

Page 1

1STATE OF ALABAMA

2IN THE CIRCUIT COURT FOR ETOWAH COUNTY

3(Transferred from Calhoun County, Alabama)

4

5SABRINA ABERNATHY, et al.,

6Plaintiffs,

7CIVIL ACTION NO.

8versus CV-2001-832

9(Consolidated)

10MONSANTO COMPANY, et al.,

11Defendants.

12_____ /

13

14DEPOSITION OF JERRY SANFORD

15The deposition of JERRY SANFORD was

16taken before Deborah Salers Garrett, Certified

17Shorthand Reporter, Registered Professional

18Reporter, as Commissioner, commencing at 9:00

19a.m. on December 28, 2001, by the Plaintiffs,

20at the law offices of Fite & Miller, Suite

21400, SouthTrust Bank Building, Anniston,

22Alabama, pursuant to the stipulations set

23forth herein.

Regional Reporting Service, Inc.

755 Walnut Street

Gadsden, Alabama 35901-0755

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1S T I P U L A T I O N S

2IT IS STIPULATED AND AGREED by the

3parties, through their respective counsel,

4that the deposition of JERRY SANFORD may be

5taken before Deborah Salers Garrett, CSR, RPR,

6as Commissioner and Notary Public, Alabama at

7Large, at Anniston, Alabama, on December 28,

82001, at 9:00 a.m.

9IT IS STIPULATED AND AGREED that the

10signature to and reading of the deposition by

11the witness is waived, the deposition to have

12the same force and effect as if full

13compliance were had with all laws and rules of

14Court relating to the taking of depositions.

15IT IS STIPULATED AND AGREED that it

16shall not be necessary for any objections to

17be made by counsel to any questions except as

18to form or leading questions and that counsel

19may make objections and assign grounds at the

20time of trial or at the time said deposition

21is offered in evidence or prior thereto.

22IT IS STIPULATED AND AGREED that notice

23of filing by the Commissioner is waived.

Page 2

1A P P E A R A N C E S

2For the Plaintiffs:

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14I N D E X

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20E X A M I N A T I O N S

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22Page

23Witness: JERRY SANFORD

By Mr. Coleman4

20

21E X H I B I T S

22

23

Plaintiffs'MarkedOffered

One6

No other exhibits were marked for

identification, offered or attached as

exhibits hereto.

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1STATE OF ALABAMA, ANNISTON, DECEMBER 28, 2001

2

3JERRY SANFORD,

4after having been first duly sworn, was

5examined and testified as follows:

6

7E X A M I N A T I O N

8BY MR. COLEMAN:

9Q. Mr. Sanford, my name is Harrison

10Coleman. We were just introduced. I

11represent the plaintiffs in this case.

12Would you state your full name, please,

13sir?

14A. Jerry E. Sanford.

15Q. Mr. Sanford, there are a couple of rules

16of the road here in depositions. Have

17you given a deposition before?

18A. Yes, I have.

19Q. You probably know it is better if you

20give a verbal response to the questions

21I give you because it is easier for the

22court reporter to take down verbal.

23Also I'll ask you questions and ask you

Page 5 1 to wait until I finish asking you 2 questions before you give a response, 3 and I'll pay you the same courtesy when 4 you are giving your responses. 5 A. Okay. 6 Q. And if you have any questions at all, 7 want to take a break, just let me know. 8 We'll go from there. 9 First of all, have you seen this 10 document? It is a notice of deposition 11 sent to your attorneys requesting the 12 production of documents in your 13 possession. 14 A. No, I've not seen it. 15 Q. Turn over to -- 16 MR. MYERS: I think it is page 17 four. 18 MR. COLEMAN: I think it is page 19 four too. Just read -- Off 20 the record. 21 MR. MYERS: Off the record. 22 (Discussion held off record.) 23 (Plaintiffs' Exhibit Number	Page 7 1 you lived? 2 A. I moved from Piedmont -- Okay. Let me 3 ask you a question. Is this during my 4 Monsanto tenure or all my life? 5 Q. Really your life, actually, is what I 6 want to know, if you can remember, just 7 the best you can remember. 8 A. All right. I lived in Piedmont until 9 1959. I married and moved to Gadsden, 10 Alabama. I lived there approximately 11 two years and then I moved to Anniston 12 and lived in Anniston -- yeah -- from 13 about 1961, I guess to 1966. Then I 14 moved back to Piedmont for three years 15 from '66 to '69. And then in 1969 I 16 moved back to Anniston, and I lived in 17 Anniston from about '69 to 1991, when I 18 moved back to Piedmont, where I live 19 now. 20 Q. Okay. Of those, two residences I'm more 21 interested in, you say you lived in 22 Anniston from 1961 to '66. 23 A. Uh-huh (indicating yes).
Page 6 1 One was marked for 2 identification.) 3 Q. Mr. Sanford, where do you live? 4 A. Piedmont, Alabama. 5 Q. What is your address? 6 A. 255 Wood Ridge Drive. 7 Q. I'm not familiar with Piedmont. How far 8 is it from Anniston? 9 A. About twenty-five miles. 10 Q. East? 11 A. Yeah, northeast actually, yeah. 12 Q. How long have you lived there? 13 A. Okay. At that address, I've lived there 14 six years. But I've lived in Piedmont 15 since '91. 16 Q. All right, sir. And before '91 where 17 did you live? 18 A. I lived in Anniston. 19 Q. Okay. 20 A. I'm from Piedmont originally. That's my 21 home. 22 Q. Can you go through your addresses in 23 Anniston when you lived here and where	Page 8 1 Q. What was your address then? 2 A. I lived out in Saks, on Saks Road. I'm 3 not sure of the number there. And then 4 I lived up on 29th Street, East 29th 5 Street. 6 Q. Okay. Saks Road is not near the plant, 7 is it? 8 A. No. 9 Q. 29th Street, how far away from the plant 10 is it? 11 A. It is about a couple of miles up this 12 road, up Quintard. So it would be three 13 or four miles from the plant probably. 14 Q. And from '69 to '91 when you lived in 15 Anniston, what were your addresses then? 16 A. Okay. 17 Q. And also while we're at it, your 18 addresses in relation to the plant. 19 A. Okay. In 1969 I moved into an apartment 20 on Wilmer Avenue, up on 17th Street. 21 Okay. And I lived there for about two 22 years. So then I moved from -- I got 23 married and I moved out to -- on Eulaton

