Superior Court of the State of California
For the County of Los Angeles

TRANSWESTERN PIPELINE COMPANY,	)	
Plaintiff,	)	
vs.	)	Case No. BC 026959
MONSANTO COMPANY and DOES 1 through 200, inclusive,	)	
Defendant.	)	

October 8, 1992

Deposition of PAUL BLOCHER HODGES, taken on behalf of Plaintiff.

GORE REPORTING COMPANY

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WATER_PCB-SD0000005737

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TRANSWESTERN PIPELINE COMPANY, Plaintiff,	)	
v.	)	No. BC 026959
MONSANTO COMPANY and DOES 1 through 200, inclusive, Defendants.	)	

Deposition of PAUL BLOCHER HODGES taken on behalf of Plaintiff, at the offices of Bryan Cave, 500 North Broadway in the City of St. Louis, State of Missouri, commencing at 9:00 a.m. on the 8th day of October, 1992, before J. Bryan Jordan, certified shorthand reporter and notary public.

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APPEARANCES:

FOR THE PLAINTIFF:

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Whereupon. . .

PAUL BLOCHER HODGES,

of sound mind, having been first duly sworn to tell the truth, the whole truth, and nothing but the truth in the case aforesaid, testified upon his oath as follows, to-wit:

EXAMINATION

BY MS. GRADY:

Q. Mr. Hodges, could you state an spell your full name for the record?

A. Okay, it's Paul Blocher, B-l-o-c-h-e-r, Hodges, H-o-d-g-e-s.

Q. And could you also state your business or home address?

A. I'm retired.

Q. Could you state your home address, please, for the record?

A. Oh. 633 Greenwood Place, Collinsville, Illinois, 62234.

Q. My name is Janet Grady, Mr. Hodges, and I'm from the law firm of Shearman & Sterling, and we represent Transwestern Pipeline Company in this litigation against Monsanto which involves the -- a product called Turbinol that was manufactured by

Monsanto. I'm sure that you've had time to spend some time with Mr. Zimmer, but I'd like to go over the ground rules of the deposition so that you and I understand, are working off of the same page in that regard.

You understand that you are under oath today; correct?

A. Mm-hmm. (Nods head in affirmative manner).

Q. And you understand that even though you are providing testimony in an informal setting in a conference room, because you are under oath, it's just as if you were testifying in a court of law? You understand that?

A. Yes.

Q. It's important, because all of your testimony, and my questions, and Mr. Zimmer's objections will be taken down by our reporter, that you answer audibly all questions with either a "Yes," or a "No," or some explanation, rather than using "Uh-huhs" or "Huh-uhs," which are hard for our reporter to take down. Do you understand that?

A. Okay.

Q. It's also important that we get your best testimony today, so if you don't understand a question or think that you might not understand one of my questions, will you please bring that to my attention?

A. Yes.

Q. You will have a chance to review your testimony probably about 30 days or so after the deposition. It will be typed up into a booklet, and you can review it and make any corrections that you think are necessary to make it accurate, but if you do make any corrections, we, we being Transwestern Pipeline Company, will have the opportunity to comment on those changes at trial. Do you understand that?

A. Yes.

Q. Is there any reason, Mr. Hodges, why you can't give your best testimony here today?

A. No.

Q. Are you represented by counsel today?

A. Yes; Mr. Zimmer.

Q. And you met with counsel

yesterday? Is that right?

A. Yes.

Q. Were you shown documents by Mr. Zimmer?

A. Several, mm-hmm.

Q. Approximately how many documents?

A. Several. I don't know.

Q. Can you give me your best estimate?

A. I don't know; five, ten, maybe.

Q. Did any of the documents that you were shown refresh your recollection concerning anything that happened while you were employed by Monsanto?

A. Yes.

Q. Can you describe for me the documents that refreshed your recollection, please?

A. I don't know, there were something about a task force, which I had completely forgotten. I think that was the main thing.

Q. A PCB task force?

A. Yes.

Q. Anything else?

A. No, not particularly. My memory

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on this, of course, was very, very vague, because this was twenty, what, twenty some-odd years ago or more and I've done a lot of things since then, been retired for a good many years, so I certainly haven't been giving any thoughts to PCBs. I do very well to remember anything two weeks ago, but anyway, the -- I remembered, recall an incident in California, where they found PCBs in birds and fish, and that brought back memories because I remembered that from before. I think that's about the main things.

Q. Okay. Mr. Hodges, could you summarize for me your educational background after high school?

A. Mm-hmm. Yes, I graduated from the University of Kansas in chemical engineering in 1939 and received a Master's in sanitary and environmental engineering from Washington University in, I believe it was '72.

Q. When did you first join Monsanto?

A. October 1940.

Q. Did you have any jobs after graduating from the University of Kansas

prior to joining Monsanto?

A. Yes. I worked for the Colorado Fuel and Iron Corporation for close to a year in Pueblo.

Q. Was your job with Monsanto your second job after you graduated from college?

A. Yes.

Q. And did you work for Monsanto until you retired?

A. That's right.

Q. When did you retire?

A. 1979.

Q. I'd like to briefly go through your long and, I'm sure, varied career at Monsanto just by groups of functions. Can we start in 1940? What job did you have when you joined Monsanto?

A. I was working in the laboratory of the Krummrich Plant. This was for about six months. Then I was transferred to the Sulphuric Acid Catalyst Department and the Chemically Pure Acids Department as Technical Assistant and, later, Assistant Supervisor; was there till, I would guess, 1946. I had about a three-month stint as Assistant Night

Superintendent of the plant, and then became Shift Supervisor for a group of the departments. This went on for several years, I think, till probably, I'm guessing, 1949. I'm not sure of those dates.

