

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON, WEST VIRGINIA

JAMES M. ADKINS, Administrator)
of the Estate of Ralph E. Adkins,)
Deceased, et al,)

Plaintiffs,)

vs.)

No. 81-2098

MONSANTO COMPANY, a Delaware)
Corporation,)

Defendant.)

Deposition of
LLOYD J. BOESCH
taken on behalf of the
Plaintiffs.

Reporter: M. Joy Springer

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APPEARANCES:

Messrs. Calwell, McCormick &
Peyton,

by W. Stuart Calwell, Jr., Esq. For Plaintiffs,

Messrs. Bowles, McDavid, Graff &
Love,

by Charles M. Love III, Esq. For Defendant,

Thomas M. Bistline, Esq.

Counsel for
Monsanto Company,

IT IS STIPULATED AND AGREED by and between
counsel for the plaintiffs and counsel for the defendant
that the deposition of LLOYD J. BOESCH may be taken pur-
suant to Rule 26 (a) of the Federal Rules of Civil Pro-
cedure, on June 21, 1983, at the Radisson Hotel, Pike Room,
9th Street and Convention Plaza, St. Louis, Missouri, be-
fore M. JOY SPRINGER, a Notary Public within and for the
County of Madison, State of Illinois; that the issuance

1 of notice and dedimus is waived, and that this deposition
2 may be taken with the same force and effect as if all Federal
3 rules and statutory requirements had been complied with.

4 IT IS FURTHER STIPULATED AND AGREED that any and all
5 objections to all or any part of this deposition, except ob-
6 jections as to form of the questions asked or answers given,
7 are hereby reserved and may be raised on the trial of this
8 cause; and that the signature of the deponent is not waived.

9 * * * * *

10 LLOYD J. BOESCH

11 produced, sworn and examined on behalf of the plaintiffs,
12 deposes and says as follows:

13 EXAMINATION

14 BY MR. CALWELL:

15 (Whereupon the reporter marked Plaintiffs' Depo-
16 sition Exhibit #124, consisting of 2 pages; Exhibit
17 #125, consisting of 1 page; Exhibit #126, consisting of
18 2 pages; and Exhibit #127, consisting of 2 pages,
19 for the purposes of identification.)

20 Q (By Mr. Callwell) Tell us your name, sir.

21 A Lloyd J. Boesch, B-o-e-s-c-h.

22 Q And where do you live, Mr. Boesch?

23 A I live at 318 Wildbrier Drive, Ballwin,
24 Missouri.

25 Q Wildbrier?

1 A W-i-l-d-b-r-i-e-r.
2 Q Ballwin?
3 A B-a-l-l-w-i-n.
4 Q Missouri, huh?
5 A Missouri, 63011.
6 Q How old are you?
7 A 45. I'll be 46 next week or something
8 like that.
9 Q Let me say for the record, sir, you
10 don't look a day of it.
11 A Thank you.
12 Q I want to ask you some questions about
13 your educational background. Where did you go to college?
14 I assume you went to college.
15 A I went to Tulane University in New
16 Orleans, Louisiana.
17 Q Did you get a Degree?
18 A B.S. in Chemical Engineering.
19 Q What year was that?
20 A '59.
21 Q Did you do any post-graduate work?
22 A No, sir, I did not.
23 Q That was your one and only Degree, right?
24 A Right.
25 Q Upon graduating in 1959 what did you do?

1 A I became an employee of Monsanto.
2 Q Right out of school, huh?
3 A Right.
4 Q And what office in Monsanto did you go to?
5 A I joined the company at the Luling,
6 Louisiana, Plant.
7 Q And what did you do for them?
8 A I held various engineering positions
9 for the three and a half years I was located there.
10 Q What kind of positions were those?
11 A Initially I was Junior Engineer; I
12 believe they called it back in those days, where I was
13 assigned various studies and projects to work on in some
14 of the units, solve problems, determine how to eliminate
15 costs, save input, so to speak. Later I was a Maintenance
16 Engineer in the Maintenance Department for a portion of
17 the facilities, and also during that time I had a respon-
18 sibility to oversee the operation of a process control
19 computer in our Ammonia Plant. That was, you might say,
20 an important but part-time job. I also worked again
21 in the Technical Services Department where I started off
22 as a group leader working with other young engineers just
23 coming to work.
24 Q You were there three and a half years?
25 A That's right.

Q And what was your title when you left there?

A I think it was Senior Engineer.

Q All right. Then did you go to another Monsanto facility?

A That's correct. I was transferred to our Eldorado, Arkansas, Chemical Plant.

Q What did you do there? Was that in about 1962?

A It was at the very end of 1962, December of 1962.

Q And what did you do there?