Page 9 1 Pike, which is about two miles from the 2 plant. I lived there from 1971 to 1973. 3 I bought a house on Cheryl Drive, which 4 is about two miles from the plant, maybe 5 a mile and a half, maybe, maybe a mile 6 and a half from the plant. This was in 7 '73. Okay. I lived there from '73 8 until '91, when I moved back to 9 Piedmont. 10 Q. Okay. Are you married now? 11 A. Yes. 12 Q. Do you have children? 13 A. Yes. 14 Q. How many children do you have? 15 A. Three children. 16 Q. What are their ages? 17 A. My son is forty-one. My daughter is 18 thirty-nine, and then my youngest 19 daughter is thirty-five probably. She 20 is my stepdaughter. My youngest one is 21 my stepdaughter. 22 Q. Were any of your children born in 23 Anniston?	Page 11 1 Q. All right, sir. Would you mind going 2 from 1964 to '96 your job titles. 3 A. Okay. I worked -- 4 Q. And the dates when you held those 5 titles. 6 A. Okay. I started work in April of '64 as 7 an operator. Okay. I worked as an 8 operator from 1964 to 1972. I made 9 chief operator in 1972. I worked as 10 chief operator until sometime late '73. 11 And I made foreman then. I worked as 12 foreman from about '73 -- from late '73 13 on, and my job title was changed to 14 first level supervisor sometime in the 15 '80s. I'm not sure when. 16 Q. Okay. 17 A. I worked as first level supervisor from 18 then until I retired in March of '96. 19 Q. Okay. I'm just going to go through that 20 again with you. Operator from 1964 to 21 1972. Chief operator for a year, until 22 1973. From '73 until sometime in '80s 23 you were a foreman, and from the mid
Page 10 1 A. Yes. My two children are, my two older 2 children. 3 Q. And your youngest child was born -- 4 A. That is my stepchild. She was born in 5 Gadsden. 6 Q. What about grandchildren? 7 A. Five grandchildren. 8 Q. Where do they live? 9 A. One lives at Oxford. Two live in 10 Nashville, Tennessee, and two lives in 11 Hokes Bluff, Alabama, which is an 12 outskirt of Gadsden. 13 Q. That's about it as far as your family. 14 When did you start working for 15 Monsanto? 16 A. April of 1964. 17 Q. Okay. If you wouldn't mind, would you 18 go through your job titles from 1964 19 until you -- Did you retire from 20 Monsanto? 21 A. Yes. 22 Q. What year did you retire? 23 A. In March of 1996.	Page 12 1 '80s until your retirement in 1996, you 2 worked as a first level supervisor? 3 A. Uh-huh (indicating yes). 4 Q. In what department -- I'm going to go 5 through each one of these jobs and ask 6 you a question on each one of these 7 jobs, namely what department you were in 8 and what your responsibilities were. 9 A. Okay. 10 Q. You can be brief. I'm not asking for 11 every day of every year what your job 12 responsibilities were. I want very 13 generally what your job responsibilities 14 were. Let's start with your tenure as 15 an operator there 1964 to 1972. What 16 department was that in, and what were 17 your responsibilities? 18 A. I worked first in the chlorine 19 department. This mainly consisted of 20 monitoring the equipment in the chlorine 21 production. 22 Q. Was that -- was that outside or inside? 23 A. Some of both. There were two jobs, one