Then I became supervisor of the Aroclors Department and what we call our Little Phosphorus Department that made chlorinated phosphorus materials, and that went on until about 1952, I believe, when I became supervisor of our Hydrogenations Department in benzyl chloride.

In either late '55 or early '56, I became specialist in pollution control. My job there was to set up a program for the plant.

And this went on till, I believe, 1966, when I transferred to the -- Monsanto's general offices as Manager of Environmental Control for the Organic Division, and I stayed in that spot until 1975, when I transferred to Antwerp, Belgium, to oversee construction of a large waste treatment plant, there, and this lasted until I retired, essentially.

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Q. All of the time that you worked for Monsanto between 1940 and when you went to the general offices in 1966, was that the Krummrich Plant? Is that right?

A. That's right, yes.

Q. When you were shift -- excuse me, when you were supervisor of the Aroclors Department, how many people worked for you?

A. I don't know. I don't know, perhaps a dozen.

Q. And what was the work of the Aroclors Department?

A. Produce polychlorinated biphenyls.

Q. Was the Krummrich Plant the only place at that time that PCBs were being produced by Monsanto?

A. No.

MR. ZIMMER: Which time are we talking about, just so I'm clear?

MS. GRADY: The time during when Mr. Hodges was the supervisor of that department between 1949 and 1952.

MR. ZIMMER: Okay.

A. No.

BY MS. GRADY:

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Q. What other, where else were PCBs being produced?

A. Anniston, Alabama.

Q. Did the --

A. At some time, and I don't know whether it was during that period or not, Newport, Wales.

Q. Were --

A. I'm not sure of that time at all.

Q. Okay. Were any products that contained Aroclors blended at the Krummrich Plant?

A. I don't know.

Q. Was the Aroclors Department, at the time you were supervisor of that department, involved in blending Aroclors as the constituent ingredient --

A. No.

Q. -- of any product?

Mr. Hodges, if you can remember to try to wait until I finish the question before you answer, and I'll try to do the same with you, it'll make it easier for our reporter.

A. Mm-hmm.

Q. Mr. Hodges, have you ever toured the Queeny Plant?

A. No formal tour.

Q. Have you been -- you've been in the Queeny Plant before, haven't you?

A. I've been there.

Q. Have you ever seen the label -- a labeling operation at the Queeny Plant?

A. No.

Q. When you were supervisor of the Aroclors Department at the Krummrich Plant, were the Aroclors drummed where they were produced?

A. Yes.

Q. Were labels put on the drums?

A. I don't remember that.

Q. Do you recall if the drums were stenciled with paint?

A. Yes, they had to be marked with Aroclor, whatever it was.

Q. And were they inventoried at the plant, the drums of Aroclors?

A. I guess I don't understand your question.

Q. Once they came off the line and

the drums were filled with Aroclors, were they kept at the plant until they were shipped out?

A. I don't remember, but I don't think so.

Q. Do you recall if they were shipped to a warehouse?

MR. ZIMMER: I'll object that it lacks foundation.

A. I don't -- I don't really remember, but logic would say yes, they went to a warehouse.

MR. ZIMMER: Okay, be careful, Mr. Hodges, to tell her only what you remember and not what logic would dictate. She's here to test your memory and recollection, not what you would assume or put together for her logically.

THE WITNESS: Mm-hmm.

BY MS. GRADY:

Q. In your employment with Monsanto, did you ever see the process of blending Aroclors with other substances to create products?

A. No.

Q. Have you ever heard of a product called Turbinol?

A. No.

Q. Have you ever heard of a product called MCS 153?

A. No.

Q. Have you heard of the Pydraul line of products?

A. Only by name.

Q. Do you know where the Pydrauls were blended?

A. No.

Q. How much time did you spend on PCB issues in 1966 when you assumed your position in the general offices?

A. I don't remember.

Q. Do you recall how much time you spent on PCB issues in 1967?

A. No.

Q. There was a time when your job as environmental -- excuse me, Manager of Environmental Control was made up of, entirely, of working on PCB issues; correct?

MR. ZIMMER: Objection; assumes facts not in evidence.

A. No. Repeat your question, please.

BY MS. GRADY:

Q. There was a time when your job was Manager of Environmental Control consisted entirely of working on PCB issues; correct?

A. No.

Q. There was a time when working on PCB issues made up the majority of your work as Manager of Environmental Control; correct?

A. No.

Q. What was the high point in terms of the time you spent on PCB-related environmental issues?

A. Oh, I don't remember.

Q. Did you spend 50 percent of your time on it?

A. No.

Q. Less than 50 percent of your time?

A. I'm not sure.

Q. Mr. Hodges, did you come to the belief that PCBs were an environmental problem at some point in time?

A. Yes.

Q. When was that?

A. I don't remember that, either.

Q. Are you familiar with the use of liquid seals in machinery?

A. Of what?

Q. Liquid seals.

MR. ZIMMER: What type of machinery are we talking about?

MS. GRADY: Compressors.

A. What kind of machinery?

BY MS. GRADY:

Q. Compressors.

A. I'm trying to think. In our Chlorine Department, we had some kind of liquid seals, but I don't remember what they were.

Q. What was your understanding of a liquid seal?

A. I don't really have any understanding of it. I never had anything to do with them.

Q. You just knew they were used?

A. Yes.

Q. Were you a member of something called the PCB committee?

A. I saw a document yesterday that said I was. That was my first recollection

of it.

Q. What was the purpose of the PCB committee?

A. To deal with the problem that had shown up relative to the PCBs.

Q. And who were the other members of the PCB committee?

A. I don't remember.

Q. When was it first started?

A. I don't remember that, either.

Q. Are you familiar with something Mr. Hodges called the ad hoc PCB committee or task force?

A. I believe that's what they called the committee.

Q. So you don't distinguish in your mind between something called the PCB committee and something called an ad hoc PCB committee? Is that right?