A I worked there for six years before I moved to another location. During that six years my initial period of employment there was involved with the completion of design and the installation of a process control computer and associated instrumentation on the Ammonia Plant at that location, and I was involved very deeply in executing that from the time I arrived until about April of 1964. After that I became a Supervisor in our Technical Services Department supervising the engineers who worked on the various processes in the plant.

Q Technical Services?

A Yes.

Q What basically do you do in Technical Services?

1 A Well, every plant's a little bit
2 different, but in that case and in most cases -- I had
3 the Engineering Department, and the people in the En-
4 gineering Department in that plant worked for me. They
5 were people that did design work, helps correct problems.

6 Q For instance, if you had a plant that
7 was manufacturing 2,4,5-T, then the Technical Services
8 Department would be responsible for any process changes
9 in terms of designing the apparatus and that kind of thing?

10 A Perhaps. In the case of the plant I
11 was working in, that's the case. That's right. Every
12 organization does that a little bit differently. That's
13 how we worked it.

14 Q But that's basically what Technical
15 Services does --

16 A Search for solutions.

17 Q Right. O. K.

18 A And then I went to hold other jobs in
19 supervision in the plant. I was Ammonia Production Super-
20 visor, Maintenance Supervisor, and I was Technical Super-
21 intendent when I had all engineering and reporting account-
22 ing to me as well as the lab. Then I was the Maintenance
23 Superintendent and then shortly before I moved I had
24 been appointed Manufacturing Superintendent, but I was
25 only in that job a couple of months and transferred to

1 Anniston, Alabama.

2 Q And that was in 1968?

3 A 1968, you got it.

4 Q And were you involved in the manufacture
5 of Niran down there?

6 A That's right. I was then what was called
7 the Guest Manufacturing Superintendent.

8 Q Niran was a guest operation?

9 A It was at that time. The Ag Division,
10 at that time they called it. And I was responsible for
11 the operation of the Parathion Plant, which one of the
12 products we called Niran, and also the production of
13 phosphorus pentasulfide, which is a raw material for
14 parathion. I was in that job for only a year. I was
15 sent back to Eldorado as Plant Manager. I was the Plant
16 Manager of Eldorado from the Fall of '69 to the Fall of '73.

17 Q What happened in '73?

18 A I was transferred back to the Luling
19 Plant as Plant Manager.

20 Q O.K. Let me ask you, what is the basic
21 mission of a Plant Manager in the Monsanto system?

22 A The basic mission is to assure that
23 the identification of required resources is made and
24 that they are either procured or sought from authorities
25 higher up who have the wherewithal to provide them, which

1 the Plant Manager don't, but to get the job done by
2 bringing the resources together and getting the products
3 shipped according to the schedules that come out of
4 our Scheduling, our distribution organization. So it's
5 resource management. It's people and dollars and things
6 management.

7 Q And in carrying out that mission,
8 you also responsible for the development and maintenance
9 of health services and industrial hygiene?

10 A Oh, absolutely. Responsible for the
11 total result at the plant, including safety of the people
12 and the investment, the responsibility we have to our
13 neighbors, the outside world, not to have emissions that
14 either violate the law or are noxious to our communities,
15 et cetera, or to the health of our own employees, res-
16 ponsible for the quality of the product.

17 Q This area of your responsibility in-
18 volving safety, industrial hygiene, health, as it re-
19 lates not only to employees but outside environment,
20 is that responsibility a two-way street in that, I assume,
21 you're responsible for implementing company policies in
22 that regard, but are you also charged with some individual
23 responsibility for that to initiate programs?

24 A Sure. We are responsible to accomplish
25 the company's standards as well as to initiate programs to

1 achieve the best possible conditions of safety or en-
2 vironment or cost, whatever.

3 Q And has that been the case, at least,
4 since 1968, that you know of?

5 A I didn't understand your question.

6 Q Well, has that mission been the same
7 since at least 1968 since you were first the Plant Manager?

8 A You mean from my personal perspective
9 or Monsanto's?

10 Q From your own personal.

11 A Oh, sure.

12 Q How about prior to that time? As far
13 as you know, has it always been that way?

14 A Right.

15 Q In the Fall of '73 you're back at Luling
16 as Plant Manager. How long were you there?

17 A I was there from Fall of '73 until the
18 end of October, 1975. Two years.

19 Q What happened then?

20 A And then I was appointed Director of
21 Products for Monsanto Agricultural Products Company,
22 and I had responsibility for Business Planning.

23 Q Do you call that MAP?

24 A Yeah.

25 Q Is that in St. Louis?

1 A Yes, St. Louis. My responsibility was
2 for a number of products. There were two of us. It was
3 a new organization being set up, and this was for the
4 Crop Chemicals Division, by the way, of MAP. I had res-
5 ponsibility for business strategy and marketing strategy
6 for products Lasso, Ramrod, Parathes, Parathion, Randox,
7 Stopskol -- I believe I've covered them all -- and the
8 formulations of those products, whether granule or liquid.