Page 13 1 outside and one inside. 2 Q. Production was outside? 3 A. Well, some equipment was outside. Some 4 of the tanks and that stuff was outside. 5 There was an inside structure we called 6 the cell room. 7 Q. What went on in the cell room? 8 A. That is where the chlorine was actually 9 produced. 10 Q. Okay. Then what activities were handled 11 outside? 12 A. The monitoring of the pump and tanks and 13 so forth. 14 Q. I've got you. Forgive me. I'm just 15 trying to get to the bottom of these 16 things. I'm not real familiar with the 17 plant itself. I need a mental image of 18 what the plant actually did and what 19 your responsibilities were. So forgive 20 me if I kind of plod along here. 21 A. Okay. 22 Q. So when you were an operator you worked 23 in the chlorine department both inside	Page 15 1 or '71, whatever that dates was. 2 Q. What were your responsibilities in the 3 parathion department? 4 A. The first job was to drum all the 5 parathion. Then I monitored the waste 6 treatment, was one of the jobs. And 7 then running various items in the 8 parathion department. There were about 9 like five or six different jobs in there 10 that -- five or six different operators 11 worked on the same shift together. We 12 all had different responsibilities. 13 Q. Did you manage any of those individuals 14 on your shift? 15 A. Not as an operator. 16 Q. Okay. Tell me about your role in 17 monitoring the waste treatment in the 18 parathion department. What was that 19 responsibility? 20 A. We took samples of the streams -- just 21 monitored the pumps and the flows and so 22 forth. 23 Q. Did you -- You say you took samples of
Page 14 1 and outside? 2 A. Uh-huh (indicating yes). 3 Q. Inside is where the chlorine was 4 actually made, and outside you had some 5 responsibility for monitoring the pumps 6 and other equipment? 7 A. Uh-huh (indicating yes). 8 MR. MYERS: You need to say yes. 9 It makes it impossible for us 10 to read. 11 THE WITNESS: Okay. All right. 12 Q. Thank you. Was that a pretty fair 13 assessment of what you did? 14 A. Yes. 15 Q. And that was from 1964 until '72 in your 16 role as an operator? 17 A. No. That was for a few months in 1964. 18 I worked as a vacation relief so to 19 speak. So I only worked there a few 20 months in 1964. In the fall or winter 21 of '64 I was transferred to the 22 parathion department, and I worked as an 23 operator there from late '64 until '72	Page 16 1 the streams. Those are the waste 2 streams? 3 A. Uh-huh (indicating yes). 4 Q. Were you responsible for taking the 5 samples -- actually the physical streams 6 around the plant like Snow Creek for 7 example? 8 A. No. 9 Q. All right. And you worked that job from 10 '64 to '72 before you became chief 11 operator; is that correct? 12 A. That's correct. 13 Q. All right. So from 1972 to '73 you were 14 chief operator. Can you go through your 15 responsibilities s chief operator? 16 A. I actually worked as relief chief, which 17 filled in for vacation for the chief 18 operators that were on vacation. You 19 were actually responsible for a crew, a 20 shift. 21 Q. And what do those responsibilities 22 entail? 23 A. Making sure that the people were there,

Page 17 1 making sure the jobs were covered, 2 administering overtime, just more or 3 less the general -- 4 Q. General management duties? 5 A. Management of the shift, uh-huh 6 (indicating yes). 7 Q. Anything else when you were chief 8 operator? 9 A. No. 10 Q. And then from 1973 until sometime in the 11 1980s, you were a foreman? 12 A. That's correct. 13 Q. Can you describe your responsibilities 14 in that role? 15 A. I was foreman over the parathion 16 department, the intermediate side. 17 There were two sides, one called 18 finished goods, one called 19 intermediates. I was a foreman over the 20 intermediate side, and that included 21 scheduling production, scheduling 22 operators to work, just actual, you 23 know, running of the department.	Page 19 1 of the individuals that you worked with? 2 A. Yes. 3 Q. In the same manner of speaking that we 4 just went through in your role as 5 foreman? 6 A. Yes. 7 Q. And were you responsible also for 8 handing out the punishment if they 9 failed to adhere to those safety 10 requirements? 11 A. No. 12 Q. Who would do that? 13 A. The foreman. 14 Q. And in your role as operator, did you 15 have any responsibility for the health 16 and safety of others? 17 A. Nothing other than looking after your 18 brother, so to speak. 19 Q. But you weren't responsible for handing 20 out or making sure that people were 21 wearing goggles or -- 22 A. No, no. 23 Q. Okay. And then from sometime in the
Page 18 1 Q. Did you have any responsibilities for 2 monitoring waste treatment in that job? 3 A. No, I did not. 4 Q. Did you have any responsibility for the 5 health and safety of the men under you? 6 A. Sure. 7 Q. What was that responsibility? 8 A. Well, I was responsible, you know, to 9 make sure they had a safe place to work. 10 Q. Did you issue -- were you responsible 11 for making sure that the proper safety 12 gear was issued to the men? 13 A. Yes. 14 Q. What was that safety gear? 15 A. Goggles, safety glasses, safety shoes, 16 hard hat, furnished clothing. 17 Q. Okay. Were you responsible for also 18 handing out the punishment if they 19 didn't wear their safety gear? 20 A. Yes. 21 Q. Let me back up just a second. Did you 22 have any responsibility in your role as 23 relief chief for the health and safety	Page 20 1 '80s until 1996 you were first level 2 supervisor. Can you go through 3 generally speaking what your 4 responsibilities were as first level 5 supervisor? 6 A. Well, basically the same agricultural 7 foreman. The foreman level was cut out 8 or terminated. Well, actually the 9 supervisor level was terminated, and the 10 foreman became a combination supervisor 11 and foreman both. 12 Q. Did your role then change all that much 13 from when you were a foreman to a first 14 level supervisor? 15 A. It changed in that I was given more 16 administrative type duties. 17 Q. What did those duties include? 18 A. Ordering raw materials and actually 19 scheduling the production and 20 coordinating with other plants, the 21 shipments of production and so forth. 22 Q. Did you have more or fewer men under 23 your charge as a first level supervisor?