A. I don't, no.

Q. Mr. Hodges, are you familiar with something called the Corporate Management Committee at Monsanto?

A. Vaguely.

Q. Did you ever make a presentation

to the Corporate Management Committee about PCBs?

A. Not to my knowledge.

Q. What about something called the Corporate Development -- excuse me, Development Committee?

A. I have no knowledge of that.

Q. Okay. Let me show you some documents and see if I can refresh your recollection.

MS. GRADY: The first exhibit I'm going to mark today is Exhibit 869, and Mr. Hodges, for each exhibit I hand you, you don't necessarily -- you should feel free to read as much of the exhibit as you want. For many of them, the questions I ask will not require you to read the whole document, but if you could familiarize yourself with it and, in particular, figure out if you recall seeing it before, that would be useful.

(Plaintiff's Deposition Exhibit 869 marked for identification.)

MS. GRADY: Let me describe Exhibit 869 for The record as Bates range

TRAN 057161 through 057162. And Counsel, I apologize; it looks like there's some bleed-through of the printing.

MR. ZIMMER: Quite all right. I don't think it gets in the way of anything.

BY MS. GRADY:

Q. Okay, which purports to be a memorandum from Elmer Wheeler to W. R. Richard, dated December 9th, 1968; subject, Aroclors, minutes of our discussion with Dr. Calandra." Mr. Hodges is shown has a "cc" on the memorandum.

A. As what?

Q. You are shown as a "cc" on the memorandum.

A. That's right.

Q. Mr. Hodges, do you -- have you seen Exhibit 869 prior to today?

A. I don't know. I'm on the distribution. I assume I got it, but I can't remember.

MR. ZIMMER: Mr. Hodges, remember not to assume because the document shows you as a "cc" that you necessarily got it. She's here to test what you remember, not what the

document says.

THE WITNESS: Okay.

A. I don't remember.

BY MS. GRADY:

Q. Did you play any role in designing toxicity studies of PCBs?

A. No.

Q. Did you play any role in ordering biodegradation studies of PCBs?

A. No.

Q. Did you play any role in ordering decomposition studies of PCBs?

A. No.

Q. What was your role in relation to the PCB issue that Monsanto faced?

MR. ZIMMER: In which time frame are we talking about?

BY MS. GRADY:

Q. When you were head of environmental controls between 1966 and 1975.

A. Well, I was aware that the problem was going, was going on, and as we responded to it, why, I worked with the plants that were involved, and I went to meetings, I'm sure. That was about it.

Q. Was your primary role aimed at reducing the amount of PCBs released to the environment from Monsanto's production plants?

A. Yes.

Q. Have you ever heard of someone named Dr. Calandra?

A. No.

Q. Do you recall attending meetings at Monsanto where results of PCB animal toxicity studies were discussed?

A. I don't recall.

Q. Do you recall attending meetings where results of biodegradation studies on PCBs were discussed?

A. I don't recall that, either.

Q. Did you have any contact with a scientist named Dr. Risebrough?

A. No.

Q. You mentioned an incident out in San Francisco. Did you have any role at Monsanto in analyzing an issue out in San Francisco that involved finding PCBs?

A. No.

Q. Do you recall how often the PCB

committee met?

A. No.

Q. Could you read the last paragraph of Exhibit 869, the one that's numbered 11?

A. "It was a consensus that the group should schedule monthly meetings to review progress, for such meeting was tentatively scheduled for January 15th at Dr. Calandra's laboratories in Chicago."

Q. Does that refresh your recollection in any way about how often the PCB committee met?

A. No. I'm very positive I was not at that meeting.

Q. Okay. Did you do an initial analysis of the Anniston and Krummrich plants to determine how much PCB was being released from those plants?

A. No, I didn't do it. I requested the plants to do it.

Q. What was the result of that request?

A. I haven't any idea.

Q. Do you recall when you made the request?

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A. No.

Q. Okay. Does the name W. A. Kuhn, K-u-h-n, sound familiar to you?

A. Yes.

Q. Who is W. A. Kuhn?

A. He was in the Business Group. I don't know what his title was.

Q. And do you know what his, what his job was, what he worked on?

A. No.

Q. When you were the head of environmental controls, was that a position that reported through the Organics Division?

A. Yes.

Q. And who was your boss?

A. Desmond Hosmer.

Q. What was Mr. Hosmer's title?

A. I don't remember exactly what it was.

MS. GRADY: All right, the next exhibit I'd like to mark is Exhibit 871 --

THE WITNESS: You want this back?

MS. GRADY: No, if you keep up, we're going to give it to our reporter at the end of the deposition.

(Plaintiff's Deposition
Exhibit 871
Marked for identification.)

MS. GRADY: -- which I'll describe for the record as a two-page document bearing Bates range TRAN 086143 through 086144, which purports to be a memorandum from Paul Hodges to Messrs. Wright, W-r-i-g-h-t, at Anniston, and Buckley at Krummrich, subject, Aroclors and plant effluent; date, January 23rd, 1969.

Mr. Hodges, is that your signature on the second page of Exhibit 871?

A. Yes.

Q. And did you write Exhibit 871?

A. It's a -- yes.

Q. Does this refresh your recollection about requests that you made to production plants to analyze how much PCBs was being -- were being released?

A. Yes.

Q. Do you believe that the first analysis of PCB release from Monsanto plants was in 1969?

MR. ZIMMER: No foundation. Calls for speculation.

WATER_PCB-SD0000005762

A. I don't, I don't remember, actually.

BY MS. GRADY:

Q. What other issues as head of environmental control did you work on, other than issues related to PCBs?

A. Well, the entire effluents from all of the, the plants in the Organics Division, we were getting geared up on reducing those, controlling much better, and on the air effluents, as well.