9 Q And that began in 1975?

10 A Yes. I was a business/marketing res-
11 ponsibility as opposed to having been a manufacturing
12 responsibility over the past sixteen years.

13 Q And is that what you do presently?

14 A No.

15 Q What happened then?

16 A I held that position and the product
17 responsibilities changed around a little bit over the time,
18 but basically the change in job responsibility and the
19 major product, Lasso, were made at the same time. In 1979,
20 end of '78, I can't remember the precise date, end of
21 '78 or early '79, I became Director of Sales for Crop
22 Chemicals for the United States for the Crop Chemicals
23 Division of MAP.

24 Q For the United States?

25 A Yes.

1 Q O.K. Is that what you are now?

2 A No. In the end of December, 1980, I
3 was named General Manager-Manufacturing for Monsanto
4 Industrial Chemicals Company, which title I hold today,
5 which job has changed a little bit as of the first of
6 the year because of the reorganizations we had in Monsanto
7 during the last half of last year and implemented on
8 January 1st, which means really I have some different
9 product and plant responsibilities, but the overall
10 nature of the job is the same.

11 Q What is B2SC?

12 A That's a location in a building. I'm
13 not sure, but it may be my building address. I'm B2S some-
14 thing. That's one of the doors, so to speak, suites.

15 Q Let me ask you, as General Manager of
16 Manufacturing for Monsanto Industrial Chemicals Company,
17 where do you fit in the organizational scheme of things?

18 MR. LOVE: Objection to the form of
19 the question. In terms of what?

20 Q (By Mr. Calwell) In terms of your com-
21 pany. In other words, who's above you?

22 A I report to the Group Vice President
23 Managing Director of Monsanto Industrial Chemicals Com-
24 pany, who is the head of the company.

25 Q All right. And who is that gentleman?

1 A Today he's Robert Potter.
2 Q O.K. He's head of this company within
3 Monsanto?
4 A That's right.
5 Q And you're directly under this gentleman,
6 right?
7 A That's correct.
8 Q So you're number two man in this Monsanto
9 Industrial Chemicals Company?
10 A Well, there's a few other fellows that
11 could say the same thing.
12 Q Same level?
13 A Yeah.
14 Q Next level down, though?
15 A The truth of it is I am, but some might
16 disagree.
17 Q Who is above Robert Potter?
18 A He reports to Executive Vice President,
19 who is Mr. Fitzgerald.
20 Q Now, he's Executive Vice President
21 of what?
22 A Monsanto Company, the corporation.
23 Q He's a corporate level guy?
24 A That's right. He reports to Mr. Mahoney,
25 the President.

1 Q All right. Now, when you were Director
2 of Sales for Crop Chemicals, Monsanto Agricultural Products
3 for the entire United States, what level is that within
4 whatever company it is that that division --

5 A If I understand what you're getting at,
6 it's equivalent to a level that reports to me in this
7 other organization.

8 Q This would be like another company,
9 so to speak, within Monsanto Corporation?

10 A Right. MAP is just like MIC but another
11 company, and my boss was the General Manager. The or-
12 ganizational structure wasn't exactly the same, but level-
13 wise that's how it was.

14 Q And the reporting would be the same?
15 You would go up to a Vice President, then the head of the
16 company and then to Corporate level and so on?

17 A Uh huh (yes).

18 Q All right. And would Director of
19 Products --

20 A It was equivalent level job as the
21 sales job. That was a peer job.

22 Q All right. Now, as General Manager of
23 Manufacturing for Monsanto Industrial Chemicals Company,
24 what are your general responsibilities?

25 A Well, my general responsibilities are

1 to provide the organization to accomplish procurement,
2 manufacture and distribution of the products that MIC
3 has responsibility for marketing and selling, including
4 those who might through our research bring on as new
5 products as well as the existing businesses we had.
6 That responsibility covers the broad areas we talked
7 about over the Plant Managers and that the Plant Managers
8 has and goes beyond that because it has the distribution,
9 production planning, et cetera, aspects. In my job there
10 are twelve plants that report to people who report to me,
11 and we have operations in additional seven U. S. plants
12 and five ex-U. S. plants that were responsible for the
13 production and the resourcing through other line or-
14 ganizations like mine.

15 Q Now, within your company do you have
16 a Medical Divison or a Medical Director?

17 A Within MIC?

18 Q Yes.

19 A No. We have within MIC, if you're
20 talking about health aspects for employees or my areas of
21 responsibility.

22 Q Right.

23 A A guy who's really our organizational
24 guy we call DEO, Director of Environmental Operations,
25 who has environmental and industrial hygiene expertise

1 as a resource within our company to my organization and
2 to help our people in our plants who have those kind of
3 responsibilities, and he's also the contact to the
4 Corporate structure.