Page 21 1 A. Let me think a minute. It was basically 2 the same. 3 Q. Okay. And did your role in the health 4 and safety aspects change from when you 5 were a foreman to when you became a 6 first level supervisor? 7 A. Only that I actually ordered, you know, 8 things in. I was actually in charge of 9 securing them for the people and that 10 sort of stuff, just more -- 11 Q. Actually procuring the overalls, the 12 gloves, the goggles? 13 A. Uh-huh (indicating yes). 14 MR. MYERS: Yes? 15 THE WITNESS: Yes. I'm sorry. 16 MR. MYERS: That's all right. 17 Q. And were you responsible for the 18 punishment for people failing to adhere 19 to those health and safety requirements? 20 A. Yes. 21 Q. And when you had to actually give out 22 that punishment, what form could that 23 take?	Page 23 1 Q. Do you know of anyone that was 2 terminated for violation of the health 3 and safety rules of the plant? 4 MR. MYERS: At what time? 5 Q. Any time during your career there. 6 A. I can't recall anyone right now. 7 Q. Okay. Who were your supervisors? I 8 guess we can start back when you were an 9 operator through to the time when you 10 were a first level supervisor. 11 A. Okay. 12 Q. To the best of your knowledge. 13 A. Okay. I think the first supervisor I 14 had was Jack Maloy, and the next name I 15 recall is Jim Carpenter, Alan McCarty. 16 As an operator you are saying? 17 Q. Just starting with operator. 18 A. Those are the only ones I can remember 19 right now. 20 Q. Who did you report to during your tenure 21 as relief chief? 22 A. To the foreman, Jim Hanvey. 23 Q. How do you spell his last name?
Page 22 1 A. There were like different levels. You 2 would talk to the person one on one and 3 point out the error or the mistake. If 4 that didn't work, then you would 5 actually call them into the office with 6 a union representative. Because this 7 was a union plant, you always had to 8 have a union rep present. And you would 9 be a little more aggressive about it. 10 Q. Okay. 11 A. And if that didn't work, I think the 12 next step was maybe to put a letter in 13 their file, in their personnel file. 14 Q. Did you have ever have to go that far? 15 A. Yes. 16 Q. And how often in your tenure? 17 A. Once or twice in my several years as 18 supervisor. 19 Q. Was there -- Is there another level 20 above that, like docking someone's pay? 21 A. Termination. 22 Q. Did you ever have to terminate anyone? 23 A. No.	Page 24 1 A. H-a-n-v-e-y. He is deceased. 2 Q. And in your tenure as foreman, who did 3 you report to? 4 A. Let me think a minute now. Harry 5 Ankeny, A-n-k-e-n-y, I suppose, close 6 enough. 7 Q. Okay. 8 A. Ken Hale. Okay. Ask me that question 9 again if you will, now. 10 Q. Who did you report to? Who were your 11 supervisors when you were a foreman? 12 A. Okay. 13 Q. You said from '73 until sometime in the 14 '80s -- 15 A. Okay. Ken Hale, Harry Ankeny, and there 16 are two or three other guys. I can see 17 them, but I can't even think of their 18 names. 19 Q. That's okay. If you remember them any 20 time during the deposition, let me know. 21 Sometime in the '80s when you 22 retired until the first level supervisor 23 who did you report to?

1 A. Mike Mullally was one, Ed Bolls, then
 2 Mike Hoots. Bob Borders was the last
 3 one, but there was one between Bob and
 4 Mike, and I can't even think of his
 5 name.
 6 Q. If you remember it during the
 7 deposition, let me know.
 8 A. Okay.
 9 Q. Thanks. You listed about ten people.
 10 That's a pretty good memory.
 11 A. There are probably more than that.
 12 Q. Let's go back to your time in the
 13 chlorine department when you were an
 14 operator. And I assume you were in the
 15 chlorine department during your job as
 16 relief operator?
 17 A. No.
 18 Q. You went to parathion by then?
 19 A. Yes, sir.
 20 Q. So you were -- Pardon me. You were in
 21 the chlorine department only for a few
 22 months before you went to the parathion
 23 department?