Q. I'm sorry, on the --

A. Air, air releases into the atmosphere.

Q. Oh, and what were the major issues with respect to effluent release other than PCBs?

A. It, it varied with the plants.

Q. What about at Anniston?

A. Niran.

Q. Excuse me?

A. Niran.

Q. What's Niran?

A. It's a material that, for boll weevils. It was Parathion.

Q. So the release of Parathion was an issue at the Anniston Plant; is that right?

A. Yes.

Q. What about at the Krummrich Plant?

A. Phenols.

Q. And what kind of criteria were used to determine the level of effluents allowed to escape from Monsanto plants?

MR. ZIMMER: In what time period?

MS. GRADY: '66 to '75.

MR. ZIMMER: Throughout that entire period?

MS. GRADY: If it changed, please tell me.

A. This was requirements of control agencies, largely.

BY MS. GRADY:

Q. What about cost factors; were those considered?

A. Certainly.

(Plaintiff's Deposition Exhibit 876 marked for identification.)

MS. GRADY: The next exhibit is Exhibit 876, which I'll describe for the

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record as a four-page document bearing two sets of Bates numbers. One is PRR 021889 through 021892, and the other is SCM 037311 through 037314. This document is entitled, "Chlorinated Biphenyls, Chronological Events" and consists of a series of dates followed by what looks like events or correspondence.

BY MS. GRADY:

Q. Mr. Hodges, have you seen Exhibit 876 prior to today?

A. No.

Q. Okay, the next exhibit was marked in a previous deposition as Exhibit 550, and it consists an agenda followed by some handwritten notes for what purports to be a June 4th, 1969, meeting. Mr. Hodges' name appears on the "cc" list. I'm sorry, I guess that's a June 6th meeting that is being discussed.

I'm also going to hand you, Mr. Hodges, what what I'm going to mark today as Exhibit 933, which is a two-page document bearing Bates range TRAN 022339 through 22340. It's meeting notes, purports to be meeting notes from a 6/6 meeting, "Aroclor

WATER_PCB-SD0000005765

Toxicity," and I'd ask you to look at Exhibit 933 and tell me if that's your handwriting.

A. No.

Q. What about Exhibit 550? Is that your handwriting on the, after the cover page?

A. No.

Q. Mr. Hodges, did you attend a meeting in June 1969 where the -- where information was provided about certain issues and incidents involving PCBs?

A. I don't remember.

Q. Do you recall discussion of an issue at any time when you were at Monsanto about birds being found in England with high doses of PCBs in their systems?

A. No. This was in England, you said?

Q. Yes, the North Coast.

A. No.

Q. Are you familiar at all with the work of a Dr. Jensen in Sweden regarding PCBs?

A. No.

Q. What about the work of a scientist

named Dr. Widmark?

A. No.

Q. Do you know when Monsanto first learned about allegations that PCBs might be persisting in the environment?

MR. ZIMMER: When Monsanto first learned that?

MS. GRADY: I'll change it.

A. What was this?

BY MS. GRADY:

Q. Do you recall -- let me strike that last question.

Do you recall when you first learned about allegations concerning PCBs persisting in the environment?

A. I don't know the exact date. I don't.

Q. Do you recall whether it was -- how exact do you recall?

A. What's that?

Q. What's the closest you can come? Sometime in the Sixties?

A. It was in the Sixties, and this was when we -- from California, and we didn't believe it.

Q. Why didn't you believe it?

A. We considered that PCBs were completely innocuous.

Q. Why was that?

A. Up to that time, at least, there was no reason to think otherwise. They are very, very stable. I worked in the plant, there were no toxicity problems, and I even -- I built a house about that time, and I put PCBs in my caulking compound, and I wouldn't have done that if I'd have thought they were bad.

Q. Are you familiar with the term "chloracne"?

A. Yes.

Q. Were you -- did you have any knowledge of the association of chloracne with contact with PCBs?

A. No.

Q. Had -- did you participate or hear any discussions at Monsanto about liver damage and exposure to PCBs?

A. I don't remember.

Q. Did there come a point in time in your understanding of the PCB issues where

you came to the understanding that the work done out in San Francisco was basically valid?

MR. ZIMMER: Lacks foundation. You can answer.

A. I'm sorry, what?

MR. ZIMMER: You can answer. I just made an objection for the record.

THE WITNESS: Oh.

A. Yes.

BY MS. GRADY:

Q. And when was that?

A. Oh, I haven't any idea. It was when enough evidence came in from there and other places.

Q. Do you recall how long after you first heard about the incident in San Francisco that you came to the understanding that the research done out there was basically valid?

A. No.

Q. Could you look at the last page of Exhibit 550? Under the heading "pollution," and you can read to yourself, please, the discussion of -- that follows that heading.

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A. Okay.

Q. Do you recall if you learned at any point that the Krummrich Plant was dumping Therminol?

A. No, I don't recall it.

Q. Are you familiar with a product called Therminol?

A. No.

Q. How large were the losses in PCBs from the production plants at the time you ordered the first survey of, of effluent losses?

A. I don't know. I mean, if we were to do a survey, obviously, I wouldn't know what those were.

Q. After you got the survey results?

A. I'm still -- I don't remember what they were.

Q. Okay, the next exhibit has been marked in a previous deposition as Exhibit 553. It's Bates number TRAN 058985.

(Witness peruses said document.)

BY MS. GRADY:

Q. Mr. Hodges, does looking at

WATER_PCB-SD0000005770

Exhibit 553 refresh your recollection in any way about a group or a committee studying PCBs in the environment at Monsanto?

A. This is what it says here, yes.

Q. Does it cause you to have any enlarged -- anymore recollection of what that committee was, the issues they looked at, who the members were?