5 Q Now, is that level position found in
6 the other operating companies of Monsanto?

7 A Yes, sir.

8 Q And who do those people answer to?

9 A Our DEO reports to the General Manager
10 of Research and Development, who was a peer of mine.

11 Q Of Research and Development?

12 A Of Research and Development.

13 Q Now, that would be all of the DEO's
14 go to him?

15 A We have one DEO in MIC, and he reports to --

16 Q In your particular company?

17 A Dr. Demavision (phonetic), who is Manager
18 of Research and Development.

19 Q For MIC?

20 A Right.

21 Q Each of these other companies, MAP,
22 have a similar situation?

23 A They have DEO.

24 Q Now, is there some Corporate office
25 or position that's over the entire Director of Environmental

1 Hygiene Operation for all these levels, a Corporate level
2 man?

3 A Well, there's Corporate staff which is
4 an oversight as well as a resource. We have Environmental
5 Operations staff that's headed by Senior Vice President.

6 Q Who is that?

7 A That's Monty Throdahl, who is a Senior
8 Vice President, member of the Board of Directors of
9 Monsanto, and under him are our Departments of Medicine
10 and our other environmental.

11 Q What's his title?

12 A He's a Corporate Senior Vice President.
13 And he's also, I don't know whether we call it Director,
14 of Environmental Policy Staff.

15 Q And is there a line from him to the
16 DEO's?

17 A There's a line to each of the DEO's.
18 And it's the policy, the oversight and the interchange
19 line.

20 Q Now, are these relatively new develop-
21 ments or has this organization in its basic form existed
22 for some period of time?

23 A In terms of concepts, they are not new.
24 In terms of the arrangement of certain people in jobs
25 by name and the areas of responsibility, some of them are

1 changed because of our reorganization just recently
2 accomplished. For example, I'm General Manager of
3 Manufacturing. I'm one of the few guys who was and
4 still is in basically the same area, but I got four
5 plants I didn't have before and lost two, so to speak,
6 to some other guy like me. Mr. Papageorge was a DEO
7 in another operating company, and he became our DEO
8 in the shuffle, so to speak.

9 Q But as far as the basic concept is
10 concerned, these operating companies with someone who's
11 the equivalent of a DEO and then answering to a Corpo-
12 rate level person who is an environmentalist of sort,
13 that concept has been in existence for --

14 A I'm trying to remember. It's been in
15 existence, I want to say, since '77, '78, but I don't
16 know if I can be accurate on the historic event. And
17 certainly that was an outgrowth of how we were going
18 about it before.

19 Q O.K. Are you familiar with a substance
20 that has become identified in the press as a dioxin?

21 A Do you mean generically?

22 Q Yes.

23 A I guess, about as familiar as you are.

24 Q And are you likewise familiar with a
25 particular isomer of it, like, 2,3,7,8 tetrachlorodibenzo-

1 para-dioxin?

2 A I'm familiar through what I have read
3 and what I have heard. I have not had occasion to be
4 directly involved in operations where that may have been
5 manufactured on a firsthand basis.

6 Q When did you first become aware of
7 2,3,7,8-TCDD?

8 A Of the 2,3,7,8-TCDD, I guess I'd have
9 to say, best of my knowledge, was probably 1981 some time,
10 last couple of years, as a specific isomer, and I guess
11 I've become more acquainted with that differentiation
12 over the time since then.

13 Q And how were you made aware of that?

14 A See if I can recall. My recollection
15 is when the term "dioxin," which I had been familiar
16 with before that time, was something I knew to be at
17 best an undesirable byproduct of certain chemical opera-
18 tions, I thought that was a specific chemical; and in
19 some discussion -- I really can't remember what it was --
20 I heard someone refer to TCDD, and I said, "Tell me what
21 the equation is or show me what the organic chemistry is."
22 It was explained that was an isomer and the one that had
23 had some bad laboratory experience with laboratory animals.
24 From that time on I got interested in what that was to
25 the extent I was not a casual observer but not directly

1 involved observer, and I started learning about the
2 difference; but I can't remember why or how except
3 that there was a reference to it.

4 Q And at that time is that when you be-
5 came aware that the dioxin you had heard about was in
6 fact the 2,3,7,8- TCDD?

7 A Because I had heard about dioxin before
8 by reading about Seveso, Italy, is the first time I heard
9 the term mentioned. And probably reference was made
10 to the specific isomer then, but I didn't recall it and
11 it wasn't important to me.

12 Q The first time you became familiar with
13 the term "dioxin" would have been about when?

14 A Whenever I read it in some news and
15 in a periodical article following the event over in Italy.
16 I can't remember when that was. It might have been in the
17 late to mid-'70's. Some five years ago.