1 A. Yes, sir.
 2 Q. Let's talk about those months. Can you
 3 give me those months, was it one month?
 4 A. April of '64 until the fall of '64. I'd
 5 say September, October, November,
 6 somewhere in that time frame of '64.
 7 Q. Okay. Did you work with Aroclors in the
 8 chlorine department?
 9 A. No, sir.
 10 Q. What products did you work with?
 11 A. With salt, with -- not sulfuric -- a
 12 caustic soda, and mercury, and -- there
 13 is something else, but I can't think of
 14 what it is right now.
 15 Q. Were those raw materials?
 16 A. Yes. Well, caustic soda was a byproduct
 17 of the production of chlorine.
 18 Q. Was it a waste byproduct?
 19 A. No.
 20 Q. Was it sold?
 21 A. It was sold, yes.
 22 Q. But salt and mercury were both original
 23 raw materials used in the production of

1 chlorine?
 2 A. Yes.
 3 Q. And how was the chlorine drummed or
 4 packaged?
 5 A. It was a liquid or vapor material, and
 6 it was actually stored in tanks.
 7 Q. And are those the tanks we were talking
 8 about earlier that are outside the
 9 plant?
 10 A. Yes. Well, they were a part of the cell
 11 room, so to speak. They weren't
 12 outside. They were in a structure, as I
 13 recall, but they were part of the cell
 14 room.
 15 Q. Okay. Then were the raw materials kept
 16 outside?
 17 A. The salt was kept in a -- the salt was
 18 added with water to make a brine, and it
 19 was kept outside, yes.
 20 Q. How about the mercury?
 21 A. Okay. It was contained -- It was in
 22 cells. It was in a -- flowed through
 23 the cells. And it has been many, many

1 years. I can't explain the chlorine
 2 process. But the mercury and brine and
 3 electrolysis is used in production of
 4 chlorine.
 5 Q. Okay. And a byproduct is the caustic
 6 soda?
 7 A. Yes.
 8 Q. Incidentally when you first started
 9 working for Monsanto, did you go through
 10 a job interview?
 11 A. Yes.
 12 Q. Do you remember what they told you in
 13 your job interview in 1964?
 14 A. '64, no, I don't.
 15 Q. Do you remember if you were told that
 16 you were going to be working with
 17 potentially toxic chemicals?
 18 MR. MYERS: Object to the form.
 19 Go ahead and answer.
 20 A. I don't remember.
 21 Q. Do you remember them discussing with you
 22 any aspects of safety?
 23 A. Oh, yes.

1 Q. Even before you started?
 2 A. Yes.
 3 Q. Did they tell you you would be using
 4 goggles and hard hats and protective
 5 clothing?
 6 A. Yes.
 7 Q. Did you ever do any interviewing in your
 8 career?
 9 A. Yes.
 10 Q. And actually hired people?
 11 A. Okay. Are you talking about hiring
 12 interviews?
 13 Q. Yes.
 14 A. Yes, I did.
 15 Q. And did you actually hire people as a
 16 result of those interviews?
 17 A. No, I did not.
 18 Q. Were people hired as a result of your
 19 interviews?
 20 A. Yes.
 21 Q. Did you discuss health and safety with
 22 them during these interviews?
 23 A. Yes.

1 Q. Did you tell them that they might be
 2 working around potentially toxic
 3 chemicals?
 4 A. I don't recall that I specifically said
 5 that, no.
 6 Q. Did you tell them they would be working
 7 around mercury?
 8 A. They weren't working around mercury when
 9 I did the interviews.
 10 Q. That is in the chlorine department?
 11 A. It was dismantled and gone.
 12 Q. Okay. In your career at Monsanto did
 13 you ever have the opportunity to see any
 14 material safety data sheets on PCBs?
 15 A. I don't recall that I did. I didn't
 16 work in that area. I don't recall that
 17 I did.
 18 Q. While we are on that subject, where is
 19 the chlorine department and the
 20 parathion department in relation to the
 21 former PCB department?
 22 MR. MYERS: At what point in time,
 23 since it is thirty-two years?

1 Q. Where in the plant was the PCB
 2 department?
 3 A. Okay. The Aroclor department was
 4 located a little due east of the center
 5 of the plant I'd say. That is about as
 6 good as I could say.
 7 Q. How many yards from the center of the
 8 plant?
 9 A. Fifty to a hundred yards, I guess. I'm
 10 just guessing. I don't know.
 11 Q. Sure. When you were in the chlorine
 12 department, where in relation to the
 13 chlorine department was the Aroclor
 14 department?
 15 A. It was due west.
 16 Q. About how many yards?
 17 A. Probably about a hundred yards west.
 18 Q. And when you were in the parathion
 19 department during your entire tenure in
 20 what relation was the Aroclor department
 21 to the parathion department?
 22 A. Okay. It was due west -- It was west,
 23 but it was a little bit northwest, I