A. No. Not much.

Q. Tell me everything you can recall about the committee at Monsanto that was studying PCBs in the environment.

A. Really, I really don't recall much of anything about it.

Q. Do you recall anything about it? Whatever you recall, I want to know, no matter how small that is.

A. I have a real, real loss on it. I --

Q. Nothing is coming back?

A. Certainly not very much. Actually, I had completely forgotten that I was ever on such a committee. It says I was, and I'm sure I must have been, but I've forgotten it completely.

Q. Other than Exhibit 553, which indicates that you were on some sort of subcommittee, do you recall anything else about any work that you did on a committee or a subcommittee studying PCB environmental issues?

A. No. I don't.

Q. The next exhibit was marked in a previous deposition as Exhibit 552.

Mr. Hodges, are these -- is this your handwriting?

A. No.

Q. What, if anything, do you recall about any discussion about PCB residues in fish?

A. In where?

Q. Fish.

A. Only, let's see, the California thing, and then later -- and I don't know when it was, found PCBs in fish in Lake Michigan, and that's the extent of my memory on that.

Q. Do you recall anything about PCBs being --

A. I think in the Hudson River also,

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I believe.

Q. Hudson River?

A. I think so.

Q. Do you recall anything about an incident in Florida involving PCBs in shrimp?

A. No.

Q. The next exhibit is Exhibit 880, which I'll describe for the record as a multipage document bearing Bates range TRAN 025165 through 025183. It purports to be an Anniston Plant Technical Services Department monthly report dated September 1969.

Mr. Hodges, does the form of Exhibit 880 look familiar to you?

A. No.

Q. Have you ever seen monthly reports coming out of the Anniston Plant?

A. I don't remember.

Q. Your name is listed under the general office "cc" list. Does that help you remember one way or another?

A. No. It's there, but I don't remember.

(Plaintiff's Deposition Exhibit 881

WATER_PCB-SD0000005773

Marked for identification.)

MS. GRADY: Okay, the next exhibit is Exhibit 881, which I'll describe for the record as a multipage document bearing a couple of different Bates numbers. One set is MON 0178 through 0182. The other is a Bates number 40114 through 40118. This exhibit was marked as a plaintiff's exhibit in two other matters, apparently, but we've added our Exhibit Number to it. Purports to be a memorandum from Elmer Wheeler to Paul Hodges, followed by minutes of Aroclor ad hoc committee first meeting. Date, September 5th, 1969.

BY MS. GRADY:

Q. Mr. Hodges, if you could skim through the purported notes of the committee meeting and see if they refresh your recollection in any way about your possible attendance at such a meeting.

(Witness peruses said document.)

A. I think I recall this part in which I was involved.

BY MS. GRADY:

WATER_PCB-SD0000005774

Q. Are you looking at page --

A. Page 3.

Q. Page 3?

A. Mm-hmm.

Q. "Problem in producing plants"?

A. That was an area of my responsibility.

Q. What do you recall about that discussion?

A. I don't recall this discussion at all, but obviously, we -- because later on, I ordered, asked the plants to find out what they, what they were doing, was part of it.

Q. Did you have any involvement in PCB environmental discharge issues at Monsanto's customers?

A. No.

Q. Your role was strictly limited to discharge of PCBs at Monsanto's own facilities?

A. That's right, for the Organics Division.

MS. GRADY: For the Organic Division.

(Plaintiff's Deposition

Exhibit 937

Marked for identification.)

BY MS. GRADY:

Q. Let me show you Exhibit 937, which bears Bates number 024269 through 024271, purports to be handwritten notes of a task force, September 5th -- September 5th. Mr. Hodges, is this your handwriting?

A. No.

(Plaintiff's Deposition Exhibit 883 Marked for identification.)

MS. GRADY: The next exhibit is Exhibit 883, which is a multipage exhibit bearing Bates number TRAN 023807 through TRAN 023814, purports to be a memorandum from P. R. Richard to Elmer Wheeler: Subject, defense of Aroclor F. fluids, shows Mr. Hodges as a "cc".

BY MS. GRADY:

Q. Mr. Hodges, have you seen Exhibit 883 prior to today?

A. I don't remember.

Q. Who was M. Farrar?

A. Somebody in Research.

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Q. What about --

A. I don't kow what his title was.

Q. What about H. Bergen?

A. Businessman.

Q. How did those fellows relate to your position, if they did?

A. They didn't.

Q. In your discussions about PCBs when you worked at Monsanto, do you recall use of the phrase "closed systems" versus "open systems"?

A. No.

Q. Do you recall discussions of leaks from air compressor fluids into, into the products being compressed?

MR. ZIMMER: Within Monsanto's plants?

MS. GRADY: No.

A. No, I don't recall any such thing.

MR. ZIMMER: Well, I guess it's moot.

(Plaintiff's Deposition Exhibit 884 Marked for identification.)

MS. GRADY: Okay, Exhibit 884. Is

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a multipage exhibit bearing Bates range TRAN 023780 through TRAN 023785, purports to be a progress report from the Krummrich Plant; title, "Water Pollution, Aroclor Control" from M. A. Pierle, P-i-e-r-l-e. Mr. Hodges' name is shown on the distribution list.

BY MS. GRADY:

Q. Mr. Hodges, do you recognize the form of Exhibit 884 as one you are familiar with?

A. As a progress report?

Q. Yes.

A. Yes, this is the form.

Q. What were progress reports?

A. Just what it implies; status of whatever was under investigation or discussion.

Q. Did Monsanto have a system for requiring periodic reports on assignments that had been given?

A. No.

Q. Why did progress reports on water pollution Aroclor control come to you?

A. Because of my position as Manager of Environmental Control.

Q. When you were at the Krummrich Plant, were Aroclors produced in Department 246?

A. Yes.

Q. What is Department 246?

A. Well, that's the Aroclors Department.

Q. Do you recall an instance where the progress reported in reducing the amount of PCBs released to the environment was not adequate from your perspective?