18 Q Now, from the time you first had
19 occasion to read about it, has your company provided you
20 with any information about dioxin and its effects on
21 humans or your employees?

22 A My company has provided me with some,
23 I must say, limited information because there is a whole
24 lot of information that's non-specific in terms of what
25 I've read, and a lot of that's clippings and so forth.

1 Q What has your company told you?

2 MR. LOVE: I'm going to ask you, if
3 you can, to direct your questions in terms
4 of specific time periods.

5 Q (By Mr. Calwell) Well, in the mid-'70's
6 I think you first heard about dioxin. Since that time.

7 A That was on my own.

8 Q Since that time what has your company
9 told you?

10 A My company hasn't told me anything
11 specifically other than to provide articles of information
12 and publications. My company has, individuals in my com-
13 pany, has responded to questions I may have asked about
14 what are the facts about threshold levels, et cetera.

15 Q You say threshold level?

16 A What can employees be exposed to, what
17 sources of this chemical might exist anywhere in our
18 operations because one might say if you combine chlorine
19 and cyclical organic compound you could possibly --

20 Q Throw off?

21 A That's too big a generalization.

22 Q These are some of the kinds of questions
23 you asked?

24 A Sure.

25 Q Who did you ask those questions of?

1 A Of some of my associates, like, Dr.
2 Callis, who was my DEO, like, some of our people who
3 work for him, and it wasn't necessarily a pursuit of
4 knowledge. It was to help me understand in general
5 or something specific when I had a question: Where
6 might we have any problems like this and what are the
7 facts about, what are the safety limits, tell me what
8 somebody can be exposed to and how we can measure it.
9 Really the bottom line of the information I had was
10 that we know that we don't want to take a chance of
11 having anybody exposed to dioxin at any possible level
12 we can measure because we don't know if there are long-
13 term effects or not. Everything we know up to now says
14 there are no effects on the long-term for humans, there
15 are acute effects of acne, which I had observed on some
16 people at Nitro, for example.

17 Q Let me back up a minute. When you
18 asked these questions, what were you told?

19 A I think that's kind of a general question.
20 Every one was a separate question.

21 Q Well, when you asked about potential
22 health effects, adverse health effects, what were you told?

23 A We know that exposure to a number of
24 chlorinated phenolic compounds, including, we think,
25 2,3,7,8 or the dioxins in general cause chloracne, and

1 it's been observed in individuals around the world and
2 in our employ, number one. Number two, to our knowledge
3 there have been no other determined health effects.

4 I was told at one time we had a test that Dr. Suskind
5 was doing to try and determine whether there are mortality
6 or morbidity effects of the result of any exposures that
7 might have occurred at Nitro.

8 Q Who was the source of this information?

9 A Dr. Callis, and this was in conversation.

10 Q Did you ascertain when Monsanto knew
11 about these health effects or when Dr. Callis knew?

12 MR. LOVE: Stuart, I object to the form
13 of the question. You haven't specified what
14 health effects you're talking about. You
15 talking about chloracne?

16 Q (By Mr. Calwell) Well, what he said.

17 A Let me understand your question again.

18 Q Well, you inquired, apparently, of
19 a couple of these gentlemen about certain aspects of
20 dioxin. One of those aspects was adverse health effects,
21 and you were told that, well, one of these dioxins or
22 some of them cause chloracne?

23 A And I was also told that certain other
24 chlorinated chemicals --

25 Q -- can do that. Were you able to

1 ascertain when it was determined that chloracne could
2 be caused by these dioxins?

3 A No. You mean in terms of when we
4 found out that it caused that?

5 Q Right.

6 A No. I never asked the question, I guess.

7 Q Did you learn through just general
8 inquiries in reading that you apparently do?

9 A Well, I've learned through my associa-
10 tion over time that we had experienced at Nitro, which
11 I became familiar with because of an association there,
12 that some of our employees that worked in certain units
13 suffered from a chloracne condition back over some years
14 past.

15 Q Were you able to determine through
16 that inquiry or investigation as to when it was deter-
17 mined that the chloracne experienced at Nitro was caused
18 by dioxin?

19 A I never did know whether it was by
20 dioxin or not. I might assume that because of the
21 suggestion that whatever was released, quote, dioxin
22 in Seveso caused this, but it was what we were doing in
23 our unit which at that time had been making 2,4,5-T.

24 Q So you still don't know whether
25 chloracne at Nitro was caused by dioxin or not?

1 A No. Specifically, no, I don't know.

2 Q Is there anyone in your company that
3 you know of that knows?

4 A I don't know.

5 Q Have you asked?

6 A No, not that specific question.

7 Q Now, you said you observed some chloracne
8 in Nitro employees?

9 A Yes.

10 Q When did you do that?

11 A First time ever was 1969 when I
12 happened to be a visitor there with no relationship
13 to what was being done at that plant, but it was pointed
14 out that some of the people were having difficulty.