1 guess you'd say.
 2 Q. And how many yards?
 3 A. Probably two or three hundred yards.
 4 Q. Okay. Did you, very generally speaking
 5 of course, have any opportunity to spend
 6 any time in the Aroclor department --
 7 A. No.
 8 Q. -- while you were either working in the
 9 chlorine department or the parathion
 10 department?
 11 A. The only time I spent there -- I think
 12 it was 1969 I was cut back -- We had a
 13 layoff or a cutback in the parathion
 14 department, and I worked for about three
 15 months as a general plant laborer. And
 16 we painted the Aroclor department. It
 17 took about two weeks. And that's the
 18 only time I ever worked in there.
 19 Q. During that two weeks was the Aroclor
 20 department in production?
 21 A. Yes.
 22 Q. Did you ever have any opportunity to
 23 learn of or witness the waste treatment

Page 33 1 capability in the Aroclor department? 2 A. No. 3 Q. Did anyone ever tell you this is how 4 waste is handled over in the Aroclor 5 department? 6 A. No. 7 Q. Do you know if men who worked in the 8 Aroclor department had the same health 9 and safety guidelines as your 10 department? 11 A. I assume they did. 12 Q. But you don't know if they had the same 13 or different? 14 A. No. I didn't work over there. 15 Q. Did you ever have the opportunity to 16 witness any spills in the Aroclor 17 department? 18 A. No, I did not. 19 Q. Did anyone ever say to you we had a 20 spill the other day in the Aroclor 21 department? 22 A. No. 23 Q. Did you ever see any warning labels on	Page 35 1 supervisor, that was implemented to your 2 knowledge about eating on the job? 3 A. You ate in the lunchroom. That was just 4 common sense and common, you know. You 5 ate in the lunchroom. 6 Q. Did you ever have the opportunity to 7 punish anybody in your management role 8 for not abiding by that rule? 9 A. No. 10 Q. Was it a formal rule, or was it just 11 well known? 12 A. Well, I don't recall it was a formal 13 rule. 14 MR. COLEMAN: Let me take just a 15 minute. 16 (Discussion held off record.) 17 Q. Did you ever have any involvement with 18 associates at the Krummrich plant? 19 A. No, other than, you know, meeting some 20 of them maybe when I would go to St. 21 Louis or something. I can't even recall 22 one of them's name right now. 23 Q. Okay. Do you know if -- Strike that.
Page 34 1 products that were made in the Aroclor 2 department? 3 A. What kind of warning? 4 Q. On the outside of drums. 5 A. I don't recall, no. 6 Q. In the chlorine department and the 7 parathion department, where did you take 8 your breaks? 9 A. We had a lunchroom area. 10 Q. And were those lunchroom areas separate 11 for the chlorine department? Was it 12 separate from the parathion department? 13 A. Yes. 14 Q. What were the rules about eating on the 15 job? 16 A. I don't know what -- Ask me that again. 17 Q. Sure. Sorry. Let's see the if I can 18 rephrase. Besides the lunchroom or the 19 break room, did you personally ever eat 20 foods when you were working on the job? 21 A. No. 22 Q. Was there any policy, especially since 23 you were relief foreman and first level	Page 36 1 Did you ever have any involvement 2 with the incinerator at the plant? 3 A. Uh-huh, yes. 4 Q. Tell me about that involvement. What 5 did you do with regards to that? 6 A. Okay. As a relief chief operator, I 7 operated the incinerator for that short 8 period of time there. And then as a 9 foreman, I was in charge of the 10 incineration. 11 Q. And was that incinerator devoted 12 specifically to the parathion 13 department's waste? 14 A. Yes, that's correct. 15 Q. Do you have any knowledge of PCBs being 16 incinerated in that incinerator you were 17 responsible for? 18 A. No, no. 19 Q. Do you have any knowledge of PCBs being 20 incinerated at the plant at all? 21 A. No. 22 Q. Do you have any knowledge of any PCBs 23 being sent from Krummrich to Anniston