A. I don't recall any such thing.

(Plaintiff's Deposition Exhibit 885 Marked for identification.)

MS. GRADY: The next exhibit is 885. It's a two-page document bearing Bates range TRAN 059453 through TRAN 059454, purports to be a memorandum from E. V. John and Paul Hodges to plant communicators, pollution control engineers and plant managers, dated October 1st, 1969.

BY MS. GRADY:

Q. Did you draft Exhibit 885, Mr. Hodges?

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A. I don't know.

Q. Do you recall seeing it prior to today?

A. I don't recall it.

Q. Did you understand part of your work to be to gather information and make recommendations concerning the manufacturing of Aroclor products?

A. Give me that again.

Q. Sure. Did you understand part of your job as environmental control manager --

A. Yes.

Q. -- to be, to make recommendations about the manufacturing, the future manufacturing of Aroclors?

MR. ZIMMER: You mean like whether to manufacture them or not? Is that what you are after?

BY MS. GRADY:

Q. Whether to manufacture them --

A. No.

Q. -- how to manufacture them?

A. My work was with the discharge.

Q. Solely with the discharge?

A. Yes.

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Q. Did you ever make a recommendation that manufacture of Aroclors should be halted at any Monsanto plant?

A. No.

(Plaintiff's Deposition Exhibit 555 is handed to the witness.)

MS. GRADY: The next exhibit has been marked in a previous deposition as Exhibit 555. It's a multipage document headed "Report of Aroclor Ad Hoc Committee" dated October 2nd, 1969.

Mr. Hodges is shown as one of the authors.

MR. ZIMMER: I'm not sure I agree with that characterization, but his name appears on the front page.

BY MS. GRADY:

Q. Mr. Hodges, does your handwriting appear anywhere on this exhibit?

A. I'm looking through. Not so far.

(Witness peruses said document.)

A. (Continuing) No.

Q. Do you have any personal knowledge

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as to whether all Monsanto customers were notified that Monsanto, the Monsanto products they purchased contained PCBs?

MR. ZIMMER: No foundation.

A. I have no knowledge of it.

MS. GRADY: No foundation for his own personal knowledge?

MR. ZIMMER: For a guy that was in charge of supervising discharge?

MS. GRADY: Fritz, you've got to listen to the question. I asked him if he had any personal knowledge.

MR. ZIMMER: I understand, but how would he?

MS. GRADY: Oh, so you are saying that --

A. It's not my job.

MS. GRADY: So I don't get to ask the question.

MR. ZIMMER: You get to ask the question, I get to make my objection. I think you are wasting this gentleman's name.

MS. GRADY: Oh.

BY MS. GRADY:

Q. Could you look at page TRAN

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024257, please?

A. What page?

MR. ZIMMER: She's referring to these numbers down in the lower right-hand corner.

What was the number?

MS. GRADY: TRAN 024257.

BY MS. GRADY:

Q. You mentioned, Mr. Hodges, that you built a house where you used a PCB product that contained -- excuse me, that you used a caulking compound that contained PCBs. Is that right?

A. Yes.

MR. ZIMMER: That mischaracterizes his testimony. It didn't contain it. He put it in it, is what he said.

A. Yeah, I put it in it.

BY MS. GRADY:

Q. You put the PCBs in the caulking compound?

A. Yes.

Q. Do you recall -- look down at the bottom of the page. Do you recall any discussion with anyone at Monsanto about

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caulking compounds and sealants that contained PCBs being a problem?

A. No. As far as I know, it was my own idea.

Q. Do you recall any discussion about oil or, and/or grease lubricant applications with products containing PCBs being a problem?

A. No.

Q. And by "problem," I mean an environmental problem, did you understand the question that way?

A. Yes, but I don't recall any discussions.

Q. Do you recall being part of any effort to gather information about PCB issues for an upper-level management group that was making corporate decisions about PCBs?

A. No.

Q. Let me show you Exhibit 889, which is a four-page document bearing Bates range STR 018891 through 018894, dated 10/29/69: Title, "Executive Summary, PCB Pollution." Do you recall seeing Exhibit 889 prior to today?

A. No.

Q. Do you recall discussions during the time that you were head of environmental control at Monsanto about the difficulty of controlling the escape of PCBs into the environment from industrial fluids?

A. No.

Q. Could you look at the second-to-the-last page of Exhibit 889 down at the bottom where it says, "Monsanto future action" and read to yourself that paragraph that starts, "Presentation to CDC?

(Witness peruses said document.)

Q. (Continuing) Did you ever make a presentation to something called the CDC about plant clean-up and control required with relation to PCBs?

A. Not that I recall.

MS. GRADY: Why don't we take a five-minute break. Off the record.

(Recess)

MS. GRADY: Back on the record.

BY MS. GRADY:

Q. Let's mark as our next exhibit

WATER_PCB-SD0000005785

Exhibit 890. It's a multipage exhibit bearing Bates range STR 021938 through 021961, purports to be an outline, followed by -- an outline entitled PCB environmental pollution abatement plan, rough draft, 11/10/69, followed by a document called "PCB Environmental Pollution Abatement Plan."

(Plaintiff's Deposition Exhibit 890 Marked for identification.)

BY MS. GRADY:

Q. I'll have you take a look through this, Mr. Hodges, and tell me if you recognize it and if any of the handwriting in this document is yours.

A. No and no.

Q. Could I direct your attention to the page that up at the top says page 14. Under Item 2 on that -- D-2 on that page, "Manufacturing," it says, "Clean up plants." Do you recall, was that your responsibility?