15 Q What was being done at the plant?

16 A What do you mean? I was going to a
17 manufacturing meeting of people from the various plants
18 around the country, and Nitro hosted it and we were given
19 a tour of the plant. One of my associates pointed out
20 that that guy has chloracne. - I said, let me see it.

21 Q And that was about in 1969 and you were
22 at the Nitro plant, right?

23 A Yeah. For about a half a day.

24 Q In what connection was the chloracne
25 brought up and how did that become a part of the conversation,

1 if you recall?

2 A As we were touring, a number of us were
3 touring through a unit, our host, one of the fellows,
4 one of our manufacturing associates, pointed out that
5 some of the guys had been having difficulty with getting
6 a rash, and they called it chloracna, as I recall then,
7 from the dust, some of the dust around the unit.

8 Q It was that 2,4,5-T unit?

9 A My recollection was that was the T unit.

10 Q And it was at that time that you were
11 able to observe this condition on a worker there?

12 A On a worker. I was told that some of
13 them were susceptible and some weren't and they were
14 trying to make sure that people weren't exposed to dust,
15 but some guys had a real problem, they'd walk in and
16 break out, some didn't have any problem. That ended
17 my involvement or interest at that time. It was just
18 an observation.

19 Q Was it dusty when you were in there?

20 A As I can recall, no, but I can't tell
21 you that the unit was running or not at the time. They
22 may have been down, I don't know. It wasn't dusty, that
23 I recall, but, Jesus, that's been a long time ago.

24 Q The worker was at the unit when you
25 saw him?

1 A Yes.

2 Q Did you see chloracne on someone sub-
3 sequent to that time?

4 A Yes.

5 Q And when did that happen?

6 A On other visits to Nitro since I
7 have been General Manager of Manufacturing. It was
8 pointed out that I talked to a gentleman, I can't re-
9 member his name, who they said had had a case of
10 chloracne for many years.

11 Q And that would have been some time in
12 1980 or thereafter?

13 A '80, yes.

14 Q You didn't have occasion to go back
15 to Nitro until you became General Manager of Manufacturing
16 for Monsanto Industrial Chemicals?

17 A That's my recollection. I want to say
18 I went back to some training session there but didn't
19 even go out in the plant, but I can't remember for sure.
20 Prior to 1980.

21 Q O.K. I want to hand you what's been
22 marked as Plaintiffs' Exhibit #124 (Monsanto identification
23 number 8324170), and ask you to take a look at that, if
24 you would.

25 All right. Mr. Boesch, you have had an

1 opportunity to examine Plaintiffs' Exhibit #124, have
2 you not?

3 A Yes, I have.

4 Q And could you identify that, please,
5 for the record.

6 A Plaintiffs' Exhibit 124 is a Monsanto
7 internal memorandum from Clayton Callis to a number of
8 people listed as present and addressees. The subject
9 was the Nitro Health Study Task Force, Minutes of
10 Meeting November 21, 1980. It lists a number of issues
11 that apparently were discussed, and I'm shown as a
12 carbonee.

13 Q All right. Thank you. What is the
14 Nitro Health Study Task Force?

15 A The Nitro Health Study Task Force
16 has been since I have become familiar with it a com-
17 mittee of the various disciplines that needed to deal
18 with making sure we were understanding and sharing the
19 information we had about the Nitro health situation in
20 general, the historical as well as the current, and to
21 deal with making sure we made proper representations
22 of ourselves and what we knew to our employees and to
23 the outside world.

24 Q Now, is the Nitro Health Study Task
25 Force still in existence?

1 MR. LOVE: Object to the form of the
2 question. Go ahead and answer.

3 A I cannot say for sure, although, I
4 believe it is with somewhat different membership.
5 Since the reorganization the Nitro Plant responsibility
6 is in another operating company. I would say I think so,
7 but I'm not sure.

8 Q (By Mr. Calwell) At the time of this memorandum desig-
9 nated Plaintiffs' Exhibit 124, were you a member of the
10 Nitro Health Study Task Force?

11 A No, sir.

12 Q Why would you be receiving copies
13 of the minutes of the Nitro Health Study Task Force?

14 A I was at this time a one-month General
15 Manager of Manufacturing endeavoring to organize a
16 Manufacturing Division in an operating company that
17 did not have specifically a manufacturing-oriented
18 division. It was manufacturing management was split
19 into the different business units, and with the plant
20 responsibility I had I'm sure that author felt like I
21 needed to get up to speed on what goes at Nitro.

