether there were any other Corporate Management Committee Meetings that involved PCBs?

A I cannot recall any, but I suspect there would have been at that stage. The way the program was going along, there was probably about every quarter a review and out of, I would have expected there to be some more meetings, but I cannot give you dates.

Q If there had been any other meetings and I don't have any documents to indicate there were, if there had been, would you have been present at those meetings, either listening or delivering a presentation?

A I think it is very likely I would have been, yes.

Q You think there was but you don't have any specific recollection?

A No, I don't. I cannot remember events back -- the only reason it could have been, again, if I had been away or something, a gap.

Q If you weren't in town, of course.

(Mason-OMC Deposition Exhibit

No. 10 marked for identification,

6/17/82, TLU.)

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048523

MR. PHELAN: For the record, Mason Exhibit No. 10 is a memorandum from Mr. Papageorge to Messrs. Bergen, Mason, Minckler, C. J. Smith, T. K. Smith and Mr. Springgate, dated April 7, 1970, which attaches a Management Plan, Polychlorinated Biphenyl Environmental Problem, composed of nine pages.

You have a copy of that document in front of you.

BY MR. PHELAN:

Q First, Mr. Mason, have you ever seen that before?

A Yes, I saw that this morning.

Q Did you see it before this morning?

A I am certain I recollect parts of it, yes.

Q Did you have a hand in preparing this report?

A Plan?

Q Did you have a hand in preparing it?

A The plan?

Q Yes.

A I'm sure I would have, yes.

Q You would have?

A Yes.

Q The problem as it is defined by the author, and I assume that is Mr. Papageorge, is that correct?

Theo L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048524

A Yes.

Q He states and I quote:

"The presence of materials identified as polychlorinated biphenyls (PCB) in marine environments was first noted by Professors G. Widmark and S. Jensen of the Institute of Analytical Chemistry, Stockholm, Sweden, and reported in November 1966."

Were you or was anyone at Monsanto to your knowledge aware of that in 1966?

A I certainly was not personally; the best of my knowledge, nobody was at Monsanto, was aware of it, but I cannot be certain of it.

Q I take it down there in St. Louis there is a large research laboratory of Monsanto?

A Yes.

Q I assume there is a library in that research laboratory?

A Yes, sir.

Q I assume that Monsanto subscribes to all the major reviews and scientific journals throughout the world?

A That is correct, to my knowledge.

Q The article that appeared here --

MR. SCHINK: I object to that. It doesn't state

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
WATER_PCB-SD0000048525

an article appeared. In fact the evidence is to the contrary. It said it was reported. I don't know what that means.

THE WITNESS: I don't know either.

MR. PHELAN: Funny how none of us know what English means for awhile.

BY MR. PHELAN:

Q The Institute of Analytical Chemistry, Stockholm, would that be the Institute that is recognized as an institute of higher learning in Europe?

A Yes.

Q You knew of it before?

A I guess so. I think so.

Q Did you know whether the Monsanto library, the Research Center subscribed to articles or journals from that Institute?

A No, I don't. I do not know.

Q We could find that out from the librarian at the Research Center, couldn't we?

A I assume so.

Q Somebody down there has a job of getting the information and checking it off and seeing that it is distributed?

A Yes.

Theo L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603
312-322-7770

WATER_PCB-SD0000048526

Q The basic strategy outlined here, was that something you had a hand in with Mr. Papageorge?

A Yes, I'm sure it was.

Q If you look at Page 3, the Document 11233 and in particular the Status, and I quote:

"Plants at Anniston, Alabama; Newport, Wales, and Sauget, Illinois have monitored plant effluents and found high levels of PCB contamination in waste streams and in sediment at plant discharges."

Was it your understanding on or before April '70 that there had been found high levels of PCB contamination in waste streams?

MR. SCHINK: I object to the question. I don't know what that author meant by high levels and there is no showing that this witness knows what he meant.

BY MR. PHELAN:

Q Now you can answer the question, I guess.

A Would you repeat the question?

Q I am not trying to be facetious, but you had a hand in this?

A Yes.

Q Somebody said there were high levels. To me that means high levels of PCB contamination that were found in waste streams and in the sediment. Is that

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048527

what your understanding was at the time?

A I guess we can quarrel as what is high level. We used a target of 10 parts per million, high level. What the figures were at that point in time, I don't recollect.

Q I assume if the author, if they weren't high levels, wouldn't have said they were.

MR. SCHINK: I object to the form of the question. It is argumentative.

BY MR. PHELAN:

Q I assume that people at Monsanto said what they meant and meant what they said. Is that a fair assumption, Mr. Mason?

MR. SCHINK: I object to the form of that. How does he know what everybody at Monsanto meant?

BY MR. PHELAN:

Q You knew Mr. Papageorge, didn't you?

A Yes, I knew Mr. Papageorge.

Q And you assisted in this report, did you not?

A I guess I was involved in the plan.

Q I think the English are known for their accurate use of the English language.

A There's a lot to be said about that.

MR. SCHINK: Is that a question?

Thea L. Urban
Certified Shorthand Reporter
134 South La Salle Street
Chicago, Illinois 60603

WATER_PCB-SD0000048528

BY MR. PHELAN:

Q It is true, isn't it, Mr. Mason

A Hopefully, yes.

Q I certainly wouldn't dispute that.

Page 6 of the report, Document 11236, the fourth paragraph:

"Incineration tests...indicate combustion can be sustained with minimum fuel requirements."

What was the idea there, these incineration tests?

A Tests were designed to demonstrate that we could degrade, heat degrade chlorinated biphenyls at high temperatures in an incinerator and produce by-products which essentially were harmless which would break out to hydrochloride acid which is easy to handle, to neutralize.

Q You used the word harmless there?

A Yes, in that context I am quite confident.

(At 5:45 o'clock p.m., the deposition adjourned to be resumed at 9:30 o'clock a.m., June 18, 1982.)