A. Yes.

Q. And do you recall any discussions you had with high-level Monsanto managers concerning cleaning up Monsanto's plants of

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PCBs?

A. No.

Q. Do you recall discussion at Monsanto concerning discontinuing the manufacture of all PCBs?

A. No.

Q. The last pages of this exhibit are some handwritten charts, entitled "Profit and Liability Versus Time," is the second-to-the-last page of the exhibit, and the last page of the exhibit is "Probability of Success."

Does any of your handwriting appear on these two pages?

A. No.

Q. Do these charts look familiar to you?

A. No.

Q. Do you recall any discussion about how reducing the production of PCBs would affect Monsanto's profit?

A. No.

MS. GRADY: The next exhibit is Exhibit 894, which bears Bates range TRAN 058813 through -- I'm sorry, that's the first page of the exhibit and then the second two

pages are TRAN 058621 through 058622. The first page is a memorandum from E. V. John to a list of people including Mr. Hodges, dated November 26th, 1969, concerning a PCB meeting, and the second document in this exhibit is what purports to be a letter from environment magazine to Monsanto Company, dated November 18th, 1969, from someone named Kevin P. Shea, S-h-e-a.

Do either of the documents that make up Exhibit 894 look familiar to you, Mr. Hodges?

A. I don't recall.

Q. At what Monsanto plants was Aroclor manufactured?

MR. ZIMMER: In what time frame?

MS. GRADY: '66 through '75.

A. At Krummrich, Anniston and Newport Wales.

BY MS. GRADY:

Q. At what Monsanto plants were products containing Aroclors blended?

A. I don't know.

Q. Were emissions of plants where Aroclors were not manufactured but they were

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used to produce other products, were emissions at those plants monitored?

A. At what time?

Q. Anytime you were head of Environmental Control.

A. I don't remember, actually.

Q. You don't recall whether that was done or not done at any particular point in time?

A. No.

(Plaintiff's Deposition Exhibit 909 Marked for identification.)

MS. GRADY: The next exhibit is Exhibit 909, which is a multipage exhibit bearing Bates range TRAN 085096 through 085103, purports to be a memorandum from R. C. Neal and A. E. Peterson to a list of people: Subject, Aroclor use at JFQ; date, September 21st, 1970. Mr. Hodges is shown on the "cc" list.

Mr. Hodges, do you recognize Exhibit 909?

A. I don't recall it.

Q. Did you receive periodic reports

from the Queeny Plant concerning what they were doing to limit emissions of PCBs?

A. I don't remember.

Q. You testified earlier that you could not remember when you formed the understanding that PCBs were an environmental contaminant. Could you read the last paragraph on the first page of Exhibit 909 and see if that refreshes your recollection in any way concerning the date when you came to that understanding?

A. What do you want to know about this?

Q. Does this refresh your recollection about when you formed the understanding that PCBs were an environmental contaminant?

A. No.

Q. Like, for instance, whether it was prior to September 21st, 1970?

A. Oh, I'm sure it was, yes.

Q. You just don't --

A. I don't know when, though.

Q. But it was sometime before September 1970?

WATER_PCB-SD0000005790

A. Yes, obviously.

Q. Do you recall that there were some heater units at the Queeny Plant that used Aroclors?

A. I don't recall.

Q. Do you recall loss of Aroclors from machinery used at the Queeny Plant?

A. No, I don't recall.

Q. Do you have any personal knowledge as to whether, prior to 1970, Monsanto's customers had been told not to dump PCBs down sewers?

A. No.

Q. Could I direct your attention to what's marked up at the top, page 4 of Exhibit 909? In the first paragraph, could you read that about the seal fluid for a Nash compressor?

(Witness peruses said document.)

Q. Does that refresh your recollection in any way about the loss of Aroclors from machinery at the Queeny Plant?

A. No.

MR. ZIMMER: No foundation and

assumes facts not in evidence.

BY MS. GRADY:

Q. Mr. Hodges, if I wanted to find out about the loss of Aroclors from a Nash compressor at the Queeny Plant in 1970 through '72, who would you recommend I talk to?

MR. ZIMMER: Calls for speculation.

You can answer.

A. I don't know. I'm long, long since out of it.

BY MS. GRADY:

Q. Do you recall who was -- maybe you recall this from when you worked in the Krummrich Plant -- was the organization of the plant such that there was an individual responsible for maintenance of the machines used in the plant?

A. I'm sure.

Q. But you don't recall one way or another?

A. No.

Q. Okay. Did you or you in conjunction with other people at Monsanto set

a limit on how much PCB effluent could be discharged from a Monsanto plant?

A. Not to my knowledge.

Q. Could you look at the page in this Exhibit 909 that is marked page 6 up at the top? Under the section in the middle, there, that says "Discussion" and starts, "According to Paul Hodges," could you read that paragraph, please?

A. I see what it says, but I don't recall it.

Q. Okay. This says that there was a tentative maximum of ten parts per billion for effluent from Monsanto plants. Is that right?

MR. ZIMMER: The document speaks for itself.

MS. GRADY: That's true; that was just readable.

BY MS. GRADY:

Q. That does not refresh your recollection about any --

A. No.

Q. -- limits on effluent?

(Plaintiff's Deposition

Exhibit 912

Marked for identification.)

MS. GRADY: Okay, let me show you Exhibit 912, which is made up of TRAN 036827 through TRAN 036837, purports to be a memorandum from the J. F. Queeny Plant to a list of people that is made up of Paul Hodges, Mr. Papageorge and Mr. Savage. The subject is "Aroclor Loss Status Report," and the date is 9-21-70. I ask you to take a look at Exhibit 912 and tell me if it looks familiar to you.