22 Q And that would be Clayton Callis, the
23 author?

24 A Yes. Who was a DEO at that time.

25 Q Was that your only connection with the

1 Nitro Health Study Task Force, a receiver of copies of
2 the minutes?

3 A No.

4 Q What other connection did you have with it?

5 A I attended one meeting. I don't re-
6 member when. Early in the game. Probably some time in
7 early '81, but my involvement was to influence, to suggest
8 areas for focus, to encourage us to get on with anything
9 that we identified as something we needed to pay atten-
10 tion to and to resolve any issues that were up in the
11 air. The manufacturing person who has served on it,
12 in fact, two of them 'til last December when we re-
13 organized, reported to me.

14 Q On page 2 of that exhibit there is a
15 reference to a Dr. Fine under a paragraph designated "Nitro-
16 samine." Do you know who that gentleman is?

17 A No, I do not.

18 Q What are nitrosamines?

19 A You may embarrass me about my lack of
20 organic chemical expertise, but nitrosamines are organic
21 chemicals of a certain configuration, an isomer of some
22 sort, and, I'm sorry, I really can't explain the chemistry
23 of it, that show up as byproducts or you can make it,
24 but in certain byproducts of certain other chemical
25 reactions. Nitrosamines have some suspected health problems.

1 Q And is it suspected that they are
2 produced as a byproduct of some process at the Nitro Plant?

3 A We had a concern that it possibly could
4 be a product in one of the steps of the Sulfasan R process,
5 a manufactured rubber chemical, and I think that was the
6 desire, to make sure we didn't have any quantity of that
7 product being a byproduct.

8 Q I guess it's obvious why it's included
9 in the Nitro Health Study Task Force?

10 A Yes.

11 Q Do you know if Sulfasan R was still
12 being produced at the time of this memo?

13 A Yes.

14 Q And I assume it still is?

15 A Yes.

16 Q On page 1 of Exhibit 124 there is a
17 paragraph captioned "Access to Medical Records," it's
18 the last paragraph on the page, and it reads: "There
19 has been no employee response to date as a result of
20 the new regulations on access to medical and exposure
21 records." Do you know what that is about?

22 A I don't know exactly what that was
23 about. I might conjecture in retrospect because we know
24 we were in a process of over a time to expand our data
25 base like many companies were. Because we were doing that

1 and certain regulations coming out in Washington, we
2 were wanting to make sure that we safeguarded the
3 private information of our employees and our company
4 but complied with the law.

5 Q O.K. I want to hand you what's been
6 marked Plaintiffs' Deposition Exhibit #125 (Monsanto
7 identification number 8324373), and ask you that you
8 take a minute and look that over.

9 MR. LOVE: Stuart, before you begin
10 on this, I'm going to object to the use of
11 this document in questioning of this witness
12 because it's dated August 5th of 1981, which
13 is some five months after the filing of the
14 initial complaint in these actions. And
15 as you and I have discussed before, we need
16 to arrive at some sort of a time frame we are
17 dealing with in this case, and I'm going to
18 object to it for purposes of the record.
19 If you want to pursue it, go ahead and pursue
20 it, but we need to establish that. And if
21 we can't do it on a voluntary basis, I'm
22 going to ask the Court to do it for us.

23 Q (By Mr. Calwell) Now, you've had an
24 opportunity to look at that?

25 A Yes.

1 Q Could you identify that for the record,
2 please.

3 A It's a memorandum from Dr. Clayton
4 Callis to myself dated August 5th, 1981, where he was
5 advising me of a proposal to respond to a NIOSH inquiry
6 relative to the health records, I assume, the health
7 records of employees, at some of our plants, one of
8 which was a plant for which I was responsible.

9 Q Would that include the Nitro Plant?

10 A Yes.

11 Q Were you responsible for the apparent
12 pencil notation on the upper right corner of Exhibit 125?

13 A Yes, sir, I was.

14 Q And why were you concerned about em-
15 ployees finding out that they may be included in that
16 cohort?

17 A I personally think an employee should
18 know when people are looking at his work or records about
19 him or his personal information or health.

20 Q Do you know if employees were in fact
21 notified?

22 A I understand that the employees, it's
23 my recollection from that, that the employees were informed
24 of what the NIOSH study was about and that they would be
25 involved. I'm not sure whether they were advised

1 individually or as a group that some or all would be.

2 Q All right. I want to hand you what's
3 been marked Plaintiffs' Exhibit #126 (Monsanto identifi-
4 cation number 8324389).

5 MR. LOVE: I would note the same ob-
6 jection to Plaintiffs' Deposition Exhibit #126
7 as was noted with regard to Plaintiffs' Depo-
8 sition Exhibit #125.

9 A I've read it.

10 Q (By Mr. Calwell) Could you identify
11 that for the record, please.

12 A Yes. It's a memorandum that was authored
13 by myself to Dr. Clayton Callis and Mr. Vince Matteucci
14 on February 10, 1982, and it was with reference to the
15 anticipated disclosure of the results of Dr. Suskind's
16 study by Dr. Suskind. And in this memo I attempted to
17 set down some conditions for communication that I thought
18 we should all touch base on and should be conformed to or
19 I should be notified otherwise.