Page 37 1 for incineration? 2 A. No. 3 Q. Do you have any knowledge of any PCBs 4 being sent from customers to Anniston 5 for incineration? 6 A. No. 7 Q. Did you have any responsibility in your 8 entire tenure at Monsanto for the 9 disposal of waste materials to the 10 landfill? 11 A. Okay. Ask that again. 12 Q. Did you have any responsibility during 13 your tenure at Monsanto for waste 14 products going to the landfill? 15 A. No. 16 Q. Do you know anyone who was responsible, 17 particularly in the Aroclor department, 18 for waste products going to the 19 landfill? 20 A. Okay. I know the foreman over there. 21 Q. Okay. Who is that? 22 A. Give me a minute. Barker Curry was one 23 of them's name back in the '60s. And	Page 39 1 the plant during your time there? 2 A. Okay. Across the highway, 202, up there 3 on the hill, across the highway. 4 Q. When was 202 put in? 5 A. It was there before. I guess it has 6 always been there. 7 Q. There when you got there? 8 A. Yes. 9 MR. NEWSOM: Just so you will 10 know, it changed -- It was 11 there, but it changed 12 direction a little bit and 13 became four lanes. But that 14 was early '80s. 15 Q. But the landfill you are talking about 16 is across 202 from the plant? 17 A. Yes. 18 Q. Any other landfills that you know about? 19 A. No. 20 MR. NEWSOM: We'll take you to see 21 it if you want, Harrison. 22 Q. In the parathion department and the 23 chlorine department, what type of
Page 38 1 the other one was a little guy, and I 2 can't think of what his name was. I 3 can't recall. 4 Q. Did you ever hear that PCB waste 5 products were being sent to the 6 landfill? 7 A. No, sir. 8 MR. MYERS: Object to the form. 9 At what point in time? 10 MR. COLEMAN: I want to know 11 during his tenure. He got 12 there in '64 and it shut down 13 thereafter. 14 MR. MYERS: Okay. We have just 15 been talking about some 16 different time periods. 17 Q. I'll repeat the question. In your 18 tenure did you ever know of the fact 19 PCBs were being -- PCB waste products 20 were being deposited in the landfill? 21 MR. MYERS: Object to the form. 22 A. No. 23 Q. Where were the landfills in relation to	Page 40 1 ventilation was used inside? 2 A. Had fans and -- had fans in the chlorine 3 department more or less for heat, you 4 know. It was like an open -- The cell 5 room was like an open area. It wasn't 6 completely enclosed. And then the 7 parathion, it was -- We had air 8 conditioning, had a big air conditioner. 9 Q. When you say it wasn't completely 10 enclosed, could it rain in? 11 A. Yeah. In one end it could, yeah. 12 Q. Do you have any knowledge about 13 ventilation over in the Aroclor 14 department? 15 A. No, I do not. 16 Q. Do you know where Snow Creek is? 17 A. Yes. 18 Q. Do you have any knowledge of any waste 19 products being put in Snow Creek? 20 MR. NEWSOM: Object to the form. 21 A. No, I do not. 22 Q. Did you ever have the opportunity to 23 walk down to Snow Creek for a visit?

Page 41 1 A. Okay. The Snow Creek I'm aware of is 2 the one down at Oxford. Is that the one 3 you are talking about? 4 Q. Well, you tell me the one you are 5 thinking about. 6 A. That's what I'm thinking about, the one 7 down at Oxford. That is what I know of 8 as Snow Creek. And no, I have not had 9 an opportunity to go down there. 10 Q. Are you aware of any testing done on the 11 soil around the plant? 12 A. Yes. 13 MR. MYERS: Object to the form. 14 Q. What is your knowledge of those tests? 15 A. What I read in the paper. 16 Q. Okay. And what have you read in the 17 paper about those tests? 18 A. That there is soil testing going on. 19 Q. For what products particularly? 20 A. PCB. 21 Q. And do you know what the results of 22 those tests were? 23 A. No, I don't.	Page 43 1 very little contact with the plant since 2 then. I live in the northern part of 3 the county, and like I said, they don't 4 recognize us. 5 Q. Are you aware of any fish advisories in 6 this area? 7 A. Yes. 8 Q. Have you seen those fish advisories? 9 A. No, other than the paper. 10 Q. Do you fish? 11 A. No. 12 Q. Were you ever told or have you ever 13 learned that PCBs can have permanent 14 effects on the human body? 15 MR. MYERS: Object to the form. 16 A. I've not ever learned but have read 17 about it in the paper. 18 Q. Okay. Did anyone at Monsanto ever say 19 that to you specifically? 20 MR. MYERS: Object to the form, 21 same objection. 22 A. No. 23 Q. Were you ever told that potential toxic
Page 42 1 Q. Do you know about any tests done on the 2 air around the plant? 3 MR. MYERS: Object to the form. 4 A. Yes. 5 Q. And what do you know about tests on the 6 air around the plant? 7 A. I know that back in the '60s and '70s 8 they did monitoring, air monitoring 9 around the plant. 10 Q. For what products? 11 A. I'm not sure. I don't know for what. 12 Q. Do you know whether Monsanto has ever 13 done any tests on animals for its 14 products? 15 A. No, I don't. 16 Q. How about any epidemiological studies, 17 human studies? 18 A. I'm not aware of any. 19 Q. Okay. Besides reading in the newspaper 20 about soil tests on PCBs, do you have 21 any other source of information about 22 those tests? 23 A. No. I retired in 1996, and I have had	Page 44 1 effects of PCB exposure includes liver 2 injury, chloracne, and injury to 3 cellular tissue? 4 MR. MYERS: Let me object to the 5 form of the question. Go 6 ahead. 7 A. Ask it again. 8 Q. Have you ever been told that the 9 potential toxic effects of PCB exposure 10 include liver injury and chloracne and 11 injury to cellular tissue? 12 MR. MYERS: Let me object to the 13 form again as the question is 14 vague and ambiguous as to the 15 terms cellular injury, among 16 the other terms, but 17 especially as to that term. 18 A. The answer is no. 19 Q. Do you know what the -- Have you ever 20 had your blood tested for PCBs? 21 A. No. 22 Q. Do you know if anyone in your family has 23 ever had their blood tested for PCBs?