MR. ZIMMER: I think the date on this one is actually December 29, '70, references the 9/21/70 report.

MS. GRADY: Oh, thanks. You are right. You are absolutely right.

MR. ZIMMER: No problem.

A. What was the question?

BY MS. GRADY:

Q. The question was whether this document that's Exhibit 912 looks familiar to you.

A. No.

Q. Does it refresh your recollection

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in any way about any reports you might have received about Aroclor loss at the Queeny Plant?

A. No.

Q. Can I direct your attention to page 6 of this? It's up in the upper right-hand corner, it says, page 6 of this exhibit, there's a section called "Nash Compressor HCl System," and the first sentence says, "Aroclor 12321 used as the sealing fluid for the Nash compressor HCl system. Losses are estimated at 6,000 pounds annually." Mr. Hodges, does that refresh your recollection about any discussions you ever had with anyone at Monsanto about losses of Aroclors from machinery at Monsanto plants?

A. No.

Q. Do you know what a Nash compressor is?

A. Vaguely.

Q. What is it?

A. It's used to compress chlorine at the Krummrich Plant, but I had no experience with it.

WATER_PCB-SD0000005795

Q. Do you know how it worked?

A. Not really.

Q. On the next page there is discussion, at page 7 there's a discussion of "Heating units, two heating systems employing Aroclor 1248 are in use. Annual losses total of approximately 2,500 pounds from these units. The bulk of the losses are the result of pump leaks."

Does that refresh your recollection in any way about any discussions you ever had with anyone at Monsanto about losses of Aroclors from machinery used in Monsanto plants?

A. No.

Q. Do you remember that -- do you remember Aroclor blending operations being terminated at the Queeny Plant?

A. No.

Q. Did you ever provide advice to Monsanto's customers concerning how they could reduce PCB effluent release from their plants?

A. No.

Q. Was there someone, to your

knowledge, at Monsanto that provided that service?

A. Not to my knowledge.

Q. Have you ever heard of a company called Transwestern Pipeline Company prior to --

A. No.

Q. -- your appearance?

Have you ever heard of a company called Texas Eastern?

A. No.

Q. Do you recall efforts being made to survey the Monsanto plants to unsure that no Aroclors came in contact with anything that later would come in contact with food?

A. Give me that question again.

Q. Sure. Do you recall any discussions or any efforts at Monsanto to survey the manufacturing plants to ensure that no Aroclor products came in contact with anything that would later come in contact with food?

A. No.

Q. Let me show you Exhibit 922, which I don't have.

(Plaintiff's Deposition Exhibit 925 Marked for identification.)

MS. GRADY: Well, let me show you Exhibit 925, then. Which I'll describe for the record as a four-page exhibit bearing Bates range TRAN 036583 through TRAN 036586 from A. P. Peterson and M. T. Schade, S-c-h-a-d-e to F. J. Holzapfel, H-o-l-z-a-p-f-e-l, dated November 30th, 1971: Subject, potential PCB contamination, JFQ.

(Witness peruses said document.)

BY MS. GRADY:

Q. Have you seen Exhibit 925 prior to today, Mr. Hodges?

A. No.

Q. Do you recall --

A. I don't remember, I should say.

Q. Do you recall any discussions while you were at Monsanto about the use of Aroclors in air compressors as a possible problem?

A. I don't recall.

Q. Have you ever had your deposition

taken before?

A. No.

Q. Have you ever provided consultation concerning litigation involving PCBs?

A. No.

Q. Have you ever testified in any litigation?

A. Not in litigation.

Q. Have you testified in Congressional hearings or other administrative hearings?

A. No, I've testified in agencies setting up regulations.

Q. Did those regulations involve PCBs?

A. No.

MS. GRADY: I have no further questions. Thank you, very much, for your time.

Any questions, Mr. Zimmer?

MR. ZIMMER: No.

MS. GRADY: Can we stipulate on the record that we'll have the usual routine with regard to provision of the transcript to

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Mr. Hodges, his signing of it, and our ability to use the transcript if signature is not provided?

MR. ZIMMER: That's fine.

THE WITNESS: Incidentally, I would, if you are going to send a copy to me, it ought to come to Arizona.

MS. GRADY: Okay, maybe you could provide that address to our reporter, since he'll have that responsibility, and we can do that off the record. Thank you, very much.

(Whereupon, at 10:15 a.m., the deposition was concluded.)

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COMES NOW THE WITNESS, PAUL BLOCHER HODGES, and having read the foregoing transcript of the deposition taken on the 8th day of October, 1992, acknowledges by signature hereto that it is a true and accurate transcript of the testimony given on the date hereinabove mentioned.

_____

PAUL BLOCHER HODGES

Subscribed and sworn to before me this _____ day of _____, 1992.

My Commission expires: _____

_____

Notary Public

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STATE OF MISSOURI)
SS:)
CITY OF ST. LOUIS)

I J. Bryan Jordan, notary public in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify depositions, do hereby certify that pursuant to agreement in the civil cause now pending and undetermined in the Superior Court of the County of Los Angeles, for the State of California, to be used in the trial of said cause in said court, I was attended at the offices of Bryan Cave, in the City of St. Louis, State of Missouri, by the aforesaid witness and by the aforesaid attorneys, on the 8th day of October, 1992.

The said witness, being of sound mind and being by me first carefully examined and duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be

transcribed into typewriting, and that the foregoing pages correctly set forth the testimony of the aforementioned witness, together with the questions propounded by counsel and remarks and objections thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness; that signature of the deponent was not waived by agreement of counsel.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

Witness my hand and notarial seal at St. Louis, Missouri, this 26th day of October, 1992.

My commission expires July 20, 1994.

J. Bryan Jordan

Notary Public in and for the State of Missouri

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