20 Q In your mind did this Suskind study
21 have some relationship to the Nitro litigation?

22 A In my mind, my company was being sued.
23 Some of my employees and former employees were being swept
24 up into a question as to their health, et cetera, and
25 anything we might have as information I thought needed

1 observation and counseling before we communicated to
2 employees otherwise by counsel. I think it's just good
3 smart practice, especially in this day and time.

4 Q You were the author of this memo, right?

5 A Yes, I was.

6 Q Is that your signature that appears
7 on page 2?

8 A Yes, sir -- No, it's not.

9 Q It was signed for you?

10 A I looked at it again. It was signed
11 for me. It was signed for me by my secretary.

12 Q What is your secretary's name?

13 A Mrs. Eickotts (phonetic).

14 Q She signed that, of course, with your
15 authority?

16 A Yes, she did. I'm sure I wrote this
17 memo because I was leaving town.

18 Q Let me hand you what's been marked
19 Plaintiffs' Exhibit #127 (Monsanto identification number
20 8324396).

21 MR. LOVE: Same objection to this exhibit
22 as to 126 and 125.

23 Q (By Mr. Calwell) Mr. Boesch, you have
24 had an opportunity to examine Exhibit 127, have you not?

25 A Yes, I have.

1 Q Would you please identify that for the
2 record.

3 A It's a memorandum on internal Monsanto
4 stationery authored by Dan R. Bishop. It went to a big
5 list of addressees. I received a carbon copy, and the
6 subject of the memo is to suggest that Dr. Suskind was
7 ready to publish or reveal his work, and Mr. Bishop,
8 who's a P.R. guy, was suggesting how the information
9 should be passed on or released.

10 Q All right. Thank you, Mr. Boesch.
11 Let me ask you this, now, during the
12 period of time that you were on at least the mailing
13 list of the Nitro Health Study Task Force and whatever
14 other relationship you had with it, did the subject of
15 dioxin come up in connection with that undertaking?

16 A I'd like you to repeat the question
17 because I was thinking in terms of that and I thought
18 your question was in reference to this.

19 MR. CALWELL: Could you read that back,
20 please.

21 (Whereupon the reporter read back the
22 preceding question.)

23 A I don't know how to specifically answer
24 your question. To say that subject never came up wouldn't
25 be appropriate, but with respect to the undertaking, quote --

1 Q (By Mr. Calwell) Well, with respect
2 to the Suskind study at Nitro, for example.

3 A I guess with reference to some of the
4 conversation as the Suskind study came out. Some rela-
5 tionship there, yes.

6 Q What would that discussion have been?

7 A To the extent there wasn't any long-
8 term health effects due to exposure, possible exposure
9 to dioxin in the past, basically Dr. Suskind's study did
10 not reveal any different mortality rate or other health
11 effect other than chloracne which it was thought could
12 be caused by dioxin, among other chlorinated phenols.

13 Q Did you see a copy of Dr. Suskind's
14 study?

15 A I've not seen a copy of Dr. Suskind's
16 study.

17 Q Have you seen any other studies that
18 Dr. Suskind may have done or performed on the Nitro workers?

19 A No. I have had a presentation of a
20 summary analysis of Dr. Suskind's study, but I have not
21 read one.

22 MR. CALWELL: O.K. Thank you, Mr. Boesch.
23
24

25

Lloyd J. Boesch

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF MADISON)

4 I, M. JOY SPRINGER, a Notary Public, duly
5 commissioned and qualified in and for the County of
6 Madison, State of Illinois, do hereby certify that
7 pursuant to notice came before me on the 21st day of
8 June, 1983, at the Radisson Hotel, Pike Room, 9th Street
9 and Convention Plaza, St. Louis, Missouri, LLOYD J.
10 BOESCH, who was by me duly sworn to testify to the
11 truth and nothing but the truth of his knowledge touch-
12 ing and concerning the matters in controversy, in this
13 case; that he was thereupon carefully examined upon oath,
14 and his examination reduced to writing under my super-
15 vision; that the deposition is a true record of the
16 testimony given by the witness; and signature of the
17 witness was not waived.

18 I FURTHER CERTIFY that I am neither
19 attorney nor counsel for nor related to nor employed
20 by and of the parties to the action in which this depo-
21 sition is taken; and further, that I am not a relative
22 or employee of any attorney or counsel employed by the
23 parties hereto, or financially interested in the
24 action.

25 IN WITNESS WHEREOF, I have hereunto set my

1 hand and affixed my notarial seal on this _____
2 day of _____, 1983.
3
4
5
6

7 _____
8 Notary Public within and for the
9 County of Madison, State of Illinois.
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