1 A. No.
 2 Q. Have you ever been diagnosed with
 3 cancer?
 4 A. No.
 5 Q. Have you ever been tested?
 6 A. Yes. Like what, you mean -- What kind
 7 of tests?
 8 Q. Do you -- How often do you go to the
 9 doctor?
 10 A. I've just had a colonoscopy done a few
 11 months ago, and it was clear. And I've
 12 just had a prostate examination just a
 13 few weeks ago. And I'm going back next
 14 week for a followup visit, and it is
 15 clear.
 16 Q. All right, sir. Have you ever smoked?
 17 A. No.
 18 Q. Anyone in your family smoke?
 19 A. No. Well, my son does. He is forty-one
 20 years old and lives in North Carolina.
 21 MR. NEWSOM: Everybody smokes in
 22 North Carolina.
 23 Q. Did you ever hear of any tests done on

1 PCB levels in birds?
 2 A. No.
 3 Q. Ever read about that in the paper?
 4 A. Not that I recall.
 5 Q. Did you ever have the opportunity to
 6 meet a Dr. Renate Kimbrough?
 7 A. No. The name is not familiar.
 8 Q. Before this deposition and besides
 9 meeting with your two lawyers here, have
 10 you ever met with Monsanto lawyers?
 11 MR. MYERS: He has never met
 12 Mr. Newsom until after the
 13 deposition began.
 14 A. Ask that one more time.
 15 Q. Besides today have you ever had an
 16 opportunity to meet with Monsanto
 17 lawyers?
 18 A. Yes.
 19 Q. And where was that?
 20 A. I gave a deposition like in the last
 21 year or two, whenever that was, and that
 22 was it.
 23 Q. That was the only time?

1 A. Yes.
 2 Q. Did you ever hear of a meeting of
 3 retired workers conducted by Monsanto in
 4 relation to the lawsuits that have been
 5 filed against Monsanto?
 6 MR. MYERS: Object to the form.
 7 A. There has been several retiree meetings.
 8 I don't know what the form was. I don't
 9 go. I haven't been. We travel a lot,
 10 and I have missed all of them. I
 11 haven't been to one in two or three
 12 years.
 13 Q. Okay. Are you aware of an incident that
 14 happened at Monsanto a number of years
 15 back where Monsanto bought some local
 16 hogs around the plant?
 17 A. No.
 18 Q. Okay. And are you getting a pension
 19 from Monsanto?
 20 A. Yes. I got a pension. I got a lump sum
 21 pension.
 22 Q. Any benefits at all still coming in from
 23 Monsanto?

1 A. I've got medical benefits.
 2 Q. Is that for life?
 3 A. As far as I know. I hope so.
 4 Q. Do you have any family working for
 5 Monsanto now?
 6 A. No.
 7 Q. Do you have any friends still there?
 8 A. Yes.
 9 Q. Are they social friends or business
 10 friends?
 11 A. Friends I made when I worked there. I
 12 have had very little contact with the
 13 plant in the last six years.
 14 Q. And is that the same for your friends
 15 there? Have you had contact with them?
 16 A. Very little contact.
 17 Q. Have you had an opportunity to talk with
 18 them about your deposition here today?
 19 A. No. Jerry Brown called me and told me
 20 about it. That is the only one I've
 21 talked to.
 22 Q. Okay. And who is Jerry Brown?
 23 A. He was a superintendent. He was a

Page 49 1 superintendent there at the plant. I 2 think now he is like the coordinator 3 between the plant and Monsanto lawyers I 4 guess. I don't know. I mean, I don't 5 know what his position -- He is retired. 6 Q. What did you talk about? 7 A. He called me and asked me if I would be 8 available to give a deposition, and he 9 told me when. It was actually scheduled 10 yesterday to start with and then changed 11 to today. 12 Q. Anything else? 13 A. No. Not really other than he said it 14 would be about the same as before, you 15 know, the other one I gave, said it was 16 Donald Stewart's case. 17 Q. Did he give you any pointers on what to 18 say? 19 A. No. 20 Q. Did you ask him for any? 21 A. No. 22 MR. COLEMAN: Okay. That's all I 23 have.	Page 51 1 I do hereby certify that the witness 2 whose attached deposition was taken before me 3 was by me first duly cautioned and sworn to 4 tell nothing but the truth in the cause 5 aforesaid; that the testimony contained herein 6 was by me reduced to writing in the presence 7 of said witnesses by means of stenography and 8 afterwards transcribed by means of computer 9 aided transcription. The foregoing is a true 10 and accurate transcript of the whole of the 11 testimony given by said witness, as aforesaid. 12 I do further certify that I am not 13 connected by blood or marriage with any of the 14 parties or their attorneys or agents and that 15 I am not an employee of any of them, nor 16 interested in the matter of controversy. 17 IN WITNESS WHEREOF, I have hereunto set 18 my hand and affixed my notarial seal at 19 Gadsden, Alabama, County of Etowah, this 6th 20 day of January 2002. 21 22 _____ 23 Deborah Salers Garrett Certified Shorthand Reporter Registered Professional Reporter Notary Public, Alabama-at-Large My Commission expires: 3-6-